

ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA

SECOND DRAFT
ENVIRONMENTAL IMPACT STATEMENT

VOLUME II: APPENDICES A-D

PŌHAKULOA TRAINING AREA, ISLAND OF HAWAII, HAWAII



Photo: G70



U.S. ARMY

PREPARED FOR DIRECTORATE OF PUBLIC WORKS, U.S. ARMY GARRISON-HAWAII

PREPARED BY U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
UNDER CONTRACT W9128A19D0004

MARCH 2024

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NOTE ABOUT USE OF HAWAIIAN DIACRITICAL MARKINGS:

This document honors the proper use and presentation of Hawaiian language including use of diacritical marks, the glottal stop and the macron (‘okina and kahakō). When Hawaiian words are used in a proper name of an agency or organization that does not utilize diacritical marks, then official titles are shown without diacritical marks. Diacriticals may not appear in direct quotes or public comments. Elsewhere in this document, diacritical markings are used for Hawaiian terminology, proper names and place names.

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NEPA-HEPA Compliance Guide

Appendix A

NEPA-HEPA COMPLIANCE TABLE

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
Recommended Format/Content Requirements			
1502.10(a); 1502.11		Cover Sheet	<ul style="list-style-type: none"> Cover Sheet
1502.10(c)	HAR 11-200.1-24(e)	Table of contents	<ul style="list-style-type: none"> Table of contents
	HAR 11-200.1-24(g)(1)	A detailed map (such as a USGS topographic map, Flood Insurance Rate Maps, Floodway Boundary Maps, or state sea level rise exposure area maps, as applicable) and a related regional map.	<ul style="list-style-type: none"> Figure 1-1 Figure 3-11
	HAR 11-200.1-24(g)(6)	Summary technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public.	<ul style="list-style-type: none"> Section 2.2 Section 2.3 Chapter 3 – All resource section analyses
	HAR 11-200.1-24(g)(6)	A list of relevant EAs or EISs	<ul style="list-style-type: none"> Appendix E
1502.25(b)		The Draft EIS shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal.	<ul style="list-style-type: none"> Section 1.4.3 Table 1-1
	HAR 11-200.1-24(k)	List of necessary approvals required for the action from governmental agencies, boards, or commissions or similar groups having jurisdiction.	
1502.10(h); 1502.17		List of Preparers	<ul style="list-style-type: none"> Section 7.1

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(r)	Disclosure of the identity of the persons, firms, or agency preparing the Draft EIS	<ul style="list-style-type: none"> Section 7.2
1502.24		Agencies shall insure the professional integrity, including the scientific integrity of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote. An agency may place discussion of methodology in an appendix.	<ul style="list-style-type: none"> Section 3.1.4 Chapter 3 – Resource section methodology and significance criteria Section 7.2
1502.10(k); 1502.18		Appendices	<ul style="list-style-type: none"> Appendices A – L
Summary			
1502.10(b); 1502.12		Summary	
	HAR 11-200.1-24(d)	The draft EIS shall contain a summary that concisely discusses the following: <ol style="list-style-type: none"> (1) Brief description of the action; (2) Significant beneficial and adverse impacts; (3) Proposed mitigation measures; (4) Alternatives considered; (5) Unresolved issues; (6) Compatibility with land use plans and policies, and a list of permits or approvals; and (7) A list of relevant EAs and EISs considered in the analysis of the preparation of the EIS. 	<ul style="list-style-type: none"> Executive Summary
Purpose and Need			
1502.10(d); 1503.14		Purpose and need for action	<ul style="list-style-type: none"> Section 1.3.2
	HAR 11-200.1-24(f)	Statement of purpose and need for the proposed action.	<ul style="list-style-type: none"> Section 1.3.3
	HAR 11-200.1-24(g)(2)	Objectives of the proposed action	<ul style="list-style-type: none"> Section 1.3.2 Section 1.3.3

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(g)(5)	Phasing and timing of the action	<ul style="list-style-type: none"> • Section 2.1
	HAR 11-200.1-24(l)	Consideration of all phases of the action	<ul style="list-style-type: none"> • Section 2.1 • Section 3.1.4
	HAR 11-200.1-24(g)(4)	Use of state or county funds or lands for the action	<ul style="list-style-type: none"> • Section 1.1 • Section 1.3.1 • Section 2.1
Alternatives			
1502.10l		Alternatives considered including the proposed action	<ul style="list-style-type: none"> • Section 2.2 • Chapter 3 – All resource section analyses
1502.14		Environmental impacts of the proposal and the alternatives in comparison form	<ul style="list-style-type: none"> • Section 2.1.4 • Section 2.2 • Section 3.17.1
1502.14(a)		Explore and objectively evaluate all reasonable alternatives, and for all alternatives which were eliminated, briefly discuss the reasons for their having been eliminated	<ul style="list-style-type: none"> • Section 2.2
	HAR 11-200.1-24(h)	Discussion of the alternative of no action as well as reasonable alternatives that could attain the objectives of the action. The Section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions	
1502.14(b)		Devote substantial treatment to each alternative including the proposed action so viewers may evaluate their comparative merits	<ul style="list-style-type: none"> • Section 2.1 • Section 2.2
1502.14(c)		Include reasonable alternatives not within the jurisdiction of the lead agency	<ul style="list-style-type: none"> • Section 2.2

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(o)	Analyze reasonable alternatives to achieve countervailing benefits that would avoid environmental effects.	<ul style="list-style-type: none"> Section 2.2 Chapter 3 – All resource section analyses
1502.14(d)		Include the alternative of no-action	<ul style="list-style-type: none"> Section 2.2.4
1502.14(e)		Identify the agency’s preferred alternative	<ul style="list-style-type: none"> Section 2.4
Affected Environment			
	HAR 11-200.1-24(g)(3)	General description of the action’s technical, economic, social, cultural, and environmental characteristics.	<ul style="list-style-type: none"> Chapter 3 – All resource section analyses
1502.10(f); 1502.15		Describe the environment of the area(s) to be affected or created by the alternatives under consideration	<ul style="list-style-type: none"> Section 1.2 Chapter 3 – All resource section analyses
	HAR 11-200.1-24(i)	Description of the environmental setting including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective	<ul style="list-style-type: none"> Chapter 3 – All resource section analyses
	HAR 11-200.1-24(i)	Environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic in significance).	<ul style="list-style-type: none"> Section 3.2 Section 3.3 Section 3.4
1502.16(g)		Urban quality, historic, and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.	<ul style="list-style-type: none"> Section 3.8 Section 3.9
	HAR 11-200.1-24(g)(7)	Historic perspective.	<ul style="list-style-type: none"> Section 1.1 Section 3.4
	HAR 11-200.1-24(l)	Direct or indirect source of pollution from the proposed project.	<ul style="list-style-type: none"> Section 3.5 Section 3.6

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(i)	Population and growth characteristics of the area, population growth assumptions, and secondary population and growth impacts with the proposed action.	<ul style="list-style-type: none"> • Section 3.10
	HAR 11-200.1-24(l)	Population and growth impacts of the proposed action.	
	HAR 11-200.1-24(m)	Poses long-term risks to health and safety	<ul style="list-style-type: none"> • Section 3.5 • Section 3.6 • Section 3.16
Environmental Consequences & Potential Mitigation Measures			
1502.10(g); 1502.16		Environmental impacts of the alternatives including the proposed action.	<ul style="list-style-type: none"> • Chapter 3 – All resource section analyses • Section 3.17.1 • Section 4.5
	HAR 11-200.1-24(l)	Analysis of the probable impact of the proposed action on the environment and impacts of the natural or human environment on the action.	
40 CFR Part 1502.16; 1502.16(d)	HAR 11-200.1-24(o)	Probable and unavoidable effects adverse to water or air pollution, urban congestion, threats to public health, or other consequences adverse to environmental goals and guidelines established by environmental response laws, coastal zone management laws, pollution control and abatement laws, and environmental policy including:	<ul style="list-style-type: none"> • Section 3.5 • Section 3.6 • Section 3.7 • Section 3.8 • Section 3.9 • Section 3.12 • Section 3.16 • Section 3.17.1 • Section 5.4
		HRS Chapter 128D (Environmental Response Law)	
		HRS Chapter 205A (Coastal Zone Management)	
		HRS Chapter 342B (Air Pollution Control)	
		HRS Chapter 342C (Ozone Layer Protection)	
		HRS Chapter 342D (Water Pollution)	
HRS Chapter 342E (Nonpoint Source Pollution Management and Control)			

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
		HRS Chapter 342F (Noise Pollution) HRS Chapter 342G (Integrated Solid Waste Management) HRS Chapter 342H (Solid Waste Recycling) HRS Chapter 342I (Special Wastes Recycling) HRS Chapter 342J (Hazardous Waste, including Used Oil) HRS Chapter 342L (Underground Storage Tanks) HRS Chapter 342P (Asbestos and Lead) HRS Chapter 344 (State Environmental Policy)	<ul style="list-style-type: none"> • Section 5.3.2
1502.14(d)		Include appropriate mitigation measures not already included in the proposed action or alternatives.	<ul style="list-style-type: none"> • Section 3.17.2
1205.17(H)		Means to mitigate adverse environmental impacts.	<ul style="list-style-type: none"> • Section 3.2.6 • Section 3.4.6 • Section 3.11.6 • Section 3.16.6 • Section 3.17.2
	HAR 11-200.1-24(p)	Mitigation measure description, reason for selection (if applicable), timing, and provisions to ensure implementation.	<ul style="list-style-type: none"> • Section 3.1.4 • Section 3.2.6 • Section 3.4.6 • Section 3.11.6 • Section 3.16.6 • Section 3.17.2

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(p)	Timing of mitigation through phases of development to assure proper mitigation.	<ul style="list-style-type: none"> • Section 3.2 • Section 3.4 • Section 3.11 • Section 3.16
Cumulative Impacts			
	HAR 11-200.1-24(i)	Related actions, public and private, existent or planned in the region.	<ul style="list-style-type: none"> • Chapter 4 – Cumulative Impacts
	HAR 11-200.1-24(l)	Interrelationships and cumulative environmental impacts of the proposed action and other related actions.	
Direct and Indirect Effects			
1502.16(a)		Direct effects and their significance	<ul style="list-style-type: none"> • Section 3.1.4 • Chapter 3 – All resource section analyses
1502.16(b)		Indirect effects and their significance	<ul style="list-style-type: none"> • Section 3.1.4 • Section 3.6 • Section 3.10 • Section 3.17.1
	HAR 11-200.1-24(l)	Consideration of all consequences including direct and indirect effects	<ul style="list-style-type: none"> • Section 3.1.3 • Section 3.1.4 • Chapter 3 – All resource section analyses
Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity			
1502.16		Relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity	<ul style="list-style-type: none"> • Section 5.6

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(m)	Trade-offs among short-term and long-term gains and losses with the proposed action	
Cost Benefit Analysis			
1502.23		If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences.	<ul style="list-style-type: none"> N/A
Incomplete Information/Unresolved Issues			
1502.22		When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.	<ul style="list-style-type: none"> Section 5.2
1502.22(a)		If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.	<ul style="list-style-type: none"> N/A
	HAR 11-200.1-24(q)	Unresolved issues and how such issues will be resolved prior to the commencement of the proposed action.	<ul style="list-style-type: none"> Section 5.2
Other Required Considerations			
1502.16(e)		Energy requirements and conservation potential of various alternatives and mitigation measures.	<ul style="list-style-type: none"> Section 5.5
1502.16(f)		Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures	
	HAR 11-200.1-24(n)	Identification of non-renewable resources	

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
	HAR 11-200.1-24(n)	Irreversible curtailment of the range of potential uses of the environment.	
1502.16	HAR 11-200.1-24(n)	Irreversible or irretrievable commitments of resources	
	HAR 11-200.1-24(n)	Identification of unavoidable impacts	<ul style="list-style-type: none"> • Chapter 3 – All resource section analyses • Section 3.17.1 • Section 4.5 • Section 5.4
	HAR 11-200.1-24(n)	Possibility for environmental accidents.	<ul style="list-style-type: none"> • Section 3.5 • Section 3.16
	HAR 11-200.1-24(l)	Secondary effects	<ul style="list-style-type: none"> • Section 3.6 • Section 3.10
	HAR 11-200.1-24(m)	Extent to which the proposed action forecloses future options or narrows the ranges of beneficial uses of the environment.	<ul style="list-style-type: none"> • Section 5.6
	HAR 11-200.1-24(o)	The rationale for proceeding with a proposed action, notwithstanding unavoidable effects.	<ul style="list-style-type: none"> • Section 5.6
		Other interests and considerations of policies to offset adverse environmental effects of the proposed action.	<ul style="list-style-type: none"> • Chapter 3 – All resource section analysis • Section 3.17.2
Consistency with Other Federal, State, and County Land Use Plans, Policies, and Controls			
40 CFR Part 1502.16(c)		Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies and controls for the area concerned.	<ul style="list-style-type: none"> • Section 1.4.2 • Section 3.2 • Section 3.3 • Section 3.4 • Section 5.3
	HAR 11-200.1-24(j)	Description of the relationship of the proposed action to land use and natural or cultural resources plans, policies, and controls for the affected area.	

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
Circulation of the Environmental Impact Statement			
40 CFR Part 1502.19		Agencies shall circulate the entire draft and final environmental impact statements.	<ul style="list-style-type: none"> • Section 1.6 • Chapter 8
	HAR 11-200.1-24(r)	The Draft EIS shall include a separate and distinct section that contains a list identifying all governmental agencies, other organizations and private individuals consulted in preparing the Draft EIS	<ul style="list-style-type: none"> • Table 8-1
40 CFR Part 1502.19(a)		Agencies shall circulate the entire draft and final environmental impact statement to any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact statement involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.	<ul style="list-style-type: none"> • Section 1.6 • Chapter 8
40 CFR Part 1502.19(b)		Agencies shall circulate the entire draft and final environmental impact statement to the applicant if any.	<ul style="list-style-type: none"> • N/A
40 CFR Part 1502.19(c)		Agencies shall circulate the entire draft and final environmental impact statement to any person, organization, or agency requesting the entire environmental impact statement.	<ul style="list-style-type: none"> • Table 8-1
40 CFR Part 1502.19(d)		In the case of a final environmental impact statement, any person, organization, or agency which submitted substantive comments on the draft.	<ul style="list-style-type: none"> • Table 8-1
	HAR 11-200.1-27(b)(2)	The Final EIS shall consist of a list of persons, organizations, and public agencies commenting on the Draft EIS.	<ul style="list-style-type: none"> • <i>To be included in Final EIS</i>
	HAR 11-200.1-27(b)(3)	The Final EIS shall consist of a list of persons or agencies who were consulted in preparing the Final EIS and those who had no comment shall be included in a manner indicating that no comment was provided.	<ul style="list-style-type: none"> • <i>To be included in Final EIS</i>

NEPA Reference 40 CFR (1978)	HEPA Reference	Requirement	Location in SDEIS & Notes
Comments and Responses in a Draft EIS			
	HAR 11-200.1-24(s)(1)	The Draft EIS shall include a separate and distinct section that contains: Reproductions of all written comments submitted during the consultation period required in section 11-200.1-23	<ul style="list-style-type: none"> • Appendix D
	HAR 11-200.1-24(s)(2); HAR 11-200.1-24(s)(2)(A)	Responses to all substantive written comments made during the consultation period required in section 11-200.1-23. Proposing agencies and applicants shall respond in the Draft EIS to all substantive written comments in one of two ways: By grouping comment response under topic headings and addressing each substantive comment raised by an individual commenter under that topic heading by issue.	<ul style="list-style-type: none"> • Appendix D
	HAR 11-200.1-24(s)(4)	A summary of any EIS public scoping meetings, including a written general summary of the oral comments made, and a representative sample of any handout provided by the proposing agency or applicant related to the action provided at any EIS public scoping meeting.	<ul style="list-style-type: none"> • Section 1.6 • Appendix B • Appendix C
	HAR 11-200.1-24(s)(5)	A list of those persons or agencies who were consulted and had no comment in a manner indicating that no comment was provided.	<ul style="list-style-type: none"> • Table 8-1
40 CFR 1506.6		Public involvement	<ul style="list-style-type: none"> • Section 1.6 • Section 8.1 • Appendix B • Appendix C • Appendix D
	HAR 11-200.1-24(s)(6)	A representative sample of the consultation request letter.	<ul style="list-style-type: none"> • Appendix C

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EIS Notices

EIS Scoping Notices

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Notice of Intent

(Office of the Federal Register, *Federal Register*, September 4, 2020)

notice in the **Federal Register** to announce and seek comment on a rule review for 16 CFR parts 1107 and 1109, that is being conducted in fiscal year 2021 (85 FR 52078). Accordingly, the issues raised by crib manufacturers on testing and certification under 16 CFR parts 1107 and 1109, will be considered further in that proceeding.

The staff's briefing package containing the review is available on the CPSC website at: <https://www.cpsc.gov/Research—Statistics/Toys-and-Childrens-Products>, www.regulations.gov, and from the Commission's Division of the Secretariat at the location listed in the **ADDRESSES** section of this notice.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–19572 Filed 9–3–20; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Civic Engagement and Volunteering; Current Population Survey Supplement

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled The Civic Engagement and Volunteering Supplement for review and approval in accordance with the Paperwork Reduction Act.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by October 5, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mary Hyde, at 202–606–6834 or email to mhyde@cns.gov.

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;

Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on July 1, 2020 at Vol. 85 No. 127 FR 39537–39538. This comment period ended August 31, 2020. No public comments were received from this Notice.

Description: This information collection will be used to generate civic health reports at the National, State, and Metropolitan Statistical Area (MSA) levels and to disseminate these data to various stakeholders including state and local government offices, researchers, students and civic groups for strategic planning, grant writing purposes and research.

Title of Collection: Civic Engagement and Volunteering Supplement.

OMB Control Number: 3045–0139.

Type of Review: Renewal.

Respondents/Affected Public: U.S. Residents 16 years of age and older.

Total Estimated Number of Annual Responses: Approximately U.S. 60,000 residents.

Total Estimated Number of Annual Burden Hours: 6,670.

Abstract: CNCS has partnered with the U.S. Census to collect data and produced annual volunteering reports since 2002. CNCS is also mandated by the Serve America Act (2009) to produce an annual Civic health assessment in partnership with the National Conference on Citizenship. The proposed survey will be the only source of nationally representative data on the number of Americans who are active in their communities, through volunteering, social interactions, political activities and civic behaviors.

The purpose of collecting data on civic engagement and volunteering is to provide scholars, government officials and policymakers with official government measurement on civic behaviors in the United States.

Dated: August 28, 2020.

Mary Hyde,

Director, Office of Research and Evaluation.

[FR Doc. 2020–19589 Filed 9–3–20; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i

AGENCY: Department of the Army; Defense (DOD).

ACTION: Notice of Intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA), the Department of the Army (Army) announces its intent to prepare an Environmental Impact Statement (EIS) to address the Army's proposed retention of up to approximately 23,000 acres of land currently leased to the Army by the state of Hawai'i ("State-owned land") at Pōhakuloa Training Area (PTA) on the island of Hawai'i. As the proposed retention involves State-owned land, the EIS will be a joint NEPA–HEPA document; therefore, the public scoping processes will run concurrently and will jointly meet NEPA and HEPA requirements.

DATES: The Army invites public comments on the scope of the EIS during a 40-day public scoping period, beginning on the publication date of this Notice of Intent in the **Federal Register**.

ADDRESSES: Written comments should be submitted via the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>. Alternatively, comments can be emailed to usarmy.hawaii.nepa@mail.mil, or mailed to: ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801–3444.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Michael Donnelly, PTA Public Affairs Officer, at (808) 969–2411 or by email to michael.o.donnelly.civ@mail.mil.

SUPPLEMENTARY INFORMATION: PTA has been used for training as early as 1938, but was not used routinely until 1943. PTA was formally established in 1956

through a maneuver agreement granted by the Territory of Hawai'i. In 1964, the State granted a 65-year lease of approximately 23,000 acres of land to the Army for military purposes. The lease expires on August 16, 2029. The 23,000 acres of State-owned land contain utilities, critical infrastructure, maneuver land, and key training facilities, some of which are not available elsewhere in Hawai'i. The land also provides access to approximately 110,000 acres of adjacent U.S. Government-owned land at PTA.

PTA encompasses approximately 132,000 acres of land used for training military personnel for combat. It is the only U.S. training area in the Pacific region where training units can complete all mission essential tasks, and the only U.S. training facility in the Pacific region that can accommodate larger than company-sized units for live-fire and maneuver exercises. The U.S. Army Hawaii (USARHAW) and other U.S. military units that train at PTA include the 25th Infantry Division, U.S. Marine Corps, U.S. Navy, U.S. Air Force, Hawaii National Guard, and U.S. Army Reserve.

The Army's retention of State-owned land within PTA is needed to enable USARHAW to continue to conduct military training to meet its current and future training requirements.

Retention of State-owned land is needed to allow access between major parcels of U.S. Government-owned land at PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of USARHAW-coordinated training. To understand the environmental consequences of the decision to be made, the EIS will evaluate the potential direct, indirect, and cumulative impacts of a range of reasonable alternatives that meet the purpose of, and need for, the Proposed Action. Alternatives to be considered, including the no action alternative, are (1) Full Retention, (2) Modified Retention, and (3) Minimum Retention and Access. Other reasonable alternatives raised during the scoping process and capable of meeting the project purpose and need will be considered for evaluation in the EIS.

Native Hawaiian organizations; Federal, state, and local agencies; and the public are invited to be involved in the scoping process for the preparation of this EIS by participating in a scoping meeting and/or submitting written comments. The scoping process will help identify potential environmental

impacts and key issues of concern to be analyzed in the EIS. Written comments must be sent within 40 days of publication of the Notice of Intent in the **Federal Register**. In response to the coronavirus (COVID-19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the Army will not hold public scoping meetings for this action. In lieu of the public scoping meetings, the Army will use other alternative means to enable public participation such as virtual meetings using online meeting/collaboration tools, teleconference, social media, or email, as appropriate. An EIS Scoping Virtual Open House and two in-person scoping comment stations will be held on Wednesday, September 23, 2020 from 4–9 p.m. During the EIS Scoping Virtual Open House, video presentations can be viewed online at <https://home.army.mil/hawaii/index.php/PTAEIS> and oral and written comments will be accepted. Oral comments will be accepted via phone by calling (808) 300-0220. The two in-person scoping comment stations will also be open to the public to accept oral comments via phone and written comments: One in-person scoping comment station will be in Hilo, and the other will be in Waimea, both on the island of Hawai'i; individuals making comments will maintain recommended social distance. Notification of the EIS Scoping Virtual Open House and in-person scoping comment stations date and time will also be published and announced in local news media outlets and on the EIS website. For those who do not have ready access to a computer or the internet, the scoping materials posted to the EIS website will be made available upon request by mail. Inquiries and requests for scoping materials may be made to Michael Donnelly, PTA Public Affairs Officer at (808) 969-2411 or by email at michael.o.donnelly.civ@mail.mil.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2020-19620 Filed 9-3-20; 8:45 am]

BILLING CODE 5061-AP-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

DATES: Open to the public Wednesday, September 23, 2020, from 12:00 p.m. to 6:00 p.m. (Eastern Daylight Time).

ADDRESSES: The open meeting will be held online. The phone number for remote access is CONUS: 888-469-2037; OCONUS: 1-517-308-9287; PARTICIPANT CODE: 8227323. These numbers and the dial-in instructions will also be posted on the Uniform Formulary Beneficiary Advisory Panel website at: <https://www.health.mil/About-MHS/OASDHA/Defense-Health-Agency/Operations/Pharmacy-Division/Beneficiary-Advisory-Panel>.

FOR FURTHER INFORMATION CONTACT: Colonel Paul J. Hoerner, USAF, 703-681-2890 (Voice), dha.ncr.j-6.mbx.baprequests@mail.mil (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101. Website: <https://www.health.mil/About-MHS/OASDHA/Defense-Health-Agency/Operations/Pharmacy-Division/Beneficiary-Advisory-Panel>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102-3.140 and 102-3.150.

The Panel will review and comment on recommendations made to the Director, Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Purpose of the Meeting: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

Agenda

1. Sign-In
2. Welcome and Opening Remarks
3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
 - a. Psoriasis Agents—NA
 - b. Sleep Disorders—Wakefulness Promoting Agents
 - c. White Blood Cell Stimulants—Filgrastims
 - d. White Blood Cell Stimulants—Pegfilgrastims

Amended Notice of Intent

(Office of the Federal Register, *Federal Register*, September 23, 2020)

Sally Luttrell—Assistant Inspector General for Investigations.
 Deborah L. Harker—Assistant Inspector General for Audit.
 Pauletta Battle—Deputy Assistant Inspector General for Financial Management and Transparency Audits.
 Susan Barron—Deputy Assistant Inspector General for Financial Sector Audits.
 Donna F. Joseph—Deputy Assistant Inspector General for Cyber and Financial Assistance Audits.

Treasury Inspector General for Tax Administration/Department of the Treasury

Phone Number: (202) 622-6500

CIGIE Liaison—David Barnes (Acting) (202) 622-3062

Lori Creswell—Deputy Chief Counsel.
 Gladys Hernandez—Chief Counsel.
 Heather Hill—Assistant Inspector General for Audit, Management Services and Exempt Organizations.
 James Jackson—Deputy Inspector General for Investigations.
 Nancy LaManna—Assistant Inspector General for Audit, Management, Planning, and Workforce Development.
 Russell Martin—Assistant Inspector General for Audit, Returns Processing, and Accounting Services.
 Michael McKenney—Deputy Inspector General for Audit.
 Susan Moats—Assistant Inspector General for Investigations—Field.
 Trevor Nelson—Assistant Inspector General for Investigations, Cyber, Operations and Investigative Support.
 Richard Varn II—Chief Information Officer.
 Danny Verneuille—Assistant Inspector General for Audit, Security, and Information Technology Services.
 Matthew Weir—Assistant Inspector General for Audit, Compliance, and Enforcement Operations.

Department of Veterans Affairs

Phone Number: (202) 461-4603

CIGIE Liaison—Brandy Beckham (202) 264-9376

David Case—Deputy Inspector General.
 John D. Daigh—Assistant Inspector General for Healthcare Inspections.
 Julie Kroviak—Deputy Assistant Inspector General for Healthcare Inspections.
 Melanie Krause—Assistant Inspector General for Management and Administration.
 Gopala Seelamneni—Deputy Assistant Inspector General for Management and Administration/Chief Technology Officer.

Tara Porter—Deputy Assistant Inspector General for Management and Administration

Dated: September 11, 2020.

Shiji S. Thomas,
*Chair, CIGIE Oversight.gov Subcommittee/
 Forensic Accounting Manager, NSF OIG.*

[FR Doc. 2020-20959 Filed 9-22-20; 8:45 am]

BILLING CODE 6820-C9-P

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i; Correction

AGENCY: Department of the Army; Defense (DOD).

ACTION: Notice of intent; correction.

SUMMARY: The Department of the Army (Army) published a document in the **Federal Register** of September 4, 2020, concerning its continuing intent to prepare an Environmental Impact Statement to address the Army's proposed retention of up to approximately 23,000 acres of land currently leased to the Army by the state of Hawai'i ("State-owned land") at Pōhakuloa Training Area (PTA) on the island of Hawai'i. The document referenced two in-person comment stations previously associated with the Virtual Scoping Open House to be held Wednesday, September 23, 2020. Now, however, because of the national and local orders and proclamations in response to the coronavirus (COVID-19) pandemic in the United States, including: The County of Hawai'i Mayor's COVID-19 Emergency Rule No. 11 dated August 25, 2020, and the Office of the Governor, State of Hawaii Office Twelfth Proclamation Related to the COVID-19 Emergency dated August 20, 2020, the Army is canceling the in-person comment stations. Only the in-person comment stations will be cancelled; the EIS Scoping Virtual Open House will be held as planned.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Donnelly, PTA Public Affairs Officer, at michael.o.donnelly.civ@mail.mil or (808) 969-2411.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 4, 2020, in FR Doc. 2020-19620, on page 55263, in the third column, correct the **SUPPLEMENTARY INFORMATION** caption to read:

SUPPLEMENTARY INFORMATION: PTA has been used for training as early

as 1938, but was not used routinely until 1943. PTA was formally established in 1956 through a maneuver agreement granted by the Territory of Hawai'i. In 1964, the State granted a 65-year lease of approximately 23,000 acres of land to the Army for military purposes. The lease expires on August 16, 2029. The 23,000 acres of State-owned land contain utilities, critical infrastructure, maneuver land, and key training facilities, some of which are not available elsewhere in Hawai'i. The land also provides access to approximately 110,000 acres of adjacent U.S. Government-owned land at PTA. PTA encompasses approximately 132,000 acres of land used for training military personnel for combat. It is the only U.S. training area in the Pacific region where training units can complete all mission essential tasks, and the only U.S. training facility in the Pacific region that can accommodate larger than company-sized units for livefire and maneuver exercises. The U.S. Army Hawaii (USARHAW) and other U.S. military units that train at PTA include the 25th Infantry Division, U.S. Marine Corps, U.S. Navy, U.S. Air Force, Hawaii National Guard, and U.S. Army Reserve. The Army's retention of State-owned land within PTA is needed to enable USARHAW to continue to conduct military training to meet its current and future training requirements. Retention of State-owned land is needed to allow access between major parcels of U.S. Government-owned land at PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of USARHAW-coordinated training. To understand the environmental consequences of the decision to be made, the EIS will evaluate the potential direct, indirect, and cumulative impacts of a range of reasonable alternatives that meet the purpose of, and need for, the Proposed Action. Alternatives to be considered, including the no action alternative, are (1) Full Retention, (2) Modified Retention, and (3) Minimum Retention and Access. Other reasonable alternatives raised during the scoping process and capable of meeting the project purpose and need will be considered for evaluation in the EIS. Native Hawaiian organizations; Federal, state, and local agencies; and the public are invited to be involved in the scoping process for the preparation of this EIS by participating in a scoping meeting and/or submitting written comments.

The scoping process will help identify potential environmental impacts and key issues of concern to be analyzed in the EIS. Written comments must be sent within 40 days of publication of the Notice of Intent in the **Federal Register**. In response to the coronavirus (COVID-19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the Army will not hold public scoping meetings for this action. In lieu of the public scoping meetings, the Army will use other alternative means to enable public participation such as virtual meetings using online meeting/collaboration tools, teleconference, social media, or email, as appropriate. An EIS Scoping Virtual Open House will be held on Wednesday, September 23, 2020 from 4–9 p.m. During the EIS Scoping Virtual Open House, video presentations can be viewed online at <https://home.army.mil/hawaii/index.php/PTAEIS> and oral and written comments will be accepted. Oral comments will be accepted via phone by calling (808) 300-0220. Notification of the EIS Scoping Virtual Open House date and time will also be published and announced in local news media outlets and on the EIS website. For those who do not have ready access to a computer or the internet, the scoping materials posted to the EIS website will be made available upon request by mail. Inquiries and requests for scoping materials may be made to Michael Donnelly, PTA Public Affairs Officer at (808) 969-2411 or by email at michael.o.donnelly.civ@mail.mil.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2020-20966 Filed 9-22-20; 8:45 am]

BILLING CODE 5061-AP-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD-2020-OS-0075]

Proposed Collection; Comment Request

AGENCY: National Defense University, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the National Defense University announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. **DATES:** Consideration will be given to all comments received by November 23, 2020.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID-19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to National Defense University, 300 5th Avenue SW, Building 62, Washington, DC 20319, ATTN: LTC Ann Summers, or call (202) 685-3323.

SUPPLEMENTARY INFORMATION:

Title: *Associated Form; and OMB Number:* Master's Degree Application Form for International Students; OMB Control Number 0704-XXXX.

Needs and Uses: This form is used to collect the information required to admit international students to an NDU master's degree program. The respondents are prospective international students who wish to be admitted to an NDU master's degree program. They respond to this information collection in partial fulfillment of NDU application and admissions requirements. The completed collection instrument is processed by the NDU registrars and a

committee of NDU faculty who review the application in consideration of admission to a master's degree program. The successful effect of this information collection is to satisfy NDU master's degree application requirements for international students so that an admissions decision can be made.

Affected Public: Foreign Nationals.

Annual Burden Hours: 30 hours.

Number of Respondents: 120.

Responses per Respondent: 1.

Annual Responses: 120.

Average Burden per Response: 15 minutes.

Frequency: Annually.

Dated: September 11, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020-21022 Filed 9-22-20; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD-2020-OS-0076]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense (OSD), Department of Defense (DoD).

ACTION: Notice of a modified system of records.

SUMMARY: The OSD is modifying a system of records titled "National Language Service Corps (NLSC) Records," DHRA 07. The NLSC system is a cost-effective solution to the tactical and strategic management of foreign language support needs within the U.S. military and civilian enterprise for operations, plans, and workforce requirements. It provides a surge capability from individuals who are generally unavailable to the Government by tapping into our nation's population of skilled citizens who speak hundreds of languages critical to our nation's needs.

Initially established as a pilot program maintaining a pool of linguists proficient in ten languages, NLSC has since expanded its capabilities to support over 414 languages and dialects and provide over 4,000 man-hours of support to federal agencies annually. To meet the increasing need for professionals with language skills, in 2018, the NLSC expanded the reach of linguist support from DoD organizations to all federal government agencies and is modifying the system to accommodate this growth.

Notification for the EIS Preparation Notice

(State of Hawai'i Office of Environmental Quality Control,
The Environmental Notice, September 8, 2020)



The Environmental Notice

September 8, 2020

David Y. Ige, Governor

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



The ford crossing of the Waimea River on Kaua'i isn't much different today than it was over 100 years ago

Photo from the [Waimea River Ford Crossing Draft EA](#) (Hawai'i State Archives)

HAWAII

Army Training Land Retention at Pōhakuloa Training Area (EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district	
District(s)	Hāmākua and North Hilo	
TMK(s)	(3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013; 3-8-001:022	
Permit(s)	Numerous (see document)	
Approving Agency/ Accepting Authority	Board of Land and Natural Resources, State of Hawai'i Russell Tsuji, DLNR, Land Division, (808) 587-0419, dlnr.land@hawaii.gov 1151 Punchbowl St., Room 220, Honolulu, HI 96813	
Applicant	U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command Gregory Wahl, (808) 656-3093, Gregory.t.wahl.civ@mail.mil for questions, or usarmy.hawaii.nepa@mail.mil to cc comments U.S. Army Garrison Hawaii Directorate of Public Works - Environmental 948 Santos Dumont Ave., Building 105, 3rd Floor, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013	
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, ATLR-PTA-EIS@g70.design	
Status	Administrative public review and comment period starts. Comments are due by October 14, 2020. Click the title link above or navigate to https://home.army.mil/hawaii/index.php/PTAEIS to access and read the document, then address comments to the approving agency/accepting authority at http://atlrptaeis.commentinput.com and copy the applicant and the consultant . A virtual public scoping meeting will be held on September 23, 2020 4 - 9 p.m; to participate, navigate to https://home.army.mil/hawaii/index.php/PTAEIS	

The Pōhakuloa Training Area (PTA) on Hawai'i Island encompasses approximately 133,000 acres of federally-owned and state-owned land. The U.S. Government leases approximately 23,000 acres at PTA from the State. The 65-year lease expires on August 16, 2029. The Army proposes to retain up to 23,000 acres of State-owned land in support of continued military training. The retention will preserve access between major parcels of U.S. Government-owned land in PTA, retain substantial Army infrastructure investments, and allow for future facility and infrastructure modernization. Loss of this land would substantially impact the ability of the Army to meet training requirements and mission of readiness. The Proposed Action does not involve new training, construction, or resource management activities at PTA. Instead, it is a real estate action that would enable continued military use of the land. A Notice of Intent for this action has also [been published](#) in the Federal Register.

Hilo Scrap Metal Yard Closure and Remediation--Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	South Hilo	
TMK(s)	(3) 2-1-013:150 (por.)	
Permit(s)	Numerous (see document)	
Proposing/ Determining Agency	Department of Environmental Management, County of Hawai'i Gene Quiamas, (808) 961-8270, Gene.Quiamas@hawaiiicounty.gov 345 Kekūānō'a Street, Suite 41, Hilo, HI 96720	
Consultant	Wilson Okamoto Corporation; 1907 S. Beretania Street, Suite 400, Honolulu, HI 96826 Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com	
Status	Finding of No Significant Impact (FONSI) determination	

The County of Hawai'i Department of Environmental Management is planning to permanently close and remediate the site of the former Hilo Scrap Metal Yard located in Hilo on Hawai'i Island. The proposed action consists of excavating and disposing of all waste materials and all lead contaminated soils in the project area. As an alternative, DEM is also analyzing the cost benefits of only disposing of excavated non-recyclable waste materials and consolidating the lead-contaminated soils onsite, grading to optimize future use, and capping with an engineered cover system to prevent direct contact exposure to the lead-contaminated soil. Other activities may include conducting site assessments, post-excavation confirmation sampling, grading, backfilling portions of the site with clean aggregate, and vegetating. Once the site has been remediated, DEM plans to use the site in the future for consolidation of existing solid waste management program components in the area.

**Affidavit of Publication
for Scoping Public Notices**

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
PUBLIC NOTICE

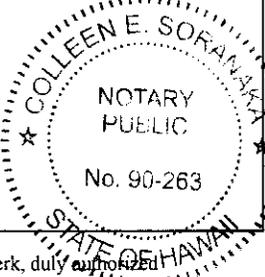
STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: _____ # Pages: 1

Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of
Publication

[Signature]
Notary Signature _____ Date _____



Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser 3 times on:
09/06, 09/14, 09/20/2020

MidWeek 0 times on:

The Garden Island 0 times on:

Hawaii Tribune-Herald 3 times on:
09/06, 09/14, 09/20/2020

West Hawaii Today 3 times on:
09/06, 09/14, 09/20/2020

Other Publications: 0 times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]

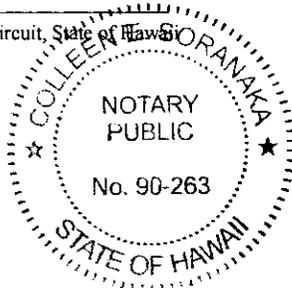
Lisa Sakakida

Subscribed to and sworn before me this 22nd day of September A.D. 2020

[Signature]

Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001292078



U.S. Army to Prepare Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area on Hawaii Island

In accordance with the National Environmental Policy Act (NEPA) and the Hawaii Environmental Policy Act (HEPA), the Department of the Army (Army) announces its intent to prepare an Environmental Impact Statement (EIS) to address the Army's proposed retention of up to approximately 23,000 acres of land currently leased to the Army by the State of Hawaii ("State-owned land") at Pohakuloa Training Area (PTA) on the island of Hawaii. The EIS will be a joint NEPA-HEPA document as the proposed retention involves State-owned land; therefore, the public scoping processes will run concurrently and will jointly meet NEPA and HEPA requirements.

The Army invites public comments on the scope of the EIS during a 40-day public scoping period beginning Sept. 4, 2020. Comments can be submitted on the EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>, as well as emailed to usarmy.hawaii.nepa@mail.mil, or mailed to: ATR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444. All comments must be postmarked or submitted by October 14, 2020, to be considered in preparation of the EIS.

The public is invited to participate in an online scoping open house Sept. 23, 2020, to take place on the project website: <https://home.army.mil/hawaii/index.php/PTAEIS>. During the virtual open house participants can:
1) View online presentations.
2) Call (808) 300-0220 to submit oral comments from 4 p.m. - 9 p.m. (Sept. 23 only).

For more information or accessibility requests, please contact Mr. Michael Donnelly, PTA Public Affairs Officer, at michael.o.donnelly.ch@mail.mil or (808) 969-2411.
(WHT/HTH/SA1292078 9/6, 9/14, 9/20/20)

ICSP NO.: _____

Draft EIS Notices

Notice of Availability

Notification for the Draft EIS

Affidavit of Publication for Draft EIS Public Notices

Notice of Availability

(Office of the Federal Register, *Federal Register*, April 8, 2022)

direct that notice of this conference be published in the **Federal Register**. 16 CFR 1025.21(b) (2022).



Michael G. Young

Distribution

Leah Ippolito, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, lippolito@cpsc.gov

Brett Ruff, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, bruff@cpsc.gov

Rosalee Thomas, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, rbthomas@cpsc.gov

Caitlin O'Donnell, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, codonnell@cpsc.gov

Cheryl A. Falvey, Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004, cfalvey@crowell.com

Bettina J. Strauss, Bryan Cave Leighton Paisner LLP, One Metropolitan Square, 211 North Broadway, Suite 3600, St. Louis, MO 63102, bjstrauss@bcplaw.com

Nina E. DiPadova, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, ndipadova@cpsc.gov

Alberta E. Mills, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, amills@cpsc.gov

[FR Doc. 2022-07550 Filed 4-7-22; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement Regarding Army Training Land Retention at Pōhakuloa Training Area in Hawai'i

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army (Army) announces the availability of a Draft Environmental Impact Statement (Draft EIS) regarding its Proposed Action—*i.e.*, the Army's retention of up

to approximately 23,000 acres of land the Army presently leases from the State of Hawai'i. This land is located at Pōhakuloa Training Area (PTA) on the island of Hawai'i. In accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA), the Draft EIS analyzes the potential direct, indirect, and cumulative impacts of a range of reasonable alternatives that meet the purpose of and need for the Proposed Action. The Draft EIS also analyzes the potential impacts of the No-Action Alternative, under which Army use of the land would cease altogether when the lease runs out in 2029. Because the proposed retention involves state-owned land, the EIS is a joint NEPA-HEPA document. Therefore, the public review process runs concurrently and meets NEPA and HEPA requirements.

DATES: The Army invites public comments on the Draft EIS during the 60-day public comment period, which begins April 8, 2022, and ends June 7, 2022. To be considered in the Final EIS, all comments must be postmarked or received by 11:59 p.m. Hawai'i Standard Time on June 7, 2022. Public meetings will be held in April 2022 to provide information on the Draft EIS and to enhance the opportunity for public input. Public meetings will be held in accordance with current COVID-19 restrictions. Information regarding how to participate in Draft EIS public meetings and how to submit comments is available on the EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>.

ADDRESSES: Written comments should be submitted through the EIS website (<https://home.army.mil/hawaii/index.php/PTAEIS>), emailed to atlr-pta-eis@g70.design, mailed to ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444, or provided during public meetings. Comments must be postmarked or received by June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Donnelly, Public Affairs Officer, by telephone at (808) 656-3160 or by email at michael.o.donnelly.civ@army.mil.

SUPPLEMENTARY INFORMATION: During World War II, the U.S. Marine Corps trained on the land now known as PTA. A 1956 maneuver agreement between the Territory of Hawai'i and the Army formally established PTA. In 1964, the State of Hawai'i granted the Army a 65-year lease of approximately 23,000 acres of land adjacent to PTA for military purposes. Utilities, critical infrastructure, maneuver area, and key

training facilities now sit on this tract of leased land. Some of these human-made features are not available elsewhere in Hawai'i. The parcel also provides access between the PTA cantonment area and approximately 84,000 acres of adjacent, federally owned land at PTA.

The Draft EIS evaluates the potential impacts of a range of alternatives: (1) Full Retention (of approximately 23,000 acres); (2) Modified Retention (of approximately 19,700 acres); (3) Minimum Retention and Access (of approximately 10,100 acres and 11 miles of roads and training trails); and (4) No-Action Alternative (under which the lease lapses in 2029 and the Army loses access to the land).

The Draft EIS analyzes land use, biological resources, cultural resources, hazardous and toxic materials/wastes, air quality, greenhouse gases, noise, geology, topography, soils, water resources, socioeconomics, environmental justice, transportation, traffic, airspace, electromagnetic spectrum, utilities, human health, and safety.

The Draft EIS indicates that under Alternatives 1, 2, and 3, continued public access restrictions on land used for traditional and customary practices will result in significant but mitigable adverse impacts to cultural resources. These significant impacts can be mitigated through appropriate consultation with Native Hawaiians and/or other interested groups. Impacts can also be mitigated through provision of public access to promote and protect cultural beliefs, practices, and resources. Impacts to other resources are less than significant for all action alternatives. The No-Action Alternative would have significant adverse impacts on biological resources, socioeconomics, and utilities.

The Army distributed the Draft EIS to Native Hawaiian organizations, to federal, state, and local agencies/officials, and to other key stakeholders. The Draft EIS and related information are available on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>. The public may also review the Draft EIS and select materials at the following libraries:

1. Hawai'i State Library, Hawai'i Documents Center, 478 S King Street, Honolulu, HI 96813
2. Hilo Public Library, 300 Waiianuenue Avenue, Hilo, HI 96720
3. Kailua-Kona Public Library, 75-138 Hualalai Road, Kailua-Kona, HI 96740
4. Thelma Parker Memorial Public and School Library, 67-1209 Mamalahoa Highway, Kamuela, HI 96743

Native Hawaiian organizations, federal, state, and local agencies/

officials, and other interested entities/individuals are encouraged to comment on the Draft EIS during the 60-day public comment period. All timely comments will be considered in the development of the Final EIS.

James W. Satterwhite,

Army Federal Register Liaison Officer.

[FR Doc. 2022-07615 Filed 4-7-22; 8:45 am]

BILLING CODE 3711-02-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Early Engagement Opportunity: Implementation of National Defense Authorization Act for Fiscal Year 2022

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD announces an early engagement opportunity regarding implementation of the National Defense Authorization Act for Fiscal Year 2022 within the acquisition regulations.

DATES: Early inputs should be submitted in writing via the Defense Acquisition Regulations System (DARS) website shown below. The website will be updated when early inputs will no longer be accepted.

ADDRESSES: Submit early inputs via the DARS website at https://www.acq.osd.mil/dpap/dars/early_engagement.html. Send inquiries via email to osd.dfars@mail.mil and reference "Early Engagement Opportunity: Implementation of NDAA for FY 2022" in the subject line.

FOR FURTHER INFORMATION CONTACT: Jennifer D. Johnson, telephone 703-717-8226.

SUPPLEMENTARY INFORMATION: DoD is providing an opportunity for the public to provide early inputs on implementation of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 within the acquisition regulations. The public is invited to submit early inputs on sections of the NDAA for FY 2022 via the DARS website at https://www.acq.osd.mil/dpap/dars/early_engagement.html. The website will be updated when early inputs will no longer be accepted. Please note, this venue does not replace or circumvent the rulemaking process. DARS will engage in formal rulemaking, in accordance with 41 U.S.C. 1707, when it has been determined that rulemaking is required to implement a

section of the NDAA for FY 2022 within the acquisition regulations.

Authority: DoD Instruction 5000.35, Defense Acquisition Regulations (DAR) System.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2022-07546 Filed 4-7-22; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before June 7, 2022. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent by email to haleusurvey@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Michael Reim, michael.reim@nuclear.energy.gov, 202-748-3383.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

- (1) *OMB No.:* 1910-New.
- (2) *Information Collection Request Titled:* Survey of High-Assay, Low-Enriched Uranium (HALEU) Needs for Civilian Domestic Research,

Development, Demonstration, and Commercial Use.

(3) *Type of Review:* New.

(4) *Purpose:* The purpose of this survey is to inform the planning and development of a Department of Energy (DOE) HALEU Availability Program. Section 2001 of The Energy Act of 2020 (Pub. L. 116-260, Dec. 27, 2020) directs the Secretary to establish and carry out, through the Office of Nuclear Energy (NE), a program to support the availability of HALEU for civilian domestic research and development, demonstration, and commercial use. The Act directs multiple actions to facilitate the development of a commercial HALEU supply chain including establishing a consortium of fuel cycle entities to partner with DOE in making HALEU available, and to provide HALEU to consortium members during development of commercial domestic sources. NE is developing plans to establish the HALEU Availability Program to implement these and other directed actions, including those related to HALEU fuel fabrication, enrichment, and transportation.

(5) *Annual Estimated Number of Respondents:* 50.

(6) *Annual Estimated Number of Total Responses:* 50.

(7) *Annual Estimated Number of Burden Hours:* 4.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$350.

Statutory Authority: Section 2001 of The Energy Act of 2020 (Pub. L. 116-260, Dec. 27, 2020).

Signing Authority

This document of the Department of Energy was signed on April 4, 2022, by Sal J. Golub, Acting Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Chain, Office of Nuclear Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 5, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022-07545 Filed 4-7-22; 8:45 am]

BILLING CODE 6450-01-P

Notification for the Draft EIS

**(State of Hawai'i Office of Environmental Quality Control,
The Environmental Notice, April 8, 2022)**



The Environmental Notice

April 8, 2022

David Y. Ige, Governor
Mary Alice Evans, Director

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, *The Environmental Notice* also includes other items related to the shoreline, coastal zone, and federal activities.



The U.S. Army is proposing to retain the use of the State-owned portion of Pōhakuloa Training Area on the Big Island for continued military training

Photo from the [Draft EIS for the project](#)

HAWAII

[Army Training Land Retention at Pōhakuloa Training Area--Draft EIS Vol I, Vol II and scoping meeting comments](#)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district
District(s)	Hawai'i-multiple
TMK(s)	(3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 & 022
Permit(s)	Numerous (see document)
Approving Agency	State of Hawai'i, Department of Land and Natural Resources Russell Tsuji, (808) 587-0419, dlnr.land@hawaii.gov
Applicant	U.S. Army Garrison-Hawaii Michael Donnelly, (808) 656-3160, usarmy.hawaii.nepa@army.mil U.S. Army Garrison Hawaii, Directorate of Public Works - Environmental 948 Santos Dumont Avenue, Building 105, 3rd Floor, Wheeler Army Airfield, Schofield Barracks, HI 96857-5013
Consultant	G70; 111 S. King Street, Suite 170, Honolulu, HI 96813 Jeff Overton, (808) 523-5866, ATLR-PTA-EIS@g70.design
Status	Statutory public review and comment period starts. Pursuant to HRS Chapter 343 ("HEPA"), the 45-day comment period runs through May 23, 2022; however, since this is a joint HEPA-NEPA document, the Applicant will accept comments through June 7, 2022 . Please send comments to the approving agency at http://atlrptaeis.commentinput.com

The Pōhakuloa Training Area (PTA) on Hawai'i Island encompasses approximately 132,000 acres of U.S. Government-owned and State-owned land. The U.S. Government leases approximately 23,000 acres at PTA from the State of Hawai'i. The 65-year lease expires on August 16, 2029. The Army proposes to retain up to 23,000 acres of State-owned land in support of continued military training. The retention will preserve maneuver area, provide austere environment training, enable access between major parcels of U.S. Government-owned land, retain infrastructure investments, allow for future modernization, and maximize use of the impact area. Loss of this land would impact the ability of the Army to meet training requirements and its mission of readiness. The Proposed Action is a real estate action that would enable continuation of ongoing activities. It does not include construction or changes in ongoing activities. A Notice of Availability for this action will be published in the Federal Register.

[Hilo Abandoned Vehicle Facility--Draft EA \(AFNSI\)](#)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds
District(s)	South Hilo
TMK(s)	(3) 2-1-013:167 (portion)
Permit(s)	Various (see document)
Proposing/Determining Agency	County of Hawai'i, Department of Environmental Management Gene Quiamas, (808) 961-8270, Gene.Quiamas@hawaiicounty.gov 345 Kekūānāo'a Street, Suite 41, Hilo, HI 96720
Consultant	Wilson Okamoto Corporation; 1907 South Beretania Street, Suite 400, Honolulu, HI 96826 Rebecca Candilasa, (808) 946-2277, rcandilasa@wilsonokamoto.com
Status	Statutory 30-day public review and comment period starts. Comments are due by May 9, 2022 . Please click on title link above to read the document, then send comments to the proposing/determining agency and copy the consultant.

The County of Hawai'i, Department of Environmental Management (DEM) is proposing to improve the existing abandoned vehicle impound lot located next to the East Hawai'i Regional Sort Station (EHRSS) in Hilo. The Proposed Action consists of constructing a 5,000-sf single story, pre-engineered metal building that would store about 25 "auctionable" vehicles with additional space for 4 staff offices, a reception area, restrooms, a conference/lunchroom, and other administrative support spaces. The existing AV lot would be expanded to hold about 100 impounded vehicles and would include parking spaces for staff and visitor vehicles. Other proposed site improvements include a paved access driveway, additional pavement for the expanded vehicle lot, a new water line and other utility connections, an individual wastewater system, an on-site drainage system, additional security fencing for the expanded lot, and a surveillance system.

**Affidavit of Publication for
Draft EIS Public Notices**

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
PUBLIC NOTICE - U.S. Army Publishes Draft EIS for Army Training

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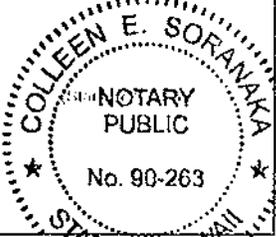
STATE OF HAWAII)
) SS.
City and County of Honolulu)

Doc. Date: APR 25 2022 # Pages: 1

Notary Name: COLLEEN E. SORANAKA First Judicial Circuit

Doc. Description: Affidavit of
Publication

[Signature] APR 25 2022
Notary Signature Date



U.S. Army Publishes Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area on Hawai'i Island

In accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA), the Department of the Army (Army) published a Draft Environmental Impact Statement (EIS) to analyze the Army's proposed retention of up to approximately 23,000 acres of land currently leased to the Army by the State of Hawai'i ("State-owned land") at Pōhakuloa Training Area (PTA) on the Island of Hawai'i. The public comment periods will run concurrently to meet both NEPA and HEPA requirements.

The Army invites public comments on the Draft EIS during a 60-day public comment period beginning April 8, 2022. The Draft EIS and public meeting materials are available on the EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>. Comments can be submitted on the EIS website, emailed to: ATLR-PTA-EIS@g70.design, or mailed to: ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444. To be considered in the Final EIS, all comments must be postmarked or email dated by 11:59 p.m. Hawai'i Standard Time on June 7, 2022.

- The public is invited to attend Draft EIS public meetings on the following dates and times on the Island of Hawai'i.
1. Imiloa Astronomy Center, April 25, 2022 from 6-8 PM
 2. Waiākea District Park, April 26, 2022 from 6-8 PM

The public will have the option to watch the Draft EIS public meetings through a live video stream that can be accessed on the EIS website. For more information on the Draft EIS public meetings, please visit the project website at: <https://home.army.mil/hawaii/index.php/PTAEIS>.

For more information or accessibility requests, please contact Mr. Michael Donnelly, Public Affairs Officer, at michael.o.donnelly.civ@army.mil or (808) 656-3160. (SA/HTH/WHT1366483 4/8, 4/22, 4/24/22)

Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

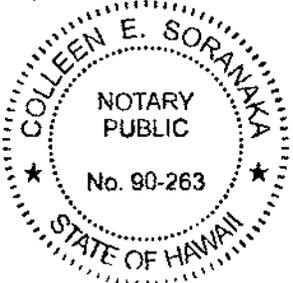
Honolulu Star-Advertiser	<u>3</u>	times on:
		<u>04/08, 04/22, 04/24/2022</u>
MidWeek	<u>0</u>	times on:
The Garden Island	<u>0</u>	times on:
Hawaii Tribune-Herald	<u>3</u>	times on:
		<u>04/08, 04/22, 04/24/2022</u>
West Hawaii Today	<u>3</u>	times on:
		<u>04/08, 04/22, 04/24/2022</u>
Other Publications:	<u>0</u>	times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Lisa Sakakida

Subscribed to and sworn before me this 25th day of April A.D. 2022

[Signature]
Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024



Ad # 0001366483

ICSP NO.: _____

Public Meeting Materials

Public Scoping Open House Materials

Posters

Fact Sheet

Flyer

Direct Mail Postcard

Questions and Answers

Draft EIS Public Meeting Materials

Posters

Fact Sheet

Flyer

Direct Mail Postcard

Public Scoping Virtual Open House Materials

Posters

Fact Sheet

Flyer

Direct Mail Postcard

Questions and Answers

Posters



Welcome to the EIS Scoping Virtual Open House

What is Public Scoping?

Public scoping is conducted early in the process, in compliance with NEPA and HEPA, to provide the public opportunity to inform the Army of known issues and alternatives to be addressed in the EIS.

Public scoping allows the public to:

- Learn about the Proposed Action.
- Offer promising alternatives.
- Explain potential concerns.
- Recommend potential impacts that should be studied.

Scoping materials and other information about the Proposed Action are available on the project website at <https://home.army.mil/hawaii/index.php/PTAEIS>.

What to Expect after Scoping?

After the public scoping period has ended, the Army will consider all public input and incorporate substantive public input into the development of the Draft EIS. The Draft EIS will be made available for public review for at least 45 days. The Army will again consider all public input and incorporate substantive public input into development of the Final EIS. The Army's decision will be documented in a Record of Decision made available to the public no sooner than 30 days following publication of the Final EIS.

Your input is valuable!

Options to Submit Written Comments

Comment period is September 4 - October 14, 2020

- EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- Email: usarmy.hawaii.nepa@mail.mil
- Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

EIS Scoping Virtual Open House

Wednesday, September 23, 2020 at 4 p.m.

During the Virtual Open House you can:

- View online presentations at <https://home.army.mil/hawaii/index.php/PTAEIS>.
- Call (808) 300-0220 to submit oral comments from 4 – 9 p.m. (only on Wednesday, September 23).

* **Please Read: Comment submittal through the EIS website is preferred. All comments will be valued equally, regardless of how they are submitted. Please do not submit duplicate comments. Comments should be written clearly, as commenters will not be contacted to provide clarification. Personal contact information will not be published in the Draft or Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.**



National Environmental Policy Act (NEPA) and Hawai'i Environmental Policy Act (HEPA)

NEPA

- NEPA is a U.S. law implemented via Title 40 Code of Federal Regulations, Parts 1500–1508.
- NEPA procedures ensure environmental information is available to public officials and citizens before decisions are made, and before actions are taken.
- The Proposed Action is a federally funded action.



HEPA

- HEPA refers to the State EIS process: Hawai'i Revised Statutes Chapter 34-3, and Hawai'i Administrative Rules Chapter 11-200.1.
- HEPA establishes a system of environmental reviews to guide decision making.
- The Proposed Action includes State-owned land and will comply with HEPA processes.



Natural resource management at PTA
Photo Credit: PTA/M. Donnelly

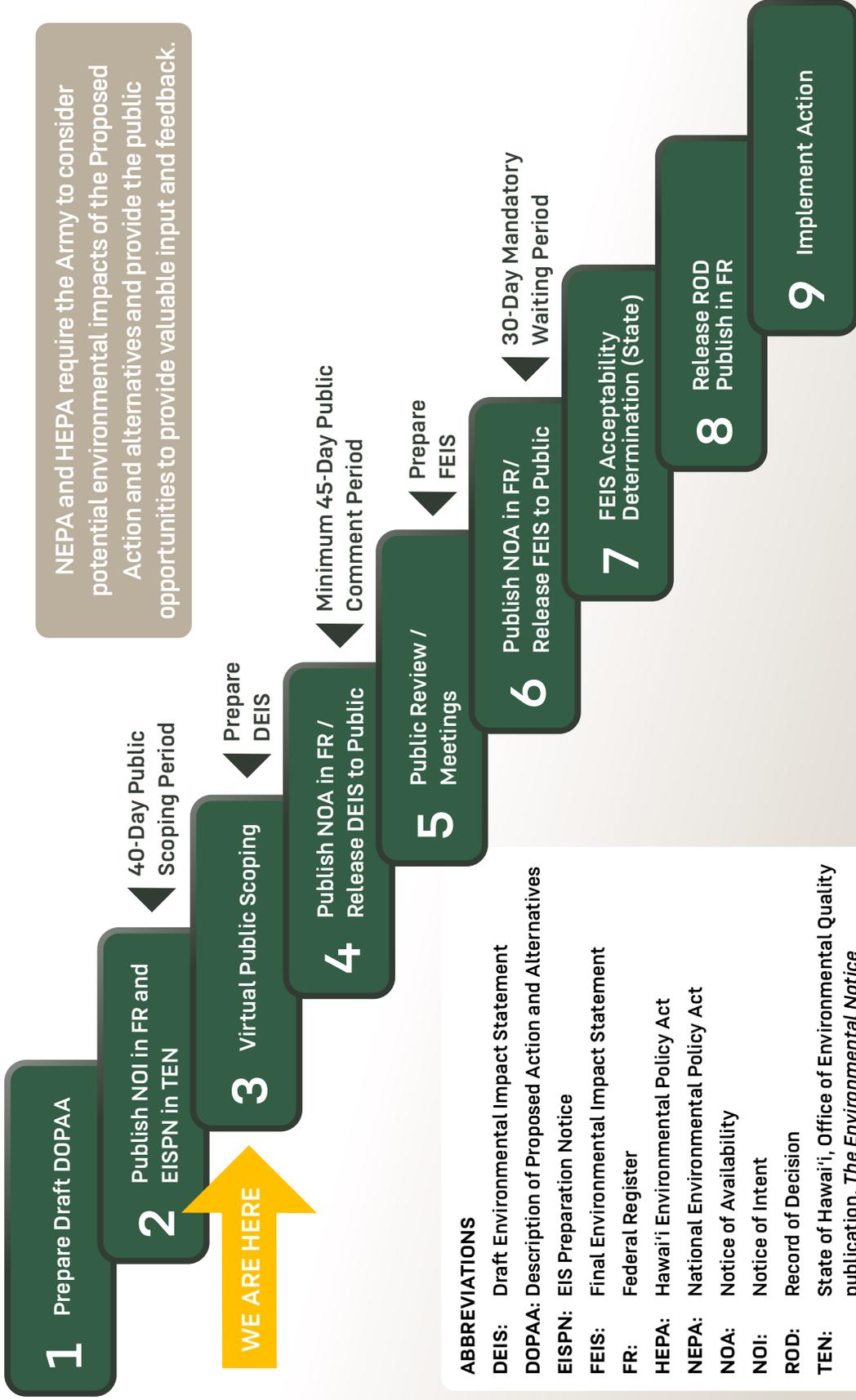
The EIS will be a joint NEPA-HEPA document. Both public involvement processes will run concurrently.

NEPA/HEPA

- Public involvement is a key component of the NEPA and HEPA processes. Opportunities include:
- A 40-day public scoping period for NEPA NOI and HEPA EIS Preparation Notice.
 - EIS Scoping Virtual Open House with in-person scoping comment stations and oral comment phone line.
 - HEPA Cultural Impact Assessment.
 - Draft EIS with a no less than 45-day comment period and public meetings.

EIS Process

ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA
ENVIRONMENTAL IMPACT STATEMENT



ABBREVIATIONS

- DEIS: Draft Environmental Impact Statement
- DOPAA: Description of Proposed Action and Alternatives
- EISPN: EIS Preparation Notice
- FEIS: Final Environmental Impact Statement
- FR: Federal Register
- HEPA: Hawai'i Environmental Policy Act
- NEPA: National Environmental Policy Act
- NOA: Notice of Availability
- NOI: Notice of Intent
- ROD: Record of Decision
- TEN: State of Hawai'i, Office of Environmental Quality publication, *The Environmental Notice*



Military in Hawai'i and PTA

Hawai'i is Important to the Military

- Hawai'i is strategically important to national defense. Its location between the continental U.S. and the Indo-Pacific region serves as a logistics link and allows for rapid troop deployment.
- Hawai'i is home to U.S. Indo-Pacific Command, which has responsibility for half of the globe and more than 50% of the world's population.
- Hawai'i hosts the headquarters for U.S. Army Pacific, U.S. Pacific Fleet, U.S. Marine Corps Pacific, Pacific Air Forces, and U.S. Special Operations Command Pacific.
- Hawai'i provides a range of training environments that cannot be replicated in other states, preparing troops to fight as they train.



LTC Borce and CSM Ortiz with Youth Challenge Academy Leadership; Civil Air Patrol cadets from Hilo and Kona; Tropic Lightning Soldiers in local parade. Photo Credit: PTA/M.Donnelly

The Military is Important to Hawai'i

- As of March 2020, the military employed 71,955 personnel in the State.
- In FY2018, the DOD spent \$7.2 billion in the State.
- In FY2018, the DOD spent \$20.8 million on personnel payroll in the County of Hawai'i.

PTA is Important to the Military

- PTA is the only area in Hawai'i that supports larger unit (i.e., battalion and brigade) collective live-fire and maneuver training. It is the largest contiguous live-fire range and maneuver training area in Hawai'i, and the primary tactical training area for units conducting military mission essential tasks and training requirements.
- PTA supports joint and multi-national exercises critical to ensure that the U.S. military and allied nations know how to cooperatively work together.
- PTA is the only training area in Hawai'i where military units can use weapons systems at maximum capabilities to complete training requirements.
- PTA is used by the U.S. Army, U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, Hawai'i Police Department and others.



Why Retain State-owned Land at PTA?

LEASE IS EXPIRING

The U.S. Government leases approximately 23,000 acres of PTA from the State. The Army has been training there for the past six decades.

STATE-OWNED LAND ESSENTIAL TO PTA

The State-owned land is the connective tissue of PTA, providing access between major parcels of U.S. Government-owned land in PTA and supporting training facilities, maneuver areas and capabilities that are essential to U.S. Army Hawaii and other military services and local agencies.

TRAINING AT PTA SAVES LIVES

Properly trained military personnel are prepared for their mission and return home from deployments to their families.

Examples of Training Facilities on State-owned Land



Military Operation in Urban Terrain Facility. Photo Credit: HDR



Firing Point. Photo Credit: PTA/M. Donnelly



Battle Area Complex (BAX). Photo Credit: PTA/M. Donnelly



Overview of the Proposed Action

Proposed Action

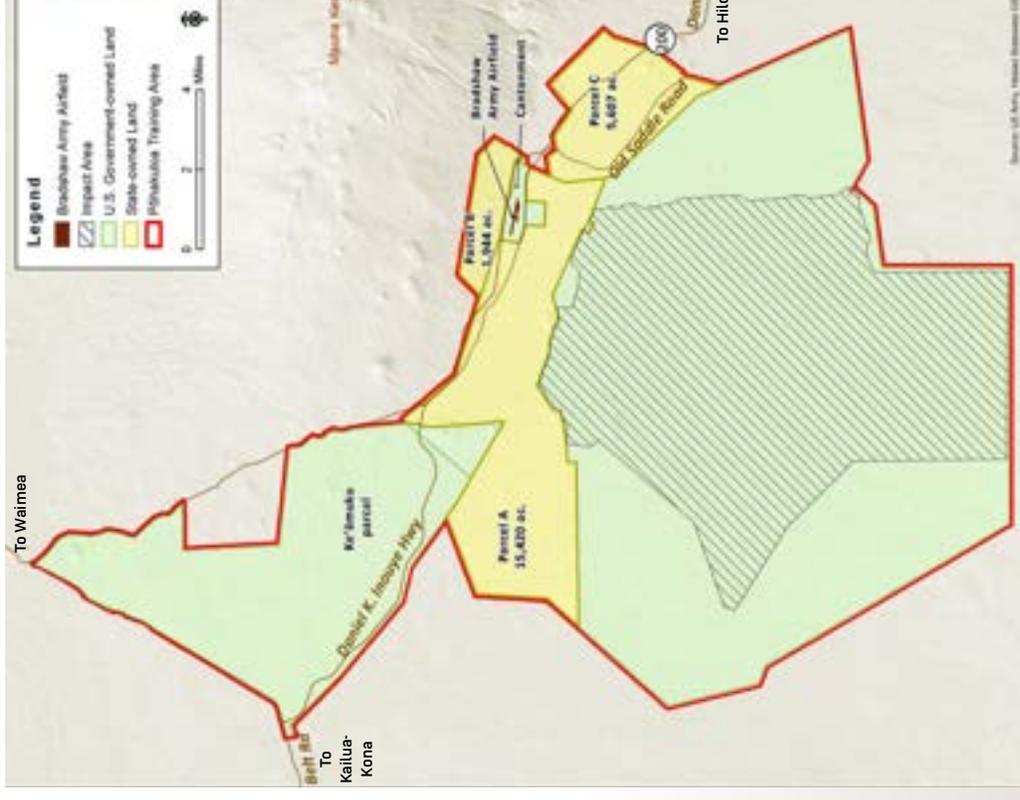
- To retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. Multiple land retention methods could be used.
- To retain the State-owned land prior to the end of the current lease and prevent interruption of essential military training.
- After retention of the State-owned land, the Army would continue to conduct the current levels and types of military training; facility and infrastructure maintenance; natural and cultural resources stewardship; and to manage use of the State-owned land by other organizations.
- The Proposed Action does not involve new training, construction, or resource management at PTA. Instead, it is a real estate action that would enable continued military use of the State-owned land.

Purpose of the Proposed Action

To enable the U. S. Army Hawaii to continue to conduct military training on the State-owned land within PTA to meet its current and future training requirements.

Need for the Proposed Action

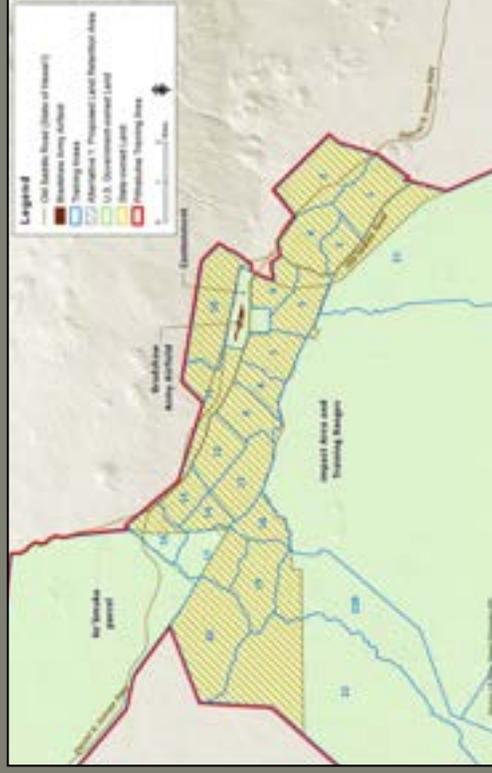
To enable access between major parcels of U.S. Government-owned land in PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of U.S. Army Hawaii-coordinated training.





Alternatives 1 and 2

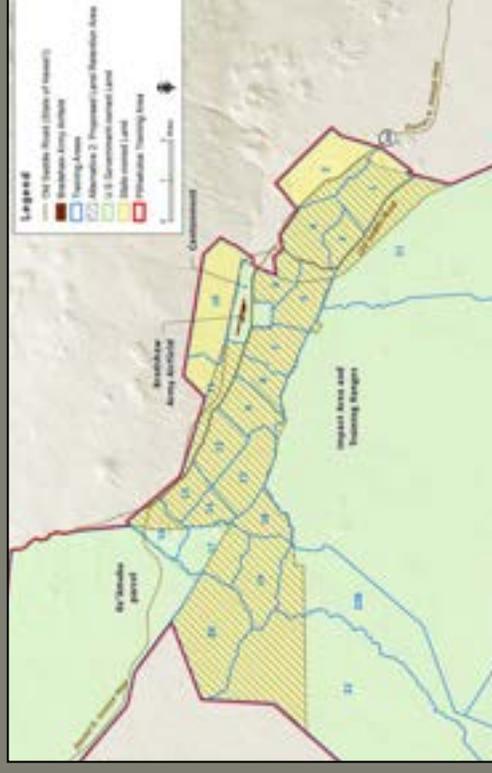
Alternative 1: Full Retention



Map Credit: G70

Under Alternative 1, all State-owned land would be retained. This alternative allows the Army to retain its substantial investment in facilities, utilities and infrastructure; continue military training without downtime; and conduct future modernization.

Alternative 2: Modified Retention



Map Credit: G70

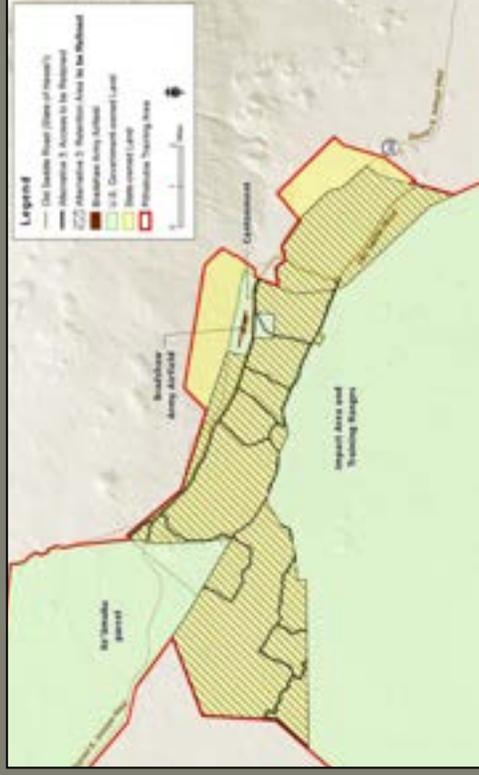
Under Alternative 2, the Army would retain approximately 20,000 acres of the State-owned land at PTA. Additionally, the Army would retain all Army-owned utilities, firebreaks/fuel breaks, and fire access roads in the State-owned land not retained.



Alternative 3 and No Action Alternative

Alternative 3:

Minimum Retention and Access



Map Credit: G70

Under Alternative 3, Army would retain the following: vital training and support facilities and associated maneuver land not able to be relocated within U.S. Government-owned land at PTA; select roads and training trails; all Army-owned utilities; firebreaks/fuel breaks and fire access roads; tactical vehicle wash facility; and land use rights to enable the firing of indirect fire weapons (e.g., artillery, mortars) from U.S. Government-owned portions of PTA northwest of the State-owned land into the impact area. (Specific retention area to be refined in the EIS.)

No Action Alternative



Photo Credit: G70

Under the No Action Alternative, the Army would not retain any of the State-owned land at PTA.



Environmental Topics to be Analyzed

Land Use



Land use compatibility, easements, and real property management

Geological & Soil Resources



Bedrock, seismology, volcanology, soil properties and erosion

Biological Resources



Vegetation and wildlife, threatened and endangered species, invasive species, wetlands and wildland fires

Cultural Resources



Historic buildings and viewsheds, archaeological resources, Native Hawaiian Organizations, traditional and customary practices, hunting, gathering, and cultural beliefs, uses and accesses

Airspace



Controlled airspace, Special Use Airspace and Military Operations Areas

Air Quality & Greenhouse Gas



Ambient Air Quality Standards, Prevention of Significant Deterioration, and dust

Water Resources



Surface water, groundwater, floodplains, and Clean Water Act

Noise



Zones, community and wildlife impacts

Human Health & Safety



Health, safety and safety danger zones

Hazardous Materials



Hazardous materials and wastes, petroleum products, storage tanks, unexploded ordnance, and depleted uranium

Socioeconomics



Demographics, housing, economic development, recreation, environmental justice and protection of children

Transportation & Traffic



Roadways, air transportation, traffic volume and level of congestion

Utilities



Potable water, wastewater, stormwater, solid waste, electricity and communications

Electromagnetic Spectrum



Radio waves to gamma waves, radio frequency, spectrum use, radar and satellite

ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA
ENVIRONMENTAL IMPACT STATEMENT



Thank You

Fact Sheet



ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA

ENVIRONMENTAL IMPACT STATEMENT

The Army is preparing an Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA) on the island of Hawai'i. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA. Military training has taken place at PTA since 1956.

The Army is initiating the EIS process under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS also will comply with Hawai'i Revised Statutes Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1, collectively referred to as the Hawai'i Environmental Policy Act (HEPA). Like NEPA, HEPA ensures environmental concerns are given appropriate consideration in decision making, along with economic and technical considerations.

The first step in the NEPA and HEPA processes is to alert the public of the intention to prepare an EIS. This is done through publication of a Notice of Intent (NOI) in the *Federal Register*, and publication of an EIS Preparation Notice (EISPN) in the State Office of Environmental Quality Control's publication, *The Environmental Notice*. The NOI was published on September 4, 2020, and the EISPN was published on September 8, 2020.

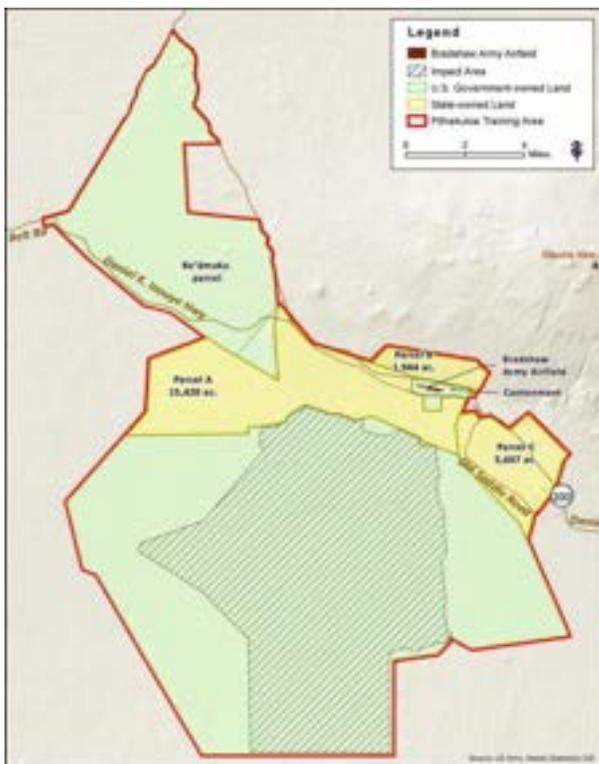


Hawaii Army National Guard Soldiers react to a simulated ambush during annual training at PTA. These Soldiers conduct combat operations training for several weeks during their annual training at PTA.

BACKGROUND

PTA consists of approximately 132,000 acres between the volcanic mountains of Mauna Loa, Mauna Kea, and Hualālai on the island of Hawai'i. United States Army Hawaii (USARHAW) conducts training at PTA to meet its federally mandated mission of readiness. Training offered at installations such as PTA supports the Army's fulfillment of its role in the Nation's defense. Users of PTA, including the Army, U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, State and County of Hawai'i first responders and firefighters, Hawai'i Civil Defense Agency, Hawai'i Emergency Management Agency, State Office of Homeland Security, Hawai'i Police Department, and others, rely on the installation to fulfill agency-specific mission and readiness requirements. PTA is the largest contiguous live-fire range and maneuver training area in Hawai'i and is considered the Pacific's Premier Training Center. It is the only U.S. training area in the Pacific region where training units can complete all mission essential tasks, and the only installation in Hawai'i that can accommodate larger than company-sized units (i.e., battalion and brigade) for live-fire and maneuver exercises.

The U.S. Government leases approximately 23,000 acres at PTA from the State. The 65-year lease expires on August 16, 2029. Over the past six decades, the State-owned land has been the keystone of PTA, supporting numerous training facilities and capabilities essential to USARHAW and other military services and local agencies. The State-owned land contains maneuver land and key training facilities, some of which are not available elsewhere in Hawai'i, and provides access between major parcels of U.S. Government-owned land in PTA. Loss of this land would substantially impact the ability of USARHAW and other military services and local agencies to meet their training requirements and mission of readiness.



FOR MORE INFORMATION OR ACCESSIBILITY REQUESTS

Please contact Michael Donnelly, PTA Public Affairs Officer
Email: michael.o.donnelly.civ@mail.mil; Phone: (808) 969-2411



ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

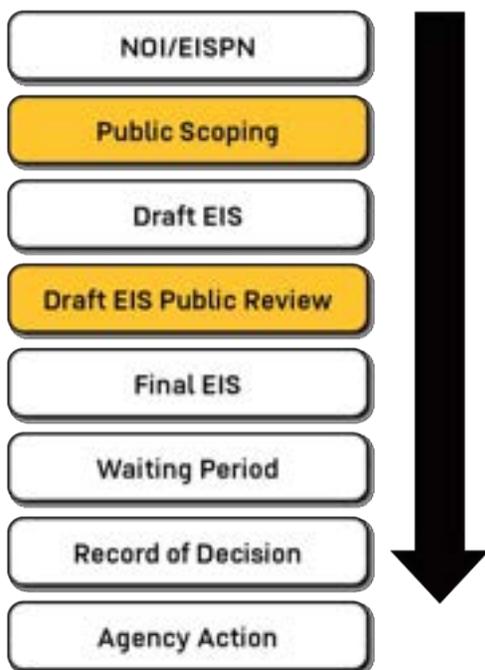
PROPOSED ACTION AND ALTERNATIVES

The EIS will evaluate the potential direct, indirect, and cumulative impacts of a variety of reasonable alternatives that meet the purpose and need of the Proposed Action, which is to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training to meet current and future training requirements. Alternatives to be analyzed in the EIS include: 1) Full Retention; 2) Modified Retention; and 3) Minimum Retention and Access. The No Action Alternative (no retention of State-owned land after 2029) also will be analyzed. Other reasonable alternatives raised during the scoping process and capable of meeting the purpose and need of the Proposed Action will be considered for evaluation in the EIS.

NEPA/HEPA PUBLIC PARTICIPATION PROCESS

The NEPA/HEPA process graphic (below) shows opportunities for public input in gold. The EIS is currently in the Public Scoping period, which is a time when public comments are received to help shape development of the Draft EIS.

NEPA/HEPA PROCESS



PUBLIC SCOPING PROCESS

The intent of the scoping process is to reach out early and engage a broad range of stakeholders with the purpose of informing and eliciting input. The public scoping process will help identify reasonable alternatives, potential impacts, and key issues of concern to be evaluated in the EIS, as well as determine which stakeholders (e.g., individuals, organizations, and government agencies) are interested in commenting on the Draft EIS. Scoping serves as an opportunity to obtain input from the community regarding issues and resources to be addressed or analyzed through the EIS process. In this regard, it helps to define the “scope” of issues and analyses in the EIS.

The public scoping process began September 4, 2020, with publication of the NOI in the *Federal Register*, to be followed by publication of the EISPN. Federal, state, and local agencies, Native Hawaiian organizations, and the public are invited to participate in the scoping process. The 40-day public scoping period ends on October 14, 2020.

OPTIONS TO SUBMIT WRITTEN COMMENTS

Comment period is September 4 – October 14, 2020

- EIS Website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- Email: usarmy.hawaii.nepa@mail.mil
- Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

EIS SCOPING VIRTUAL OPEN HOUSE

Wednesday, September 23, 2020 at 4 p.m.

During the Scoping Virtual Open House, you can:

- View online presentations and project documents at <https://home.army.mil/hawaii/index.php/PTAEIS>.
- Call (808) 300-0220 to submit oral comments from 4 – 9 p.m. (only on Wednesday, September 23).

Note: Comment submittal through the EIS website is preferred. All comments will be valued equally, regardless of how they are submitted. Please do not submit duplicate comments. Comments should be written clearly, as commenters will not be contacted to provide clarification. Personal contact information will not be published in the Draft or Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

FOR MORE INFORMATION OR ACCESSIBILITY REQUESTS

Please contact Michael Donnelly, PTA Public Affairs Officer
Email: michael.o.donnelly.civ@mail.mil; Phone: (808) 969-2411

Flyer



ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

ARMY SEEKS PUBLIC COMMENTS ON SCOPE OF ENVIRONMENTAL IMPACT STATEMENT

The Army is preparing an Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloā Training Area (PTA) on the island of Hawai'i. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA. Military training has taken place at PTA since it was established in 1956.

The Army is initiating the EIS process under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS also will comply with Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1, collectively referred to as the Hawai'i Environmental Policy Act (HEPA). Like NEPA, HEPA ensures environmental concerns are given appropriate consideration in decision making, along with economic and technical considerations.

PUBLIC SCOPING PROCESS

The public scoping process will help to identify reasonable alternatives, potential impacts, and key issues of concern to be evaluated in the EIS. In this regard, it helps to define the "scope" of issues and analyses addressed in the EIS. The public scoping period starts on September 4, 2020 and ends on October 14, 2020. Federal, state, and local agencies, Native Hawaiian organizations, and the public are invited to participate in the scoping process. Due to uncertainties regarding COVID-19 restrictions, in-person public scoping meetings will not be held. The Army is providing opportunities for public input during the scoping process by facilitating an EIS Scoping Virtual Open House.

REVIEW PROJECT INFORMATION

- ▶ <https://home.army.mil/hawaii/index.php/PTAEIS>

OPTIONS TO SUBMIT WRITTEN COMMENTS

Comment period is September 4, 2020 - October 14, 2020.

- ▶ EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- ▶ Email: usarmy.hawaii.nepa@mail.mil
- ▶ Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

Note: Comment submittal through the EIS website is preferred. All comments will be valued equally, regardless of how they are submitted. Please do not submit duplicate comments. Comments should be written clearly, as commenters will not be contacted to provide clarification. Personal contact information will not be published in the Draft or Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

FOR MORE INFORMATION OR ACCESSIBILITY REQUESTS

Michael Donnelly, PTA Public Affairs Officer
Email: michael.o.donnelly.civ@mail.mil
Phone: (808) 969-2411

EIS SCOPING VIRTUAL OPEN HOUSE

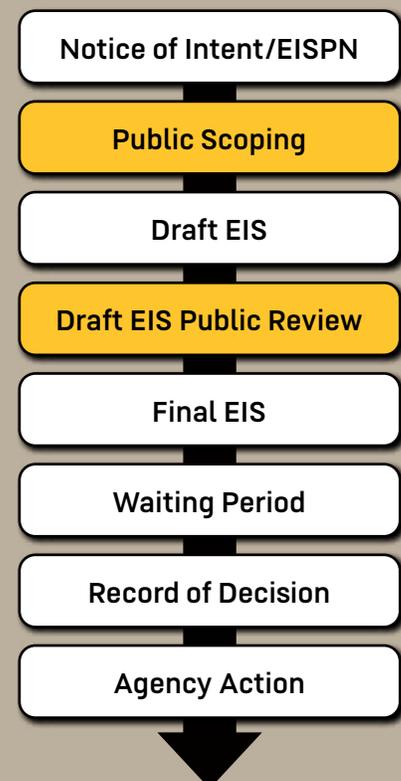
Wednesday, September 23, 2020 at 4 p.m.

During the Scoping Virtual Open House you can:

- ▶ View online presentations and project documents at <https://home.army.mil/hawaii/index.php/PTAEIS>.
- ▶ Call (808) 300-0220 to submit oral comments from 4–9 p.m. (*only on Wednesday, September 23*).

NEPA/HEPA PUBLIC PARTICIPATION PROCESS

The NEPA/HEPA process graphic (below) shows opportunities for public input in gold.



Direct Mail Postcard



ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA

Army seeks public comments on scope of Environmental Impact Statement (EIS)

The Army proposes to retain up to approximately 23,000 acres of State-owned land at Pōhakuoloa Training Area on the island of Hawai'i in support of continued military training. The Army is initiating the EIS process under the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA). The NEPA and HEPA processes ensure environmental and economic issues are given appropriate consideration in decision making. The Army is seeking public comments during the EIS scoping period from September 4 – October 14, 2020, to identify reasonable alternatives, potential impacts, and key issues of concern to be evaluated in the EIS. Scoping materials and other information about the Proposed Action are available on the project website at: <https://home.army.mil/hawaii/index.php/PTAEIS>.

OPTIONS TO SUBMIT WRITTEN COMMENTS

Comment period is September 4 - October 14, 2020.

- EIS Website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- Email: usarmy.hawaii.nepa@mail.mil
- Mail: ATLR PTA EIS Comments
P.O. Box 34444
Honolulu, HI 96801-3444

For further information, or for accessibility requests, contact:
Mike Donnelly, PTA Public Affairs Officer
Email: michael.o.donnelly.civ@mail.mil
Phone: (808) 969-2411

EIS SCOPING VIRTUAL OPEN HOUSE*

Wednesday, September 23, 2020 at 4 p.m.

To participate you can:

- View online presentations and project documents at <https://home.army.mil/hawaii/index.php/PTAEIS>.
- Call (808) 300-0220 to submit oral comments from 4 – 9 p.m. (only on Wednesday, September 23).

*Note: Comment submittal through the EIS website is preferred. All comments will be valued equally, regardless of how they are submitted. Please do not submit duplicate comments. Comments should be written clearly, as commenters will not be contacted to provide clarification. Personal contact information will not be published in the Draft or Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.



NEPA Program Manager
U.S. Army Garrison Hawaii
Directorate of Public Works - Environmental
948 Santos Dumont Ave.
Building 105, 3rd Floor
Wheeler Army Airfield
Schofield Barracks, HI 96857-5013

Questions and Answers

QUESTIONS AND ANSWERS (Q's & A's)

Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i

September 3, 2020

Q-1. What is the Pōhakuloa Training Area (PTA) and what is it used for?

A-1: PTA is on the island of Hawai'i and encompasses approximately 132,000 acres of land for the specific purpose of preparing military personnel for the rigors of combat. U.S. Army Hawaii (USARHAW) conducts training at PTA to meet its federally mandated mission of readiness. Training offered at installations such as PTA support the Army's fulfillment of its role in the Nation's defense. Users of PTA, including the Army, U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, State and County of Hawai'i first responders and firefighters, Hawai'i Civil Defense Agency, Hawai'i Emergency Management Agency, State Office of Homeland Security, Hawai'i Police Department, and others, rely on the installation to fulfill agency-specific mission and readiness requirements. PTA is the largest contiguous live-fire range and maneuver training area in Hawai'i and is considered the Pacific's Premier Training Center. It is the only U.S. training area in the Pacific region where training units can complete all mission essential tasks, and the only U.S. training facility in the Pacific region that can accommodate larger than company-sized units for live-fire and maneuver exercises.

Q-2. What is the background of Army training use at PTA and future needs?

A-2: The Pōhakuloa area was used for training as early as 1938, but not routinely used until 1943. PTA was formally established in 1956 through a maneuver agreement granted by the Territory of Hawai'i. Approximately 23,000 acres of land were leased for military purposes to the Army in 1964 by the state (State-owned land). The 65-year lease expires on August 16, 2029. The State-owned land contains maneuver land and key training facilities, some of which are not available elsewhere in Hawai'i, and provides access between major parcels of U.S. Government-owned land on PTA. This land has been key to PTA's ability to support numerous training facilities and capabilities essential to USARHAW and other military services and local agencies. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training (the "Proposed Action").

Q-3. Why is the Environmental Impact Statement (EIS) being prepared?

A-3: The National Environmental Policy Act of 1969 (NEPA) requires federal agencies to examine the potential effects of proposed actions on the human environment. Under Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Chapter 11-200.1, collectively referred to as the Hawai'i Environmental Policy Act

(HEPA), use of State lands is a trigger that requires environmental disclosure. An EIS-level analysis is being conducted as, in accordance with HAR Section 11-200.1-14(d)(2), the accepting authority, the Hawai'i Department of Land and Natural Resources, has determined, through its judgement and experience, that the applicant's Proposed Action may have a significant effect.

NEPA regulations for environmental disclosure (environmental assessments or environmental impact statements) are guided by the Council on Environmental Quality (CEQ) in Title 40 Code of Federal Regulations [C.F.R.] Parts 1500-1508. Specific Army NEPA implementation regulations are in Title 32 C.F.R. Part 651.

The Army intends to prepare a single EIS, compliant with both NEPA and HEPA regulations, to facilitate concurrent public review and processing at both the federal and state levels of government.

Q-4. What is the difference between NEPA and HEPA?

A-4: NEPA and HEPA require government agencies proposing to use government land to identify and analyze the potential adverse environmental, social and economic effects of the Proposed Action and reasonable alternatives to the Proposed Action that would provide similar benefits with different environmental impacts. NEPA and HEPA procedures ensure environmental information is available to public officials and citizens before decisions are made and before actions are taken, and both allow for public disclosure and participation.

Like NEPA, the purpose of HEPA is to ensure environmental concerns are given appropriate consideration in decision making, along with economic and technical considerations, and allow for public disclosure and participation. Both require publication of a notice to alert the public to preparation of an EIS, with a public scoping period prior to preparation of an EIS.

Q-5. What agency is undertaking the EIS?

A-5: The project proponent undertaking the EIS is U.S. Army Garrison-Hawaii (USAG-HI). The preparer of the EIS is the Department of the Army.

Q-6. What Proposed Action is being considered in the EIS?

A-6: The Proposed Action is to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. The Army would retain the State-owned land prior to the end of the current lease to limit impacts on training.

Q-7. What is the purpose and need for the Proposed Action?

A-7: The purpose of the Proposed Action is to enable USARHAW to continue to conduct military training on the State-owned land within PTA to meet its current and future training requirements. The Proposed Action is needed to allow access between major parcels of U.S. Government-owned land at PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of USARHAW-coordinated training.

Q-8. What resources will be analyzed in the EIS?

A-8: The EIS will analyze the following resources: air quality and greenhouse gases, airspace, biological resources, archaeological and cultural resources, electromagnetic spectrum, geology and soils, hazardous and toxic materials and wastes, human health and safety, land use, noise, socioeconomics and environmental justice, transportation and traffic, utilities, and water resources. The EIS will quantitatively and qualitatively analyze and evaluate the potential environmental and socioeconomic impacts of the proposed alternatives.

Q-9. What resources may be significantly impacted from implementation of the Proposed Action?

A-9: An EIS-level analysis is being undertaken as the land retention action could have significant impacts (adverse or beneficial) on biological resources, cultural resources, hazardous and toxic materials and wastes, socioeconomics, utilities, and human health and safety.

Q-10. Q-10. What methods of land retention is the Army considering?

A-10: Army Regulation 405-10 identifies authorized methods for Army retention of non-federal land which include title, lease, easement, and license. Several retention methods can be accomplished through different mechanisms according to Army Regulations. The Army would negotiate with the State regarding the most appropriate land retention method(s) for the selected alternative after issuance of the Record of Decision.

Q-11. When is the scoping period for the EIS?

A-11: The scoping period for a NEPA EIS will occur for 40 days after the publication of the Notice of Intent (NOI) in the *Federal Register*. In accordance with HAR Section 11-200.1-23(c), the HEPA scoping period is within 30 days after the publication of the EIS Preparation Notice (EISPN) in *The Environmental Notice*, the state Office of Environmental Quality Control's publication.

As the EIS will be a joint NEPA-HEPA document, the public scoping processes will run concurrently and will jointly meet NEPA and HEPA requirements. The NOI will be published in the *Federal Register* on September 4, 2020 and the EISPN will be

published in *The Environmental Notice* on September 8, 2020. The joint NEPA-HEPA scoping period will end on October 14, 2020.

The Army has voluntarily chosen to extend the NEPA scoping period. The collective NEPA scoping period will be 40 days.

Q-12. How can the public be involved in the EIS scoping process?

A-12: The public scoping process will help identify possible alternatives, potential environmental impacts, and key issues of concern to be analyzed in the EIS, as well as eliminate issues from detailed consideration that are not significant, or which have been covered by prior environmental reviews.

The Army invites public comments on the scope of the EIS during a 40-day public scoping period beginning September 4, 2020. Comments can be submitted on the EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>, as well as emailed to usarmy.hawaii.nepa@mail.mil, or mailed to: ATLR PTA EIS Comments, P.O. 25 Box 3444, Honolulu, HI 96801-3444. All comments must be postmarked or submitted by October 14, 2020, to be considered in preparation of the EIS.

Due to public health concerns from COVID-19, large group, in-person public scoping meetings will not be held. The public is invited to participate in an online EIS scoping virtual open house September 23, 2020, which will take place on the project website: <https://home.army.mil/hawaii/index.php/PTAEIS>. During the virtual open house participants can:

- 1) View online presentations.
- 2) Call (808) 300-0220 to submit oral comments from 4 p.m. – 9 p.m. (Wednesday, September 23 only).

Written comments (mail, email, EIS website) will be accepted throughout the scoping period. Oral comments will be summarized in the Draft EIS, and the recording will be made available to the Office of Environmental Quality Control for the public record. Written comments and associated responses will be included in the Draft EIS.

Q-13. How do you submit comments and, if you have further questions, whom should you contact?

A-13: Written comments and/or concerns regarding the scope of the EIS can be submitted via the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>. Alternatively, comments can be emailed to: usarmy.hawaii.nepa@mail.mil, or mailed to: ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444.

Comments will be accepted from September 4 through October 14, 2020. All comments will be valued equally, regardless of how they are submitted. Comment submittal through the EIS website is preferred. Please do not submit duplicate comments. Personal contact

information will not be published in the Draft or Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law. All relevant identifying information of public agencies, organizations, and elected officials will be published in the EIS. Comments should be written clearly, as commenters will not be contacted to provide clarification. For those who do not have ready access to a computer or internet, the scoping materials posted to the EIS website will be made available upon request by mail.

For more information or accessibility requests, please contact Michael Donnelly, PTA Public Affairs Officer by email: michael.o.donnelly.civ@mail.mil, or phone: (808) 969-2411.

Q-14. Will the public have additional opportunities to participate in the EIS process?

A-14: Yes, there will be additional opportunities to participate in the EIS process. The public will be able to participate in a minimum 45-day review period following publication of a future Notice of Availability (NOA) for the Draft EIS. Public outreach will be conducted during the 45-day comment period. Written comments will be accepted on the Draft EIS for 45 days after publication of the NOA in the *Federal Register*.

The Final EIS will also be made available through an NOA, to be published in the *Federal Register*, initiating the 30-day waiting period. The Army will complete the EIS process by issuing a Record of Decision no sooner than 30 days following the U.S. Environmental Protection Agency's NOA in the *Federal Register*, to provide notice that a Final EIS has been filed.

Written comments also will be accepted for the HRS Chapter 343 process for 45 days after publication of the NOA of the Draft EIS in *The Environmental Notice*. A similar NOA will be published in *The Environmental Notice* for the Final EIS. The Hawai'i Department of State Board of Land and Natural Resources will conduct an acceptability determination of the Final EIS.

Q-15. When will the Draft EIS be completed?

A-15: A definitive timeline has not been established for the completion of the Draft EIS; however, it is estimated that the Draft EIS will be available by February 2022.

Draft EIS Public Meeting Materials

Posters

Fact Sheet

Flyer

Direct Mail Postcard

Posters



Welcome to the Draft EIS Public Meeting

What are Draft EIS Public Meetings?

Draft EIS public meetings are conducted in compliance with NEPA and HEPA to provide the public an opportunity to comment on the Draft EIS to aid Army development of the Final EIS.

Public meetings allow the public to:

- Learn about the Proposed Action and alternatives that were analyzed.
- Learn about potential impacts.
- Inform the Army of potential concerns.
- Recommend potential impacts that should be studied further, and aid in establishing a preferred alternative.

The Draft EIS and additional materials are available on the EIS website at <https://home.army.mil/hawaii/index.php/PTAEIS> as well as at four State libraries: Hawaii'i State Library, Hawaii'i Documents Center; Hilo Public Library; Kailua-Kona Public Library; Thelma Parker Memorial Public and School Library.

What to Expect after Public Comment Period?

After the public comment period has ended, the Army will consider all public input and incorporate substantive public input into the development of the Final EIS, including a decision on the preferred alternative. The Army's decision will be documented in a Record of Decision made available to the public no sooner than 30 days following publication of the Final EIS.

Your input is valuable!

Options to Submit Comments

Comment period is April 8 – June 7, 2022

- In-person: attend a public meeting
- EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- Email: atlr-pta-eis@g70.design
- Phone: (808) 470-8884 (April 25-26 only)
- Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444



Scan with smartphone to be directed to the PTA EIS website.

Draft EIS Public Meetings

Federal, state, and local agencies and officials; Native Hawaiian organizations; and the public are invited to participate in the Draft EIS public meetings and provide comments, which will be held at the following locations on the following dates and times:

1. 'Imiloa Astronomy Center on April 25, 2022 from 6-8 PM HST
2. Waimea District Park on April 26, 2022 from 6-8 PM HST

The public will have the option to watch the Draft EIS Public Meetings in real time via a live stream that can be accessed on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>.

Note: All comments will be valued equally, regardless of how they are submitted. Personal contact information will not be published in the Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

Scan to help this poster explain





National Environmental Policy Act (NEPA) and Hawai'i Environmental Policy Act (HEPA)

NEPA

- NEPA is a U.S. law implemented via Title 40 Code of Federal Regulations, Parts 1500–1508.
- NEPA procedures ensure environmental information is available to public officials and citizens before decisions are made and before actions are taken.
- The Proposed Action is a federally funded real estate action.

HEPA

- HEPA refers to the State EIS process: Hawai'i Revised Statutes Chapter 34-3, and Hawai'i Administrative Rules Chapter 11-200.1.
- HEPA establishes a system of environmental reviews to guide decision making.
- The Proposed Action includes State-owned land and will comply with HEPA processes.



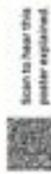
Natural resource management at PTA
Photo Credit: PTA

The Draft EIS is a joint NEPA-HEPA document. Both public involvement processes will run concurrently.

NEPA/HEPA

Public involvement is a key component of the NEPA and HEPA processes. Opportunities include:

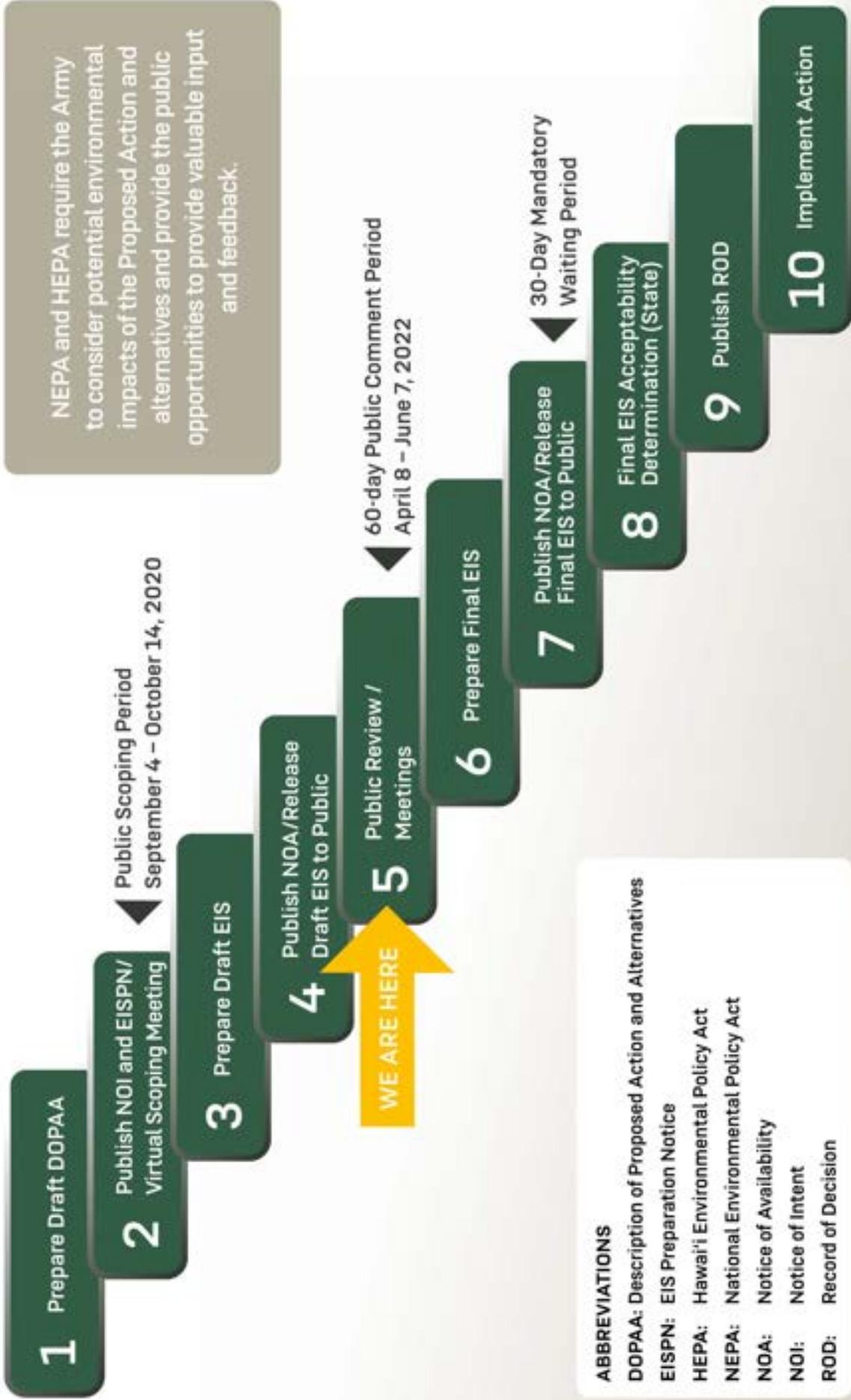
- A 40-day public scoping period that ran from September 4 to October 14, 2020.
- EIS Scoping Virtual Open House with oral comment phone line (September 23, 2020).
- HEPA Cultural Impact Assessment (completed October 2021).
- Draft EIS (NOA on April 8, 2022) with a 60-day comment period (from April 8 – June 7, 2022) and two public meetings.



Scan to help this poster explain



EIS Process





Military in Hawai'i and PTA

Hawai'i is Important to the Military

- Hawai'i is strategically important to national defense. Its location between the continental U.S. and the Indo-Pacific region serves as a logistics link and allows for rapid troop deployment.
- Hawai'i is home to U.S. Indo-Pacific Command, which has an area of responsibility that covers half the globe and more than 50% of the world's population.
- Hawai'i hosts the headquarters for U.S. Army Pacific, U.S. Pacific Fleet, U.S. Marine Corps Forces Pacific, Pacific Air Forces, and U.S. Special Operations Command Pacific.
- Hawai'i provides a range of training environments that cannot be replicated in other states, preparing troops to fight as they train.



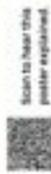
LTC Kevin Cronin, PTA Garrison Commander, and CSM Harold Gray with Noelani Kalipi, Civilian Aide to the Secretary of the Army (Hawai'i Island); Civil Air Patrol cadets from Hilo and Kona; Tropic Lightning Soldiers in local parade. Photo Credit: PTA

Military Economic Benefits to Hawai'i

- In 2021, there were 71,323 total defense personnel in the State.
- In FY 2019, the U.S. military paid \$5.0 billion in wages to defense personnel in the State.
- In FY 2019, overall defense spending in Hawai'i was \$7.5 billion.

PTA is Important to the Military

- PTA is the only area in Hawai'i that supports larger unit (i.e., battalion and brigade) collective live-fire and maneuver training. It is the largest contiguous live-fire range and maneuver training area in Hawai'i, and the primary tactical training area in Hawai'i for units conducting mission essential tasks and training requirements.
- PTA supports joint and multi-national exercises critical to ensure that the U.S. military and allied nations know how to cooperatively work together.
- PTA is the only training area in Hawai'i where military units can use weapons systems at maximum capabilities to complete training requirements.
- PTA is used by the U.S. Army, U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, Hawai'i Police Department and others.



Scan to hear this
poster explained



Why Retain State-owned Land at PTA?

LEASE IS EXPIRING

The U.S. Government leases approximately 23,000 acres of PTA from the State. The Army has been training at PTA for the past six decades. The lease expires in 2029.

STATE-OWNED LAND ESSENTIAL TO PTA

The State-owned land is the connective tissue of PTA, providing access between major parcels of U.S. Government-owned land in PTA and supporting training facilities, maneuver areas and capabilities that are essential to U.S. Army Hawaii and other military services and local agencies.

TRAINING AT PTA SAVES LIVES

Properly trained military personnel are prepared for their mission and return home from deployments to their families.

Examples of Training Facilities on State-owned Land



Military Operations in Urban Terrain Facility. Photo Credit: HDR



Firing Point. Photo Credit: PTA



Battle Area Complex (BAX). Photo Credit: PTA



Scan to learn more
prior explained



Overview of the Proposed Action

Proposed Action

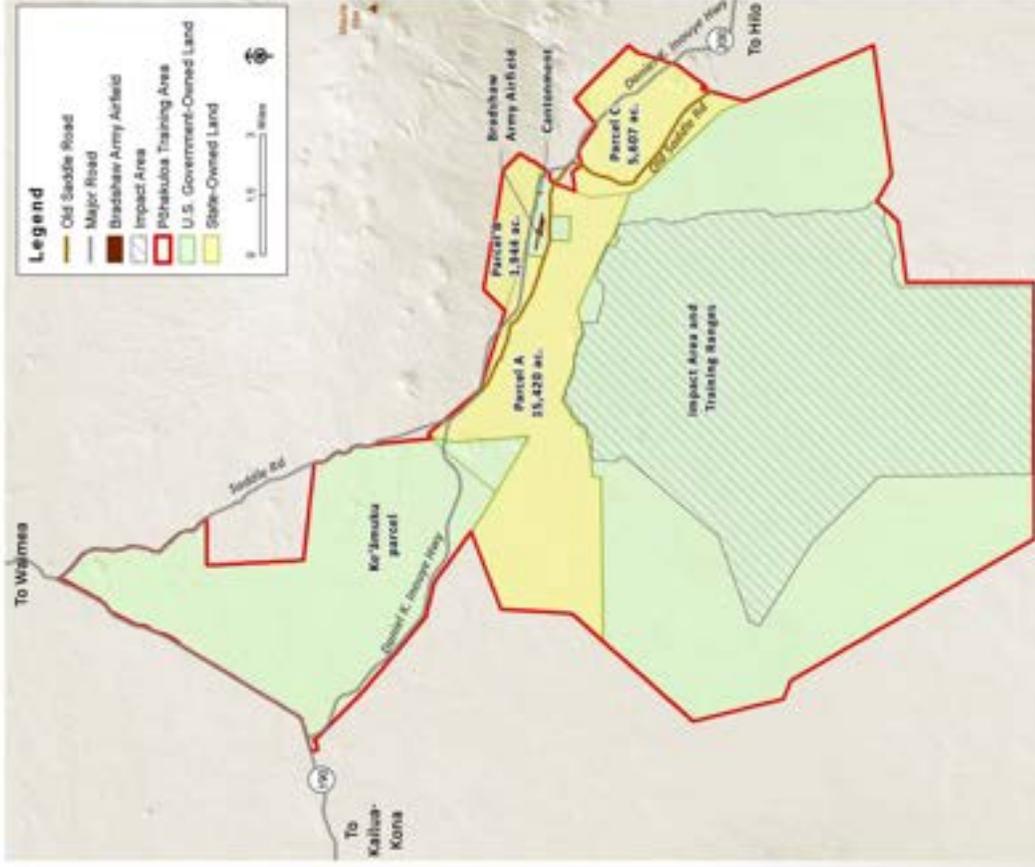
- To retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. Multiple land retention estates and methods could be used.
- To retain the State-owned land prior to the end of the lease to prevent interruption of essential military training.
- After arrangement for retention of the State-owned land, the Army would continue its ongoing activities (training; facility, utility, and infrastructure maintenance and repair activities; resource management actions; and associated activities), and it would continue to coordinate ongoing activities by other PTA users.
- The Proposed Action does not include construction, modernization, or changes in ongoing activities. Instead, it is a real estate action that would enable continued military use of the State-owned land.

Purpose of the Proposed Action

To enable U.S. Army Hawaii to continue to conduct military training on State-owned land within PTA to meet its ongoing training requirements.

Need for the Proposed Action

To enable access between major parcels of U.S. Government-owned land in PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of U.S. Army Hawaii-coordinated training.

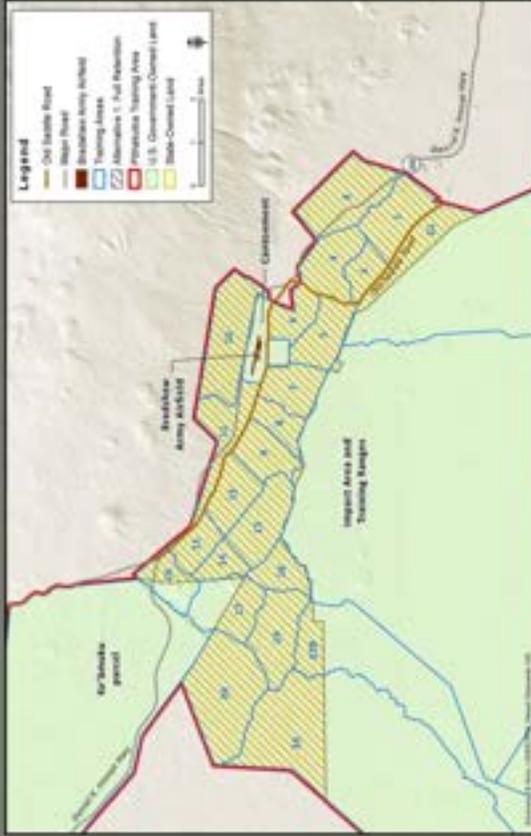


Scan to map this poster explained



Alternatives 1 and 2

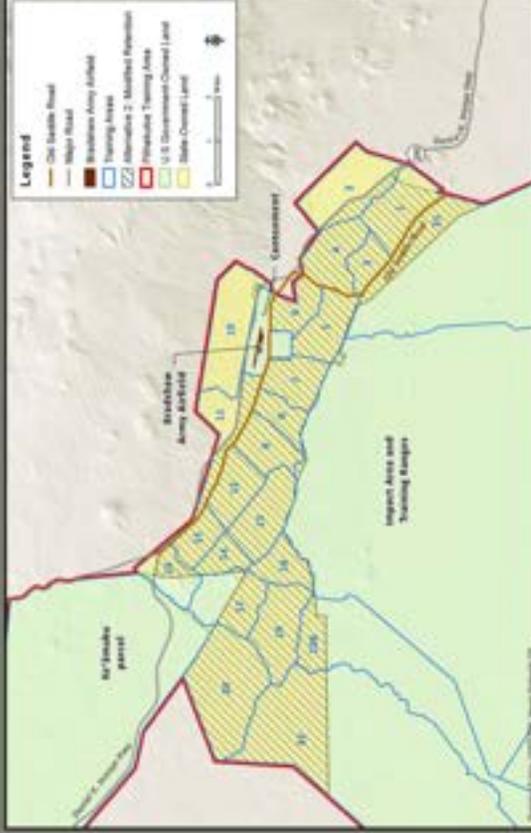
Alternative 1: Full Retention



Map Credit: G70

Under Alternative 1, all 23,000 acres of State-owned land would be retained. This alternative allows the Army to retain its substantial investment in facilities, utilities and infrastructure; continue military training and other ongoing activities without downtime; and conduct future modernization.

Alternative 2: Modified Retention



Map Credit: G70

Under Alternative 2, the Army would retain approximately 19,700 acres of the State-owned land at PTA. Additionally, the Army would retain all U.S. Government-owned utilities and associated access in the State-owned land.

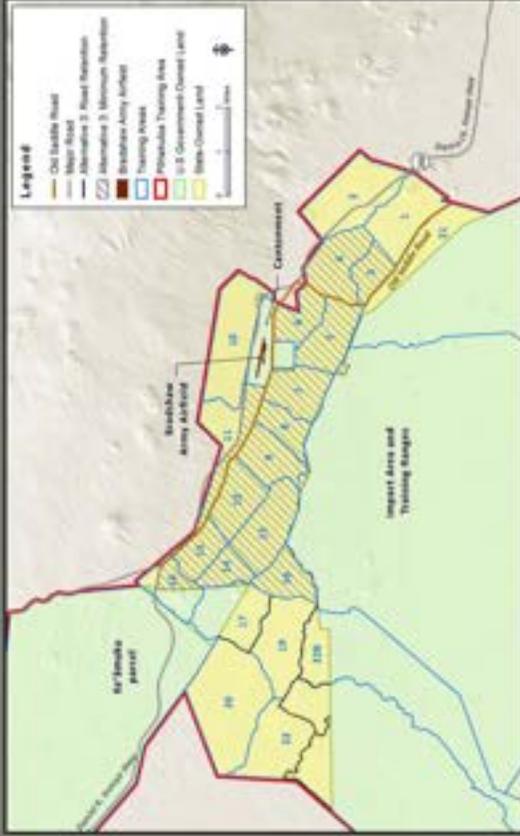


Scan to learn this
picture explained



Alternative 3 and No Action Alternative

Alternative 3: Minimum Retention and Access



Map Credit: G70

Under Alternative 3, the Army would retain approximately 10,100 acres and 11 miles of select roads and training trails. Additionally, the Army would retain all U.S. Government-owned utilities and associated access, firebreak/fuel breaks and associated access along most of the select roads and training trails proposed for retention, and land use rights to enable firing of indirect-fire weapons from U.S. Government-owned land at PTA northwest of the State-owned land into the impact area.

No Action Alternative



Photo Credit: G70

Under the No Action Alternative, the Army would not retain any of the State-owned land at PTA after lease expiration.



Scan to view the
project location



Draft EIS Summary of Impacts

Level of Impacts Key

Level of significance conveys the intensity of potential impacts and are classified as follows:

- No impact:** Impacts are not present.
- Less than significant:** Impacts that are negligible to moderate but would not reach the resource's threshold of significance.
- Significant:** Impacts to a resource would surpass a significance threshold; impacts would be obvious and easily noticed by an observer.
- Significant but mitigable:** Impacts would be significant but could be mitigated to less than significant.
- Beneficial impacts would improve the condition of a resource, whereas adverse impacts would cause a decline in the condition of a resource.**

Land Use



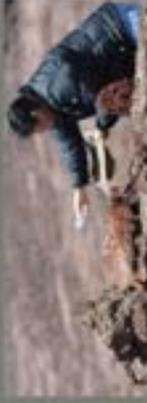
Continued adverse impacts to recreation from restricted public access. New beneficial impacts on land tenure and conformance with State land use policy. Impacts would be less than significant.

Biological Resources



Continued adverse impacts from ongoing activities. Impacts would be less than significant.

Cultural Resources



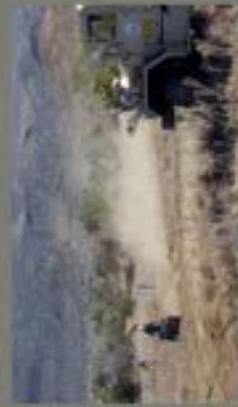
No impacts to architectural resources. Less than significant continued adverse impacts to archaeological sites due to ongoing activities. Significant but mitigable continued adverse impacts to traditional and customary practices from access limitations.

Hazardous and Toxic Materials and Wastes



Continued adverse impacts from ongoing activities. Impacts would be less than significant and would be minimized through management measures.

Air Quality and Greenhouse Gases



Continued adverse impacts on air quality and greenhouse gases from ongoing activities. Impacts would be less than significant.

Noise



Continued adverse noise impacts from ongoing activities. Impacts would be less than significant.

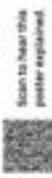
Geological & Soil Resources



Continued adverse impacts related to soil disturbances from ongoing activities. Impacts would be less than significant and would be minimized through established programs.

Note: Impacts shown are for Alternative 1. Beneficial impacts are anticipated for most resource areas due to decreased military activities on State-owned land under Alternatives 2 and 3, with the exception that increased adverse impacts are anticipated for Socioeconomics and Human Health and Safety.

Photo Credits: PTA. Map Credits: G70





Draft EIS Summary of Impacts

Water Resources



Continued adverse impacts on water resources from ongoing activities. Impacts would be less than significant.

Socioeconomics



Continued beneficial impacts from ongoing activities. Impacts would be less than significant.

Environmental Justice



For low-income and minority populations and native Hawaiians, there would be disproportionate adverse impacts related to land use, cultural resources, and transportation and traffic. These impacts would be minor or mitigated to less than significant and are not anticipated to harm human health or the environment. Impacts would be less than significant.

Transportation & Traffic



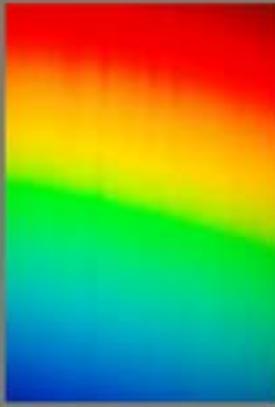
Continued adverse impacts from ongoing activities. Impacts would be less than significant.

Airspace



Continued adverse impacts on civilian air traffic due to the need to avoid military training in restricted airspace. Impacts would be less than significant.

Electromagnetic Spectrum



Continued adverse impacts on safety from continued use of electromagnetic spectrum equipment. Impacts would be less than significant.

Utilities



Continued adverse impacts on public and U.S. Government-owned utilities from ongoing activities. Impacts would be less than significant.

Human Health & Safety



Continued adverse impacts from ongoing activities and continued beneficial impacts from PTA providing emergency services beyond the installation and permitting non-DoD emergency services agencies to train within the State-owned land. Impacts would be less than significant.

Note: Impacts shown are for Alternative 1. Beneficial impacts are anticipated for most resource areas due to decreased military activities on State-owned land under Alternatives 2 and 3, with the exception that increased adverse impacts are anticipated for Socioeconomics and Human Health and Safety.

Photo Credits: PTA. Map Credits: G70



Scan to hear this
audio explained



Thank You



Fact Sheet

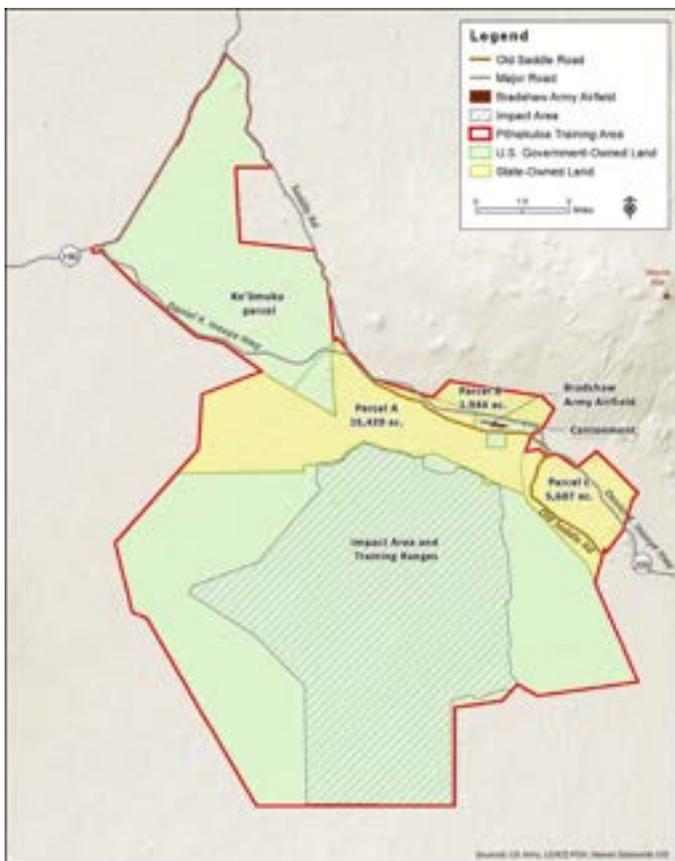


ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

ENVIRONMENTAL IMPACT STATEMENT

The Army prepared a Draft Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhākuloā Training Area (PTA) on the island of Hawai'i. The Proposed Action is to retain up to approximately 23,000 acres of State-owned land at PTA.

The Army prepared the Draft EIS under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The Draft EIS also complies with Hawai'i Revised Statutes Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1, collectively referred to as the Hawai'i Environmental Policy Act (HEPA). Both NEPA and HEPA require government agencies to fully consider the environmental impacts of a proposed major action and to take appropriate steps, where necessary, to mitigate potential adverse effects.



PROPOSED ACTION AND ALTERNATIVES

The Draft EIS evaluated the potential direct, indirect, and cumulative impacts of three reasonable alternatives that meet the purpose and need of the Proposed Action, which is to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training to meet ongoing training requirements. Alternatives analyzed in the EIS include: (1) Full Retention (of approximately 23,000 acres); (2) Modified Retention (of approximately 19,700 acres); and (3) Minimum Retention and Access (of approximately 10,100 acres and 11 miles of roads and training trails). The No Action Alternative (no retention of State-owned land after 2029) was also analyzed. Comments received on the Draft EIS will help shape updates and a preferred alternative for the Final EIS.

BACKGROUND

PTA consists of approximately 132,000 acres between the volcanic mountains of Mauna Loa, Mauna Kea, and Hualālai on the island of Hawai'i. United States Army Hawaii (USARHAW) conducts training at PTA to meet its federally mandated mission of readiness. Training offered at installations such as PTA supports the Army's fulfillment of its role in the Nation's defense. Users of PTA, including the Army, U.S. Marine Corps, U.S. Navy, U.S. Air Force, U.S. Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, State and County of Hawai'i first responders and firefighters, Hawai'i Civil Defense Agency, Hawai'i Emergency Management Agency, State Office of Homeland Security, Hawai'i Police Department, and others, rely on the installation to fulfill agency-specific mission and readiness requirements. PTA is the largest contiguous live-fire range and maneuver training area in Hawai'i and is considered a premier military training center in the Pacific region. It is the only training area in Hawai'i where USARHAW units can complete all mission essential tasks, and the only installation in Hawai'i that can accommodate larger than company-sized units (i.e., battalion and brigade) for live-fire and maneuver exercises.

The U.S. Government leases approximately 23,000 acres at PTA from the State. The 65-year lease expires on August 16, 2029. Over the past six decades, the State-owned land has been the keystone of PTA, supporting numerous training facilities and capabilities essential to USARHAW and other military services and local agencies. The State-owned land contains maneuver area and key training facilities, some of which are not available elsewhere in Hawai'i, and provides access between major parcels of U.S. Government-owned land at PTA. Loss of this land would substantially impact the ability of USARHAW and other service components and local agencies to meet their training requirements and mission of readiness.

FOR MORE INFORMATION OR ACCESSIBILITY REQUESTS

Please contact Michael Donnelly, External Communications

Email: michael.o.donnelly.civ@army.mil; Phone: (808) 656-3160



ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

NEPA/HEPA PUBLIC PARTICIPATION PROCESS

The first step in the NEPA/HEPA public notification process is to alert the public of the intention to prepare an EIS. On September 4, 2020, the Army published the Notice of Intent (NOI) in the Federal Register, which started the 40-day public scoping period. On September 8, 2020, the Army published an EIS Preparation Notice (EISPN) in the State Environmental Review Program's publication, The Environmental Notice. On September 23, 2020, the Army amended the NOI.

The second step in the public notification process is to prepare a Notice of Availability (NOA) for the Draft EIS. On April 8, 2022, the Army published the NOA in the Federal Register. The publication announced availability of the Draft EIS and the start of the public review and comment period. Additionally, the publication provided information on ways in which the public can review and comment on the Draft EIS. After written comments on the Draft EIS have been reviewed and considered, the Army will prepare a Final EIS.

The NEPA/HEPA process graphic (below) shows opportunities for public input in gold. The Public Scoping period ran from September 4, 2020 to October 14, 2020. The Draft EIS is available and is currently in the Draft EIS Public Review period, which began on April 8, 2022 and ends on June 7, 2022.

NEPA/HEPA PROCESS



DRAFT EIS PUBLIC REVIEW PROCESS

The intent of the Draft EIS Public Review process is to provide the public with information and the opportunity to review the Draft EIS and provide their comments in order to affect changes that may be implemented in the Final EIS. The Draft EIS describes alternatives for the Proposed Action and assesses impacts, which are subject to public review over a 45-day period. Among other things, input from the public can aid the Army in determining a preferred alternative that will be presented in the Final EIS.

The Army provided notification of the availability of the Draft EIS to Native Hawaiian organizations; Federal, State, and local agencies and officials; and other stakeholders. The Draft EIS and informational materials are available on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>. Furthermore, the public may also review the Draft EIS at the following local libraries:

1. Hawai'i State Library, Hawai'i Documents Center
2. Hilo Public Library
3. Kailua-Kona Public Library
4. Thelma Parker Memorial Public and School Library

The Draft EIS public review process began April 8, 2022, with publication of the NOA in the Federal Register. Federal, State, and local agencies; Native Hawaiian organizations; and the public are invited to participate in the Draft EIS public review process. The 60-day public comment period ends on June 7, 2022.

OPTIONS TO SUBMIT COMMENTS

The Draft EIS Public Comment period is April 8 – June 7, 2022.

- In-person: attend a public meeting
- EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- Email: atlr-pta-eis@g70.design
- Phone: (808) 470-8884 (April 25-26 only)
- Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

Note: All comments will be valued equally, regardless of how they are submitted. Personal contact information will not be published in the Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

DRAFT EIS PUBLIC MEETINGS

Public meetings will take place at the following locations on the following dates and times:

1. 'Imiloa Astronomy Center on April 25, 2022 from 6-8 PM HST
2. Waimea District Park on April 26, 2022 from 6-8 PM HST

The public will have the option to watch the Draft EIS Public Meetings in real time via a live stream that can be accessed on the EIS website at:

<https://home.army.mil/hawaii/index.php/PTAEIS>.



Scan with smartphone to be directed to the PTA EIS website.

Flyer



ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

ARMY SEEKS PUBLIC COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Army has prepared a Draft Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloā Training Area (PTA) on the island of Hawai'i. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA. Military training has taken place at PTA since it was established in 1956.

The Army prepared the Draft EIS under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS also complies with Hawai'i Revised Statutes Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1, collectively referred to as the Hawai'i Environmental Policy Act (HEPA). Both NEPA and HEPA require government agencies to fully consider the environmental impacts of a proposed major action and to take appropriate steps, where necessary, to mitigate potential adverse effects.

DRAFT EIS PUBLIC MEETINGS

Public meetings for the Draft EIS will provide information on alternatives that were analyzed, summarize potential impacts, and provide the public an opportunity to comment. The Draft EIS public comment period starts on April 8, 2022 and ends on June 7, 2022. Federal, state, and local agencies and officials; Native Hawaiian organizations; and the public are invited to participate in the Draft EIS public meetings and provide comments. The public meetings will be held at the following locations on the following dates and times:

1. 'Imiloa Astronomy Center on April 25, 2022 from 6-8 PM HST
2. Waimea District Park on April 26, 2022 from 6-8 PM HST

The public will have the option to watch the Draft EIS Public Meetings in real time via a live stream that can be accessed on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>

REVIEW PROJECT INFORMATION

The public may review the Draft EIS and meeting materials on the EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>. The Draft EIS also is available for review at the following libraries:

1. Hawai'i State Library, Hawai'i Documents Center
2. Hilo Public Library
3. Kailua-Kona Public Library
4. Thelma Parker Memorial Public and School Library

OPTIONS TO SUBMIT COMMENTS

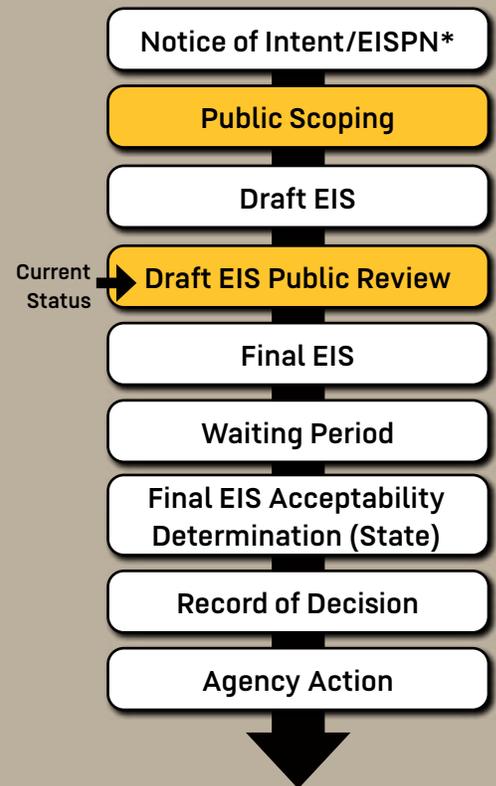
The Draft EIS Public Comment period is April 8 – June 7, 2022.

- ▶ In-person: attend a public meeting
- ▶ EIS website: <https://home.army.mil/hawaii/index.php/PTAEIS>
- ▶ Email: atlr-pta-eis@g70.design
- ▶ Phone: (808) 470-8884 (April 25-26 only)
- ▶ Mail: ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

Note: All comments will be valued equally, regardless of how they are submitted. Personal contact information will not be published in the Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

NEPA/HEPA PUBLIC PARTICIPATION PROCESS

The NEPA/HEPA process graphic (below) shows opportunities for public input in gold.



Notice of Intent/EISPN*

Public Scoping

Draft EIS

Current Status

Draft EIS Public Review

Final EIS

Waiting Period

Final EIS Acceptability Determination (State)

Record of Decision

Agency Action



Scan with smartphone to be directed to the PTA EIS website.

FOR MORE INFORMATION OR ACCESSIBILITY REQUESTS

Michael Donnelly,
External Communications
Email: michael.o.donnelly.civ@army.mil
Phone: (808) 656-3160

* Environmental Impact Statement Preparation Notice

Direct Mail Postcard



ARMY TRAINING LAND RETENTION AT PŌHAKULOĀ TRAINING AREA

Army seeks public comments on Draft Environmental Impact Statement (EIS)

The Army proposes to retain up to approximately 23,000 acres of State-owned land at Pōhakuoloa Training Area on the island of Hawai'i in support of continued military training. The Army has prepared a Draft EIS under the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA). Both NEPA and HEPA require government agencies to fully consider the environmental impacts of a proposed major action and to take appropriate steps, where necessary, to mitigate potential adverse effects. The Army is seeking public comments during the Draft EIS public comment period to provide information on the alternatives that were analyzed and potential impacts. The public comment period is from April 8 to June 7, 2022. Public meeting materials and other information about the Proposed Action are available on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>.

OPTIONS TO SUBMIT COMMENTS

Comment period is April 8 – June 7, 2022.

- In-person: attend a public meeting
- EIS Website: <https://home.army.mil/hawaii/index.php/PTAEIS>
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P.O. Box 3444
Honolulu, HI 96801-3444

Federal, state, and local agencies and officials; Native Hawaiian organizations; and the public are invited to provide comments and participate in the Draft EIS public meetings, which will be held at the following locations on the following dates and times:

1. 'Imiloa Astronomy Center on April 25, 2022 from 6-8 PM HST
2. Waimea District Park on April 26, 2022 from 6-8 PM HST

The public will have the option to watch the Draft EIS Public Meetings in real time via a live stream that can be accessed on the EIS website at: <https://home.army.mil/hawaii/index.php/PTAEIS>.

Note: All comments will be valued equally, regardless of how they are submitted. Personal contact information will not be published in the Final EIS. Personal contact information will be maintained for the project record and will not be released unless required by law.

For further information, or for accessibility requests, contact:

Mike Donnelly, External Communications

Email: michael.o.donnelly.civ@army.mil

Phone: (808) 656-3160



NEPA Program Manager
U.S. Army Garrison-Hawaii
Directorate of Public Works - Environmental
948 Santos Dumont Ave.
Building 105, 3rd Floor
Wheeler Army Airfield
Schofield Barracks, HI 96857-5013

EIS Comments and Responses

Scoping Comments and Responses

Federal Agencies

State of Hawai'i Agencies

County of Hawai'i Agencies

Elected Officials

Organizations

Individuals

Responses to Scoping Comments

Draft EIS Comments and Responses

Federal Agencies

State of Hawai'i Agencies

County of Hawai'i Agencies

Elected Officials

Organizations

Individuals

Petition Letter

Responses to Draft EIS Comments

Scoping Comments and Responses

Federal Agencies

State of Hawai'i Agencies

County of Hawai'i Agencies

Elected Officials

Organizations

Individuals

Responses to Scoping Comments

Federal Agencies

Federal Agencies

U.S. Department of the Interior,
National Park Service, National Natural
Landmarks Program US-1
U.S. Environmental Protection Agency, Pacific
Islands Office Region 9 US-4

From: NPS_Environ_Rev@nps.gov
Sent: Tuesday, October 20, 2020 3:34 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: Danette_Woo@nps.gov; lani_pettebone@nps.gov
Subject: [Non-DoD Source] NPS Comments, ER-20/0375: Land Retention at Poʻhakuloa Training Area (PTA), Hawaii

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Dear Sir/Madam,

Using the link(s) below, you can download NPS comments on ER-20/0375, the Land Retention at Poʻhakuloa Training Area (PTA), Hawaii.

If you have questions, please contact Danette Nolan at Danette_Woo@nps.gov.

ER-20_0375 NPS comments.doc: Caution-
<https://irma.nps.gov/ERTS/Download/394e48344467674d47702b633032725a33617461574163493974362b4155572b7242796c4e6d777a5756544b30775a497566395266413d3d>

U.S. Department of the Interior
National Park Service
National Natural Landmarks Program



Comments for ER Control Number: ER-20/0375

LJenkins@nps.gov

9/14/2020

The Pohakulua Training Area minimally overlaps with the Mauna Kea National Natural Landmark on the Island of HI.

U.S. Department of the Interior
National Park Service
National Natural Landmarks Program



Name: Mauna Kea

Location: Island of Hawaii

Description:

Mauna Kea, rising to an elevation of 13,784 feet above sea level, is the highest insular volcano in the world. Lake Waiau is located below the summit at an elevation of 13,020 feet above sea level making it the highest lake in the United States. A remarkable cluster of cinder and spatter cones fan outward and down slope from the summit. During the Pleistocene Epoch an ice cap covered Mauna Kea summit above the 11,200-foot level. Evidence of glaciations abounds on the set slopes in the form of glacial striae, boulders, polish and grooves. The boundary of the 83,900-acre landmark site is the striae as the boundary of the Mauna Kea Forest Reserve located 25 miles west-northwest of the city of Hilo.

Significance:

Few sites possess better credentials to justify their national significance than does Mauna Kea. First, it is the exposed portion of the highest insular mountain in the United States, standing more than 30,000 feet above its submerged base at the bottom of the Pacific. Second, on its summit slopes is found the highest lake in the United States. Thirdly, though located in the tropics, indisputable evidence of glaciations is present above the 11,000-foot level. Additionally, and possibly transcending all of these qualifications, is the fact that Mauna Kea is the most majestic expression of shield volcanism in the Hawaiian Archipelago, if not the world.

Ownership: Federal, State

Designation: November 1972

Evaluation: Robert H. Rose, National Park Service, 1972



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 8, 2020

Gregory Wahl
U.S. Army Garrison-Hawaii
P.O. Box 3444
Honolulu, Hawaii 96801-3444

Subject: Scoping comments for the Army Training Land Retention at Pohakuloa Training Area (PTA) in Hawai'i

Dear Gregory Wahl:

The U.S. Environmental Protection Agency has reviewed the Federal Register notice published on September 4, 2020 requesting comments on the Department of the Army's decision to prepare an Environmental Impact Statement for the subject project. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The Army proposes to retain up to approximately 23,000 acres of land currently leased to the Army by the state of Hawai'i at the Pohakuloa Training Area (PTA) on the island of Hawai'i. The EIS will be a joint NEPA-Hawai'i Environmental Policy Act (HEPA) document. According to the Hawai'i EIS preparation notice (EISPN), the Proposed Action is a real estate action that would enable continued military use of State-owned land and does not involve new training, construction, or resource management activities at PTA.

Because the NOI was published prior to the effective date for the updated CEQ NEPA regulations, we assume the Army will be following the former CEQ NEPA Regulations. If the Army chooses to apply the new regulations to the project per 40 CFR 1506.13, we recommend notifying the public and previous commenters of this change and indicating this in the Draft EIS and on the project website.

We have the following comments for your consideration in preparation of the DEIS:

Range contamination and off-range migration

Range contamination

For the affected environment, the NEPA document should clearly identify all contaminated areas onsite and in the immediate vicinity that have the potential to affect State-owned lands. Document the existing levels of contamination that resulted from military use since the ranges became operational and since the initial land retention, including the contamination left by military munitions and explosives of concern (unexploded ordnance and other hazardous munitions materials left behind from military live-fire training or testing, open burning and open detonation, and munitions treatment, destruction and burial activities). Describe any cleanup activities that have been done in the past or any cleanup that would be done prior to or during the proposed future retention period.

This discussion should include the extent of depleted uranium contamination at PTA and the status of any cleanup efforts. Disclose the locations of known depleted uranium munitions contamination on the ranges and the potential for release under continuing actions enabled by the federal decision. According to Figure 3 in a paper posted on the Army Garrison Hawaii's website,¹ the area of maximum DU impact appears to border State land. We recommend summarizing historical monitoring data and current monitoring requirements pursuant to the U.S. Nuclear Regulatory Commission source material license.

Off-range migration

Include a summary and discussion of the current or most recent Operational Range Assessment and a summary of other reports that address potential for off-range migration of munitions constituents. We recommend posting relevant documents and reports on the project website. Discuss off-range migration including via the air/dust pathway and stormwater runoff pathway and consider exposure pathways for both human and ecological receptors.

Alternatives Analysis

We appreciate the identification of two alternatives in addition to the proposed action in the Notice of Intent. Alternative 2 would retain approximately 20,000 acres of State-owned land and not retain approximately 3,000 acres which the Army indicates is rarely used for training. Alternative 3 would retain even less State-owned land but the amount and location are not presented and will be identified in the Draft EIS. According to the Hawai'i EISPN, most of the 3,000 acres not retained under Alternative 2 are federally designated critical habitat for Palila (*Loxioides bailleui*). This critically endangered bird species is found only on Mauna Kea and an important part of Hawaiian heritage. Since the Army has indicated that this land is rarely used for training, we recommend the Army consider this alternative as preferred, at a minimum. Depending on impacts to training and the feasibility of Alternative 3, once evaluated, the Army may want to consider Alternative 3 as preferred.

The NOI and EISPN also indicate that a variety of land retention methods are possible but the DEIS will evaluate title (full ownership) since it is assumed this method would result in the greatest impacts. The Army states it would indicate how impacts would be greater or reduced under other land retention methods. While negotiation cannot occur until after the EIS process, the Army could still incorporate different land retention methods into its range of alternatives to compare impacts of the different methods. Varying time periods for land retention could also be evaluated as alternatives. The NOI indicates that the current lease period is 65 years. Additionally, while the EISPN indicates the proposed action does not involve new resource management activities, an alternative that incorporates additional resource protections could be formulated, consistent with 40 CFR 1502.14 (e)² which suggests that agencies evaluate an alternative that includes mitigation measures not already included in the proposed action or alternatives. As a suggestion, this mitigated alternative could include additional protections for native plant species. For example, we are aware of the innovative vertebrate pest control experiments by the Oahu Army Natural Resource Program using a new fertility-control product for rodents that impact native species. This and/or other resource protections, such as additional ungulate fencing, could be incorporated into an alternative.

Air Quality

Hawaii is currently in attainment for all National Ambient Air Quality Standards. We recommend the DEIS identify sources of air emissions on the PTA, particularly dust generated from training activities

¹ https://home.army.mil/hawaii/application/files/8115/5961/1870/EstimatingPublicExposureToDU_2011.pdf

² Formerly 40 CFR 1502.14 (f)

such as vehicle use on gravel and dirt roads and emissions from ordnance use and explosives detonations. Address public concerns regarding DU-contaminated dust, identify whether impact areas and areas of routine disturbance have been tested recently for the presence of DU, and identify ongoing monitoring to address community concerns.

Cultural Resources and Consultation with Native Hawaiian Community

The DEIS should document compliance with the National Historic Preservation Act (NHPA). Identify the progress towards identifying archaeological sites in the impact areas and areas of ongoing disturbance. The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings. We note that the Advisory Council on Historic Preservation has a handbook for consultation with Native Hawaiian organizations in the Section 106 process³ that may be useful. We recommend the DEIS describe the process and progress of Section 106 consultation between the Army and any Native Hawaiian organizations that have shown an interest in the action, issues that were raised, and how those issues are being addressed in the development of the proposed action and alternatives.

We appreciate the opportunity to provide comments on the preparation of the DEIS. If you have any questions, please contact me at (415) 947-4178 or yitulano.karen@epa.gov.

Sincerely,

Karen Vitulano
Environmental Review Branch

cc: Russell Tsuji, Hawaii Department of Land and Natural Resources

³ <https://www.energy.gov/sites/prod/files/2016/02/f30/Native%20Hawaiian%20Consultation%20Handbook.pdf>

State of Hawai'i Agencies

State of Hawai'i Agencies

Department of Hawaiian Home Lands.....	HI-1
Department of Health, Hazard Evaluation and Emergency Response Office	HI-3
Department of Land and Natural Resources.....	HI-5
Department of Land and Natural Resources, Engineering Division.....	HI-7
Department of Land and Natural Resources, Commission on Water Resource Management.....	HI-9
Department of Land and Natural Resources, Land Division	HI-11
Department of Transportation	HI-12

DAVID Y. ICE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
1ST DEPUTY GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU HAWAII 96895

October 14, 2020

Ref.:PO-20-237

Mr. Gregory Wahl
U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command
948 Santos Dumont Ave., Building 105, 3rd Floor, Wheeler Army Airfield
Schofield Barracks, HI 96857-5013

Dear Mr. Wahl:

RE: Department of Hawaiian Home Lands (DHHL) Comments on the Environmental Impact Statement Preparation Notice for the Army Training Land Retention at Pōhakuloa Training Area; TMKs: (3) 4-4-015:008; (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

DHHL hereby submits the following comments regarding the Environmental Impact Statement Preparation Notice (EISPN) that was published in the OEQC Bulletin on September 8, 2020.

EISPN Section 3.3.1 History of Land Ownership

DHHL appreciates that the DLNR EISPN preparation notice letter dated August 27, 2020 acknowledges that TMK (3) 3-8-001:013 & (3) 3-8-001:022 (approx. 250 acres) are Hawaiian Home Lands. However, absent in the discussion of section 3.3.1 of the EISPN regarding the history of land ownership is the acknowledgement that these two parcels of land were set-aside as Hawaiian Home Lands via the Hawaiian Homes Commission Act, 1920 (HHCA), 42 Stat. 108 and are under the jurisdiction of the Hawaiian Homes Commission. Furthermore, this section did not acknowledge that the subsequent leasing of these two TMK parcels by the state Board of Land and Natural Resources (BLNR) to the Army without the consent of the Hawaiian Homes Commission was an unauthorized use of Hawaiian Home Lands.

To remedy the unauthorized use of Hawaiian Home Lands across the state, the Hawai'i State Legislature approved the Act 14 SpSLH 1995 (Act 14). Twenty-five years after the passage of the Act 14 Settlement, the state still has not completed land exchanges with DHHL for the unauthorized use of Hawaiian Home Lands. It should also be noted that a land exchange between DHHL and DLNR is now also subject to the approval of the U.S. Department of Interior (DOI) per 43 CFR Part 47. DHHL looks forward to working with DLNR and U.S. DOI to execute a land exchange agreement and complete this portion of the Act 14 Settlement.

Should a section on the history of land ownership be included in a Draft EIS, then the above discussion should be included in that section.

EISPN Section 3.4 Hazardous and Toxic Materials and Wastes

The EISPN acknowledges the presence of hazardous materials within the project area of PTA including the presence of uranium and other harmful substances. Hazardous materials like uranium may decompose over time into tiny sediment particles. As a neighboring land owner, DHHL is very concerned that the presence of hazardous materials within the project area when decomposed could easily be transmitted to neighboring lands via wind, rain run-off, or other methods. Water table testing and air quality testing should be conducted not just within the project area, but also on neighboring landowner properties as part of the studies undertaken during the EIS process in order to detect the potential spread of hazardous materials onto neighboring properties. Furthermore, the EIS should describe in detail the Army's plans to clean-up and contain hazardous materials within the project area.

EISPN Section 4 Relationship to Plans, Policies, and Controls

The EIS should also include a discussion of this proposed action with conformance to the DHHL Aina Mauna Legacy Plan and DHHL Hawaii Island Plan. We note that DHHL's plans were not included under the list of State of Hawai'i plans and policies.

Mahalo for the opportunity to comment. Should you or the Army have any questions please feel free to contact the DHHL Planning Office at dhhl.planning@hawaii.gov.

Sincerely,



William J. Ailā Jr., Chairman
Hawaiian Homes Commission

- C: Members of the Hawaiian Homes Commission (via email)
- Hawaii Island Homestead Associations (via email)
- Department of Land and Natural Resources (via email)
- U.S. Department of Interior Office of Native Hawaiian Relations (via email)



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
177012 SL

October 13, 2020

Mr. Michael Donnelly
PTA Public Affairs Officer
ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, Hawaii 96801-3444

Facility/Site: Pohakuloa Training Center

Subject: Comments on the Army Training Land Retention at Pōhakuloa Training Area Environmental Impact Statement Preparation Notice, Pōhakuloa Training Area, Island of Hawai'i, Hawai'i; dated August 2020

Dear Mr. Donnelly:

The Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office has reviewed the Environmental Impact Statement Preparation Notice (EISPN) referenced above and has the following comments:

1. It is our understanding that the Hawaii Supreme Court has affirmed that the State Department of Land and Natural Resources (DLNR) is required to ensure the Army is in compliance with terms of the lease agreement, including on-going clean-up of unexploded ordnance (UXO) and other environmental contaminants. Please provide information regarding the status of that judgement, oversight by DLNR, and the Army's compliance status in the EIS.
2. If the property is returned to the State, please include requirements for the clean-up of UXO, munitions Debris (MD), and other environmental contaminants at the site **prior to** the return of the property. The HEER Office oversees clean-up activities at DoD sites in Hawaii under a DoD-State Memorandum of Agreement (DSMOA) Cooperative Agreement. The HEER Office does not oversee clean-up at *active* ranges. However, at the former Pu'u Pa'a Training Area (formerly part of Pohakuloa) the HEER Office is currently overseeing the Army's clean-up (following the CERCLA process) of UXO and MD that were left behind when the property was returned to Parker Ranch. Apparently, no plan had been made to clean-up the leased land *before* it was returned to Parker Ranch almost 20 years ago. Clean-up while the Army still controls the property is preferable.

Mr. Michael Donnelly
October 13, 2020
Page 2 of 2

3. The HEER Office currently oversees the Army's long-term management of a landfill (Landfill 2) that appears to be located within the State leased land. Please include requirements for the Army to continue long-term management in compliance with CERCLA requirements, if the land is returned to the State.
4. The EISPN states that other Recognized Environmental Conditions (RECs) are present at the site that need to be assessed. Any releases that are identified during those investigations (i.e., contaminant concentrations greater than the Tier 1 Environmental Action Levels [EALs]) must be reported to the HEER Office following our Release Notification process (see <https://health.hawaii.gov/heer/how-to-report-a-release-spill/>).
5. The Army's website (<https://home.army.mil/hawaii/index.php/garrison/dpw/du>) states that "Any DU [Deleted Uranium] residue present is limited to impact areas well within the perimeter of operational ranges. These areas are not publicly accessible. Very few range and safety personnel access the impact areas of our operational ranges. Those people that work in these areas are trained to recognize potential hazards associated with military munitions." The EISPN is unclear, stating in Section 3.4 that CRECs on the State-owned land *include* DU spotting rounds; but also stating that "the rounds landed in the impact area, which is outside of the State-owned land." Bearing in mind that Munitions Constituents (MC) can impact firing points and range floors, as well as impact area(s), please include an assessment for DU on the State land as part of the EIS. Even if the land is not returned to the State, this assessment and any clean-up to address both chemical and radiological hazards associated with DU should be conducted to meet the requirements of the Supreme Court Order.

Should there be any questions, please do not hesitate to call me at 586-5815, or via e-mail at sven.lindstrom@doh.hawaii.gov.

Sincerely,



Sven Lindstrom
Site Discovery, Assessment, and Remediation
Hazard Evaluation and Emergency Response Office
Hawaii Department of Health

cc: Karen Vitulano (EPA Region 9, via e-mail)

From: Nakamura, Darlene K <darlene.k.nakamura@hawaii.gov>
Sent: Tuesday, October 13, 2020 1:55 PM
To: ATLR-PTA-EIS@g70.design; USARMY Wheeler AAF ID-Pacific Mailbox NEPA
Comments
Subject: [Non-DoD Source] Request for Comments - Army Training Land Retention (ATLR)
at Pohakuloa Training Area (PTA) - EISPN
Attachments: Pohakuloa Training Area.signed.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Attached are comments from the Hawaii Department of Land and Natural Resources to the above-entitled subject project.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 13, 2020

G70

Attention: Mr. Jeff Overton
111 South King Street, Suite 170
Honolulu, Hawaii 96813

via email: ATLR-PTA-EIS@g70.design

Dear Mr. Overton:

SUBJECT: EISPN for the Army Training Land Retention at **Pohakuloa Training Area** located at Hamakua and North Kona, Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; (3) 3-8-001:013; and (3) 3-8-001:022

Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division, (b) Commission on Water Resource Management, and (c) Land Division – Hawaii District on the subject matter. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: darlene.k.nakamura@hawaii.gov. Thank you.

Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Enclosures

cc: Central Files
U.S. Army Garrison-Hawaii (USAG-HI) (w/copies) (email: usarmy.hawaii.nepa@mail.mil)
U.S. Army Installation Management Command (w/copies) (same email as above)



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 11, 2020

MEMORANDUM

FROM:

~~TO:~~

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division** (DLNR.ENGR@hawaii.gov)
- Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
- Div. of State Parks (curt.a.cottrell@hawaii.gov)
- Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
- Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
- Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
- Historic Preservation (DLNR.Intake.SHPD@hawaii.gov)

TO:

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*
SUBJECT: EISPN for the Army Training Land Retention at **Pohakuloa Training Area**
LOCATION: Hamakua and North Kona, Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; (3) 3-8-001:013; and (3) 3-8-001:022
APPLICANT: U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **October 12, 2020**.

The EISPN can be found on-line at: <http://health.hawaii.gov/oegc/> (Click on The Environmental Notice in the middle of the page.)

If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Darlene Nakamura at darlene.k.nakamura@hawaii.gov. Thank you.

- () We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: *CS*
 Print Name: Carty S. Chang, Chief Engineer
 Division: Engineering Division
 Date: Oct 2, 2020

Attachments
cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji

Ref: EISPN for the Army Training Land Retention at Pohakuloa Training Area

Location: Hamakua and North Kona, Island of Hawaii

TMK(s): (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; (3) 3-8-001:013;
and (3) 3-8-001:022

Applicant: U.S. Army Garrison-Hawaii & U.S. Army Installation
Management Command

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: Oct 2, 2020



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

October 6, 2020

REF: RFD.5466.8

TO: Mr. Russell Tsuji, Administrator
Land Division

FROM: M. Kaleo Manuel, Deputy Director *Kaleo*
Commission on Water Resource Management

SUBJECT: EISPN for the Army Training Land Retention at Pohakuloa Training Area

FILE NO.: RFD.5466.8
TMK NO.: (3) 4-4-015.008; (3) 4-4-016.005; (3) 7-1-004.007; (3) 3-8-001.013; and (3) 3-8-001.022

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrn>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
- 6. We recommend the use of alternative water sources, wherever practicable.
- 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf.

- 9 There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- 10 The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- 11 A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- 12 A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 13 There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 14 Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 15 A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 16 A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 17 A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 18 The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

- OTHER: Planning - The existing and any new proposed water source(s) and existing and any increase in projected water demands for the project, both potable and non-potable, should be identified and the calculations used to estimate demands should be provided. A discussion of the potential impacts on water resources and other public trust uses of water should be included, and any proposed mitigation measures described. Water conservation and efficiency measures to be implemented should also be discussed.

If you have any questions, please contact Lenore Ohye of the Commission staff at 587-0216.

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE B. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 11, 2020

MEMORANDUM

TO: DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division (DLNR.ENGR@hawaii.gov)
- Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
- Div. of State Parks (curt.a.cottrell@hawaii.gov)
- Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
- Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
- Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
- Historic Preservation (DLNR.Intake.SHPD@hawaii.gov)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: EISPN for the Army Training Land Retention at Pohakuloa Training Area

LOCATION: Hamakua and North Kona, Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; (3) 3-8-001:013; and (3) 3-8-001:022

APPLICANT: U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit any comments by **October 12, 2020**.

The EISPN can be found on-line at: <http://health.hawaii.gov/oeqcl> (Click on The Environmental Notice in the middle of the page.)

If no response is received by the above date, we will assume your agency has no comments. Should you have any questions about this request, please contact Darlene Nakamura at darlene.k.nakamura@hawaii.gov. Thank you.

- () We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: 
 Print Name: GORDON C. HEIT
 Division: Land Division
 Date: 9/23/20

Attachments
cc: Central Files

From: Torres, Natasha P <Natasha.P.Torres@hawaii.gov>
Sent: Tuesday, October 13, 2020 12:00 PM
To: Case, Suzanne D; Tsuji, Russell Y; dlnr.Id@hawaii.gov
Cc: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments; ATLR-PTA-EIS@g70.design
Subject: [Non-DoD Source] STP 8.3048 ARMY TRAINING LAND RETENTION AT POHAKULOA TRAINING AREA (PTA)(20-088) (part 1) - signed
Attachments: STP 8.3048 ARMY TRAINING LAND RETENTION AT POHAKULOA TRAINING AREA (PTA)(20-088) (part 1) - signed.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Aloha,

Please see attached for your viewing and handling. No hard copy will be transmitted.

Kindly acknowledge receipt of this email.

Thank you,
Natasha Torres
Statewide Transportation Planning Office
Hawai'i Department of Transportation
Phone: (808) 831-7973 | Fax: (808) 831-7995



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
DIR 0842
STP 8.3048

October 12, 2020

TO: SUZANNE D. CASE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ATTN: RUSSELL TSUJI, LAND DIVISION ADMINISTRATOR
DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM: JADE T. BUTAY 
DIRECTOR OF TRANSPORTATION

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN)
ARMY TRAINING LAND RETENTION AT POHAKULOA TRAINING
AREA (PTA)
TAX MAP KEYS: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013
AND 022

The State of Hawaii, Department of Transportation (HDOT) has reviewed the subject EISPN and understands the U.S. Army is proposing to retain up to 23,000 acres of State-owned land in support of continued military training.

The EISPN indicates in Section 3.10 that the Army utilizes airports, harbors, and roadways for the transport of equipment, munitions, and supplies to and from PTA, and for deployment training which includes vehicle convoys to move personnel and equipment. It should be noted that the Hilo International Airport and Ellison Onizuka Kona International Airport are both under the jurisdiction of our Airports Division; Hilo Harbor and Kawaihae Harbor are both under our Harbors Division; and Saddle Road and Mamalahoa Highway are under the jurisdiction of our Highways Division.

HDOT's Airports and Highways Divisions have determined that the proposed action does not appear to have any adverse impact to their respective facilities and have no comments to provide at this time.

However, our Harbors Division requests that activities that involve both Hilo and Kawaihae Harbor be done in coordination with the Harbors Division, Hawaii District Office.

HDOT also understands that additional information and analysis of potential impacts to transportation facilities will be provided within the Draft Environmental Impact Statement (DEIS); therefore, HDOT reserves the right to provide additional comments once the DEIS is made available for review.

If there are any questions, please contact Mr. Blayne Nikaido of the Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

c: Gregory Wahl – U.S. Army Garrison-Hawaii
Jeff Overton – G70

County of Hawai'i Agencies

County of Hawai'i Agencies

Department of Water Supply..... CNTY-1

Planning Department..... CNTY-2



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

October 13, 2020

Mr. Jeff Overton
G70
111 South King Street, Suite 170
Honolulu, HI 96813

Dear Mr. Overton:

Subject: Environmental Impact Statement Preparation Notice for the Army Training Land Retention at Pohakuloa Training Area
Tax Map Key (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 and (3) 3-8-001:022

Thank you for allowing us the opportunity to comment on the subject Environmental Impact Statement Preparation Notice.

Please be informed that the Army has an existing standpipe facility in Waimea that is served by an existing 3-inch meter. The Department does not deliver water to the Catonment at Pohakuloa Training Area.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – U.S. Army Garrison-Hawai'i and U.S. Army Installation Management Command

From: Sullivan, Kevin <Kevin.Sullivan@hawaiicounty.gov>
Sent: Tuesday, October 13, 2020 4:30 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: michelel@g70.design; Wahl, Gregory T CIV USARMY USAG (USA);
dlnr.land@hawaii.gov; Yee, Michael; Morrison, Bethany;
oeqchawaii@doh.hawaii.gov; Mori, Ashley; Borce, Loreto V Jr LTC USARMY
IMCOM PACIFIC (USA); Donnelly, Michael O'Malley CIV USARMY IMCOM PACIFIC
(USA); ATLR-PTA-EIS@g70.design
Subject: [Non-DoD Source] Fw: PTA Environmental Impact Statement (EIS), Notice of
Intent (NOI) update (UNCLASSIFIED)
Attachments: EIS-POHAKULOA TRAINING AREA.PDF

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Aloha All,
Please accept the attached input(7pages) to the below EIS scoping period.
Mahalo!

Kevin Sullivan, AICP
Planner IV Long Range Division,
County of Hawaii Planning Department
808-961-8135

From: Yee, Michael
Sent: Sunday, September 6, 2020 8:48 AM
To: Mori, Ashley
Cc: Morrison, Bethany
Subject: FW: PTA Environmental Impact Statement (EIS), Notice of Intent (NOI) update (UNCLASSIFIED)

Please intake to Bethany.

From: Borce, Loreto V Jr LTC USARMY IMCOM PACIFIC (USA) <loreto.v.borce.mil@mail.mil>
Sent: Thursday, September 03, 2020 7:34 PM
Subject: PTA Environmental Impact Statement (EIS), Notice of Intent (NOI) update (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Please convert to HTML-

Aloha Kakou,

I hope all is well with you and your 'ohana especially as we all continue to adjust to this new normalcy. As the PTA team and I continue to better understand and react to the impacts of COVID-19, **THE HEALTH, SAFETY AND WELL-BEING** of the PTA employees and the local communities remain my **TOP** priority. There has been a steep learning curve at PTA, as the team and I continue to keep everyone safe while continuing to provide training support to rotational training units. That said, please do not hesitate to reach out to me or the PTA team if we can be of assistance and/or would like us to share some of our COVID-19 lessons learned.

I am writing today to inform you that the Environmental Impact Statement or EIS for the retention of Leased Land at Pohakuloa Training Area (PTA) officially begins tomorrow, 04 SEP 2020. The Army will publicly announce its intent to prepare an Environmental Impact Statement (EIS) on the proposed retention of up to approximately 23,000 acres of land at PTA currently leased from the State of Hawaii. This Notice of Intent is published in the Federal Register and will kick off a 40-day public comment period, running 04 SEP 2020 through 14 OCT 2020.

Typically an in-person public meeting is held during the scoping period which is scheduled on 23 SEP 2020. Due to the COVID-19 situation and my priority in keeping the local community safe, we will host a virtual public scoping on 23 SEP 2020. Participants will be able to view recorded online presentations and can utilize a call-in number to submit oral comments from 1600-2100. The four methods of providing input and feedback are as follows:

1. e-mail usarmy.hawaii.nepa@mail.mil < Caution-mailto:usarmy.hawaii.nepa@mail.mil > from 4 Sept. to 14 Oct
2. US Mail (ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444) from 4 Sept. to 14 Oct
3. Website (Caution-<https://home.army.mil/hawaii/index.php/PTAEIS> < Caution-<https://home.army.mil/hawaii/index.php/PTAEIS> >) (23 Sept is the comment block)
4. Telephone (808) 300-0220 on 23 Sept

Lastly, the public affairs channel will provide more information in order to keep everyone updated and encourage participation. If you have any questions, please e-mail Mike Donnelly, the PAO for PTA atmichael.o.donnelly.civ@mail.mil < Caution-mailto:michael.o.donnelly.civ@mail.mil >

Mahalo nui loa,
JR

v/r,

LORETO V. BORCE, JR
LTC, FA
Garrison Commander
USAG-Pohakuloa Training Area, HI
Office: (808) 969-2407
Work Cell: (808) 228-6598
NIPR: loreto.v.borce.mil@mail.mil < Caution-mailto:loreto.v.borce.mil@mail.mil >
SIPR: loreto.v.borce.mil@mail.smil.mil < Caution-mailto:loreto.v.borce.mil@mail.smil.mil >

Pohakuloa Training Area Facebook:

Caution-<https://www.facebook.com/PohakuloaTrainingArea/> < Caution-
<https://www.facebook.com/PohakuloaTrainingArea/> >

"GOD, grant me the serenity to accept the things I cannot change, courage to change the things I can,
and the wisdom to know the difference."

CLASSIFICATION: UNCLASSIFIED

Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i PLANNING DEPARTMENT

Michael Yee
Director

April Surprenant
Acting Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

10/12/2020

U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
Lt. Col. Loreto V. Borce, Jr.
Garrison Commander
USAG-Pohakuloa Training Area, HI

Dear Commander Borce,

Subject: Environmental Impact Statement Preparation Notice for the Army Training Land Retention at Pohakuloa Training Area
Applicant: U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
Project: Army Training Land Retention at Pohakuloa Training Area
TMKs: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022, County & State of Hawai'i

Thank you for including us in your scoping efforts. We understand the United States Army has initiated the EIS process under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS has also been initiated under Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1 (HEPA).

The Hawai'i County Planning Department hereby provides 'comment' toward scoping of the above action (EIS); pursuant to the 40-day public scoping period and in accordance with the applicant's intent to prepare a single EIS, (NEPA/HEPA) as allowed under HAR § 11-200.1-31. Statute requires cooperation with federal agencies "to the fullest extent possible."¹ The Planning Department, is not only central coordinating agency² for the County, but the agency responsible for managing Hawai'i County's General Plan (GP), including capital improvements and subsequent Community-level Development Plans (CDP), which focus on community engagement.

We understand public involvement³ is a requisite element of the scoping process⁴; with "coordination at each phase or milestone (more frequently if needed) of the project", including, "two-way communication channels...dynamic in nature, and ... updated regularly to reflect the needs of the local

¹ HRS 343-5(h), HAR 11-200-25(2).

² HRS §46-18; HCC Chapter 2, Article 12

³ 32 CFR § 651.47 Public Involvement & Appendix D to Part 651 - Public Participation Plan

⁴ 40 CFR § 1501.7(a)(1) Scoping

U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
Lt. Col. Loreto V. Borce, Jr.
Garrison Commander
USAG-Pohakuloa Training Area, HI
October 9, 2020
Page 2

community”⁵. The challenge with a joint NEPA/HEPA document is often the coordination of the public review and comment period and the additional time needed for early consultation; oftentimes, “identifying and applying other processes and procedures to accomplish the appropriate level of public involvement”⁶ can be an additional challenge. We note that the NOI was initiated 4 days in advance of the EISPN⁷.

I am transmitting for your scoping efforts, “Planning Department Recommendations for Community Stakeholder Consultation”; including a recommended stakeholder consultation list. ([Attachment 1](#)). While we understand the transactional nature of the Army’s current action, continued use(s) of land has unique circumstances and long-term impacts determining any area(s) of potential effects. U.S. Military activity in Hawai’i certainly has environmental significance; we submit that the proposed action may have concerns at least as broad as the island of Hawai’i.

One of the specific considerations under HEPA is the effects of a proposed action on the cultural practices of the community, (HRS 343-2). We request the action be presented for input to the County’s Cultural Resource Commission no later than the DEIS and that they receive the recordings of oral comments from public scoping meeting(s). You may coordinate through our Planning Division; please contact: Alex Roy (alex.roy@hawaiicounty.gov) with copies to myself.

In closing, we understand at this time, the proposed action(s) do not anticipate to result in realignment⁸ or annexation of any territory. We look forward to reviewing a NEPA cost-benefit analysis⁹ and we request close involvement in assessing any potential compatibility solutions; including but not limited to those administered under The Office of Economic Adjustment’s (OEA) programs of assistance or any additional capacity under sway of U.S. Pacific Command (PACOM).

Finally, while the Planning Department is the central coordinating agency for the County of Hawai’i, we recommend contacting each County Dept. for input. Unlike under NEPA, there is no review period under HEPA and consequently no option for a public comment period on a Final EIS. Rather, HEPA requires acceptance or nonacceptance of a Final EIS for an applicant action within 30 days (which may be extended up to 45 days at an applicant’s request)¹⁰. Acceptance must occur before a proposed action may be implemented or approved.

If you have any question regarding this letter, please feel free to contact me at (808) 961-8125 or via email at michael.yee@hawaiicounty.gov

Sincerely,



MICHAEL YEE
Planning Director

⁵ 32 CFR § 651.47(a)(3) - Public involvement.

⁶ 32 CFR § 651.47(e)(4) - Public involvement

⁷ See: 40 CFR § 1501.7 - Scoping. 32 CFR § 651.53 - Modifications of the scoping process. 40 CFR § 1507.3(e) - Agency procedures.

⁸ 10 U.S. Code § 2687(g)(3)

⁹ 40 CFR § 1502.23

¹⁰ HRS 343-5(e); HAR 11-200.1-28

U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
Lt. Col. Loreto V. Borce, Jr.
Garrison Commander
USAG-Pohakuloa Training Area, HI
October 9, 2020
Page 3

Cc:

Approving Agency/Accepting Authority:

Suzanne Case, DLNR

Russell Tsuji, Chairman, BLNR, State of Hawai'i: DLNR, Land Division, (808) 587-0419,
dlnr.land@Hawai'i.gov | 151 Punchbowl St., Room 220, Honolulu, HI 96813

Applicant cc: U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command

Gregory Wahl, (808) 656-3093, Gregory.t.wahl.civ@mail.mil

U.S. Army Garrison Hawai'i Directorate of Public Works – Environmental

948 Santos Dumont Ave., Building 105, 3rd Floor, Wheeler Army Airfield, Schofield Barracks, HI
96857-5013

Consultant: Jeff Overton, G70; 111 S. King Street, Suite 170, Honolulu, HI 96813

(808) 523-5866, ATLR-PTA-EIS@g70.design

Other: HI-DOH-Office of Environmental Quality Control (OEQC)

235 South Beretania Street, Suite 702, Honolulu, Hawai'i 96813

(808) 586-4185, oeqcHawai'i@doh.Hawai'i.gov

Planning Department Recommendations for Community Stakeholder Consultation.

The recommended stakeholder consultation list provided in this section is based on the Planning Department's role as the agency managing Hawai'i County's General Plan (GP) and subsequent Community Development Plans (CDP). The Department under Title 32 CFR 651.47 Subpart (G) and HAR 11-200.1-23 Subpart (B) and (C) deems it appropriate that we recommend the preparers of the EIS consult and/ or request comments from these organization as part of its community scoping phase.

Management of CDPs mandates community engagement via the Action Committee but frequently requires broader community outreach. Planning Staff (Long-Range Land Use Division) periodically has to consider relevant community-based organizations who have a stake in land use issues. In January 2018, the Long-Range Division compiled a list of these community organizations across the island of Hawai'i grouped by CDP region. While the original 2018 list was not completely exhaustive we filtered that list to retain organizations whose missions best correlated with one or more of the following impacts identified in the PTA EIS Preparation Notification: Air Quality, Biological Resources, Cultural and Historic Resources, Economic Development, Hazardous Waste, Noise Pollution, Transportation and Waste Disposal.

The Department finds that this recommended list of Island-wide stakeholders is relevant as the Pohakuloa Plain / portion of Ka'ohē, Hāmākua that is situated between the summits of Mauna Kea, Mauna Loa, and Hualālai is a crossroads of the entire island. This is evidenced both in current and ancient times, the former by the current Daniel K. Inouye (DKI) Highway and the later evidenced by ancient trails. As local road networks eventually connect to DKI Highway, Historic and State Registered Map research proves that district level trails connected to major hinterland trails that passed through the Pohakuloa Plain (Figures 1 & 2).

Therefore, given the spatial centrality of Pohakuloa and its modern and cultural/ historic connections to the whole of Hawai'i Island we feel that this island wide recommended consultation list is pertinent and so encourage the U.S. Army and its consultant to engage with these stakeholders to inform the scope of the forthcoming EIS.

Recommended Stakeholder Consultation List

Organization Name	Website
Agroforestry	https://www.agroforestry.org/
Ala Kahakai Trail Association	http://www.alakahakaitrail.org/
Conservation Council for Hawai'i	https://www.conservehawaii.org/
Conservation International Hawai'i	https://www.conservation.org/places/hawaii
Friends of the Hakalau Forest National Wildlife Refuge	http://www.friendsofhakalauforest.org/

Hawai'i County Economic Council	http://hceoc.net/
Hawai'i Forest Industry Association	http://www.hawaiiforest.org/
Hawai'i Pacific Bird Habitat Joint Venture	http://www.pacificbirds.org/about-pacific-birds/where-we-work/hawaii/
Hawai'i Wetland Joint Venture	http://wildhawaii.org/
Hawai'i Wildlife Fund	http://www.hawaiiwildlifecenter.org/
Hawai'i Wildlife Center	https://www.hilt.org/
Hawaiian Islands Land Trust	http://www.kahea.org/
KAHEA: The Hawaiian-Environmental Alliance	http://kona-kohala.com/
Kona-Kohala Chamber of Commerce	http://kuahawaii.org/about/
KUA (Kua'āina Ulu 'Auamo)	http://oahurcd.org/
O'ahu Resource Conservation & Development Council	https://pathhawaii.org/
People's Advocacy for Trails Hawai'i	https://sierraclubhawaii.org/
Sierra Club, Hawai'i Chapter	https://www.nature.org/en-us/about-us/where-we-work/united-states/hawaii/
The Nature Conservancy	https://www.outdoorcircle.org/
The Outdoor Circle	https://www.tpl.org/our-work/hawaii
The Trust for Public Land, Hawaiian Islands Program	http://geography.manoa.hawaii.edu/
University of Hawai'i Department of Geography	http://manoa.hawaii.edu/durp/
University of Hawai'i Department of Urban and Regional Planning	http://www.hawaiiforestinstitute.org/
Hawai'i Forest Institute	http://www.hawaiiwildfire.org/
Hawai'i Wildfire Management Organization	http://sustainablebioresources.com/native-plants/about-hoomalu-kau/
Ho'omaluu Ka'u	http://kohalacenter.org/
Kohala Center	http://kohalacenter.org/kwp
South Kohala Watershed Partnership	https://dlnr.hawaii.gov/swcd/
Mauna Kea Soil and Water Conservation District	https://www.waikoloa.org/page/29336~674063/South-Kohala-Traffic-Safety-Committee
South Kohala Traffic Safety Committee	https://waikoloadryforest.org/
Waikoloa Dry Forest Initiative	https://www.agroforestry.org/

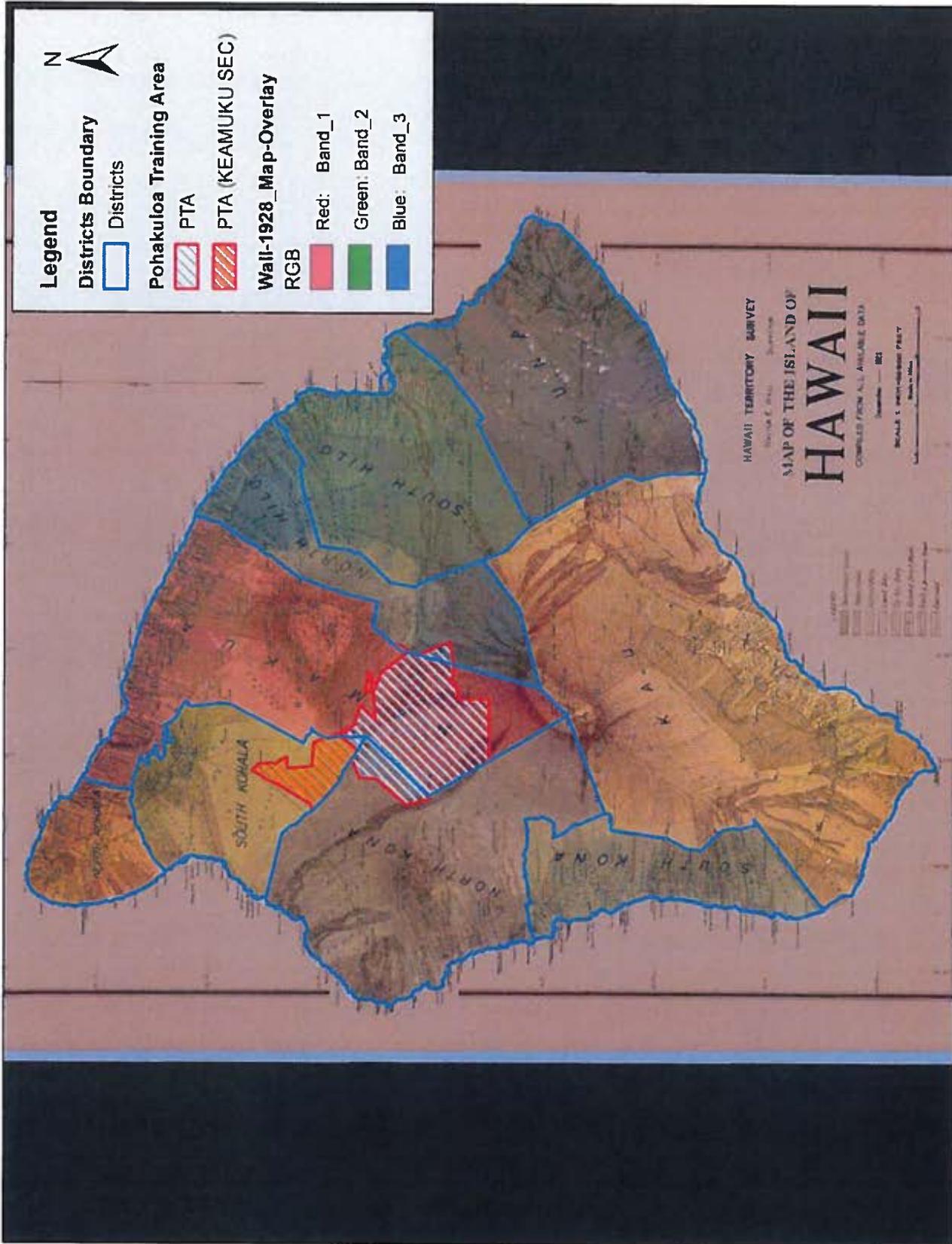


Figure 1 - Historic Map Overlay: 1928 Walter E. Wall, Map of the Island of Hawai'i. Territory of Hawai'i. Hawai'i State Registered Maps: 1891 W.D. Alexander, Central Hawai'i. Hawaiian Government Survey. State Registered Map #1718 WIDE. 1927 Thos J.K. Evens, Government Lands of Hulanai, Kaunaloa, and Ki, Puna Hawai'i. State Registered Map #2863. 1922 Walter E. Wall, Addition to Upper Waiakea Forest Reserve, Waiakea, South Hilo, Hawai'i. Territory of Hawai'i. State Registered Map #2765. Part of Waiakea - Hilo, Hawai'i. State Registered Map #0672.

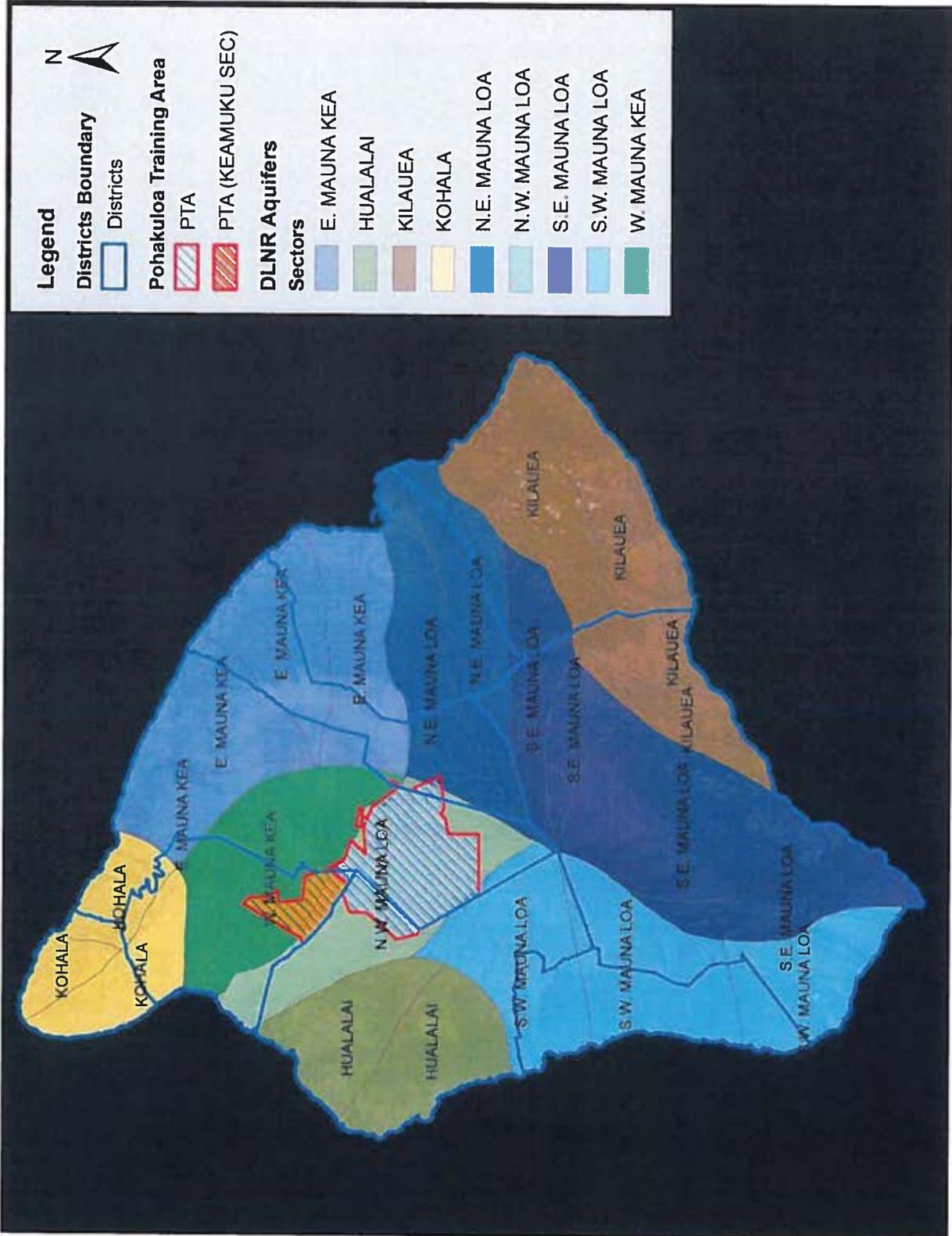


Figure 2 – DLNR Aquifer Data – https://files.hawaii.gov/dbedt/op/gis/data/aquifers_dlnr.pdf
 Pohakuloa from State Reserves Data – https://files.hawaii.gov/dbedt/op/gis/data/reserves_summary.pdf

Elected Officials

Elected Officials

Council Member Herbert M. "Tim" Richards III,
District 9 EO-1

County of Hawai'i
Council District 9 -
North and South Kohala



Phone: (808) 961-8564
(808) 887-2069

Email: tim.richards@hawaiiicounty.gov

Chair: Committee on Agriculture,
Water, Energy, and Environmental
Management

Vice Chair: Committee on Finance

HERBERT M. "TIM" RICHARDS, III
HAWAI'I COUNTY COUNCIL
District 9

25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

October 13, 2020

ATLR PTA EIS Comments
Via online testimony submission to
<https://home.army.mil/hawaii/index.php/PTAEIS>

RE: Army Training Land Retention at Pōhakuloa Training Area
Notice of Intent for Environmental Impact Statement

To whom it may concern:

As a Hawai'i County Council Member and the sitting Vice Chair on the Committee of Finance, and the Chair on the Committee on Agriculture, Water, Energy, and Environmental Management for the County of Hawai'i, and as a life-time rancher on Hawai'i Island, I understand the nexus of the key components of the U.S. Army Pōhakuloa Training Area (PTA) as a whole and how it benefits our island state. However, many do not.

I appreciate the opportunity to comment during the public scoping period as it is a very important step when working towards a successful Environmental Impact Statement (EIS), especially more so during a time of cultural impasse that our island and state has seen of late. That said, I would like to suggest the following be taken into consideration for elaboration during the EIS:

1. Analyze the cultural effects of the proposed retention of 23,000 acres of State-owned land at PTA. This should be practical through a Cultural Impact Assessment (CIA) with consultation with Native Hawaiian organizations, practitioners, and other stakeholders on the identification of historic or existing traditional practices and/or beliefs that may be impacted by the proposed retention of land.
2. Provide a detailed economic impact report (EIP) of PTA and its bearing upon the greater community and state. During these unprecedented times, it would deem much more receptive by the island community to understand the benefits of having PTA on island and providing with the opportunity to expand its land mass.

Again, I appreciate the opportunity to submit suggestions during this public scoping process.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert M. Richards, III".

HERBERT M. "TIM" RICHARDS, III
Hawai'i County Council, District 9

Organizations

Organizations

Associated Universities Inc.	O-1
Environmental Caucus of the Democratic Party of Hawai'i	O-3
Et Al. Native Tenants Hawai'i Kingdom.....	O-11
Girl Scouts of Hawai'i	O-22
Hawai'i Island Chamber of Commerce.....	O-24
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Temple of Lono	O-86
University of Hawai'i, Institute of Astronomy.....	O-207

From: Adam Cohen <acohen@au.edu>
Sent: Saturday, September 26, 2020 9:16 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: tbeasley
Subject: [Non-DoD Source] Letter of Support for PTA Lease Retention
Attachments: AUI_PTA-EIS_Letter of Support.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Dear Sir/Madam,

Attached, please find a letter from Associated Universities Inc. (AUI) in support of the lease retention for the United States Army Hawai'i Pōhakuloa Training Area.

If you have any questions, please let me know.

Sincerely,
Adam

Adam Cohen, PhD
President and CEO
AUI
1400 16th Street, NW, Suite 730
Washington, DC 20036
Caution-www.aui.edu < Caution-<http://www.aui.edu> >
acohen@au.edu (202) 462-1676 (o) +1 (609) 477-6673 (c)



1400 16th Street, NW Suite 730
Washington, DC 20036

9/26/2020

ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444
usarmy.hawaii.nepa@mail.mil

Dear Sir/Madam,

Thank you for the opportunity to comment on the lease retention for the United States Army Hawaii (USARHAW) Pōhakuloa Training Area (PTA). Associated Universities Inc. (AUI) supports the PTA proposal to retain approximately 23,000 acres of State-owned land at the PTA for the continued use of important infrastructure and support services for the region. Under the proposal, the State land would remain under the Army oversight through the planned expiration of the current lease. Following approval of the retention of the State-owned land, Army would continue to conduct current levels and types of training, ensure the facility, utility and infrastructure maintenance and repair activities, and importantly, ensure the ongoing natural and cultural resources stewardship of the land. The Army also would continue to permit and coordinate training and other activities by other PTA users.

We value the large investment that State is making in this critical piece of support infrastructure for the state of Hawai'i. As such, AUI is in favor of the lease renewal proposal as the best and most viable option to deliver an ongoing land management while offering the means to support the complex needs of the AUI efforts with the Mauna Kea Observatories (MKO). The MKO facilities are located in a special land use zone known as the "Astronomy Precinct", which is located within Mauna Kea Science Reserve. The Astronomy Precinct was established in 1967 and is located on land protected by the Historical Preservation Act for its significance to Hawaiian culture.

This letter of support summarizes the key items that will protect and improve the quality of life, and safety and health of the important natural and scientific resources in the area. AUI regards this as an opportunity for a future collaboration to enhance the following:

- The PTA would provide essential fire and medical first responder support for the MKOs. This availability significantly reduces response times and protects valuable scientific instruments and personnel.
- The PTA would support efforts to supplement Mauna Kea resource management.
- The PTA would support the MKO's "dark sky" initiatives to protect the night sky, as well as wildlife and sensitive ecosystems. This is particularly important given their close proximity to the summit.

AUI believes that the retention of the PTA lease will ensure continuity of the physical, visual and safety controls for the Mauna Kea that would deteriorate should the retention option not be selected. We also encourage collaboration to assure the important synergies discussed above are realized.

Sincerely,

Dr. Adam Cohen,
AUI President/CEO.



Environmental Caucus of The Democratic Party of Hawai'i

via EIS website: <https://home.army.mil/hawaii/index.php/ptaeis/public-involvementand>

Email: ATLR-PTA-EIS@g70.design

Wednesday, October 14, 2020

U.S. Army Garrison-Hawai'i
U.S. Army Installation Management Command

Mr. Jeff Overton, Agent
Agent: G70
111 S. King Street, Suite 170
Honolulu, Hawaii 96813

Scoping Comments for the Draft Environmental Impact Statement for the Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i

Aloha, U.S. Army Garrison-Hawai'i and U.S. Army Installation Management Command:

Thank you for the opportunity for the Environmental Caucus of the Democratic Party of Hawai'i ("DPH") to provide comments relating to the Draft Environmental Impact Statement ("EIS") for the Army Training Land Retention ("ATLR") at Pōhakuloa Training Area ("PTA"), Island of Hawai'i, State of Hawai'i, pursuant to the EIS Preparation Notice, dated August, 2020.

The Democratic Party of Hawai'i has an enrolled membership of 116,066 active and associate members in the State of Hawai'i. The Environmental Caucus of the Democratic Party is a semi-autonomous organization of over 5,000 DPH members. We advocate to advance the Party's environmental Platform planks and Resolutions, including those adopted by DPH members at the Democratic State Convention in 2018 that are quoted below.

Fundamentally, we object to the renewal of the lease of 22,971 acres of stolen, ceded State lands (Hawaii Revised Statutes ("HRS") §343-5(a)(1)) in a Conservation District (HRS §343-5(a)(2)) and county Forest Reserve that was entered into between the Army and the State of Hawaii in 1964 in consideration of \$1.00 for a 65-year lease to expire in 2029. For multiple reasons summarized here, we object to the continuation of the lease and the continued failure of the Army to adequately clean up the site. We reluctantly use the draft EIS process as an inadequate means of redress to express our concerns, as permitted under the National Environmental Policy Act ("NEPA").

The reasons for this opposition are simple: the U.S. Military has historically and systematically

abused and degraded the environment and has not been not been environmentally sound in its clean-up and restoration. There are more than 40,000 hazardous sites across the country polluted by U.S. military operations, affecting a total amount of land larger than the entire state of Florida. Many of these sites have extensive groundwater and soil pollution, or present a risk of exploding bombs and munitions, even if they are open to the public. Some have been converted to parks and wildlife reserves and even housing developments. Many sites were part of old defense facilities that have long since shut down, and may not be known locally, even though a risk of exposure to contaminants may still be present. Even sites where the DOD says it has already completed its response can present an ongoing threat or risk to the public. While the data pinpoint a precise location, contamination from that location may well affect a much larger area, including public and private lands and the water supplies beneath them. You may want to investigate environmental concerns in an area surrounding a defense site for connections to the pollution there. <https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard>

There are 25 hazardous sites at the PTA. Many of these sites have been declared “clean” by the DOD but are still not safe for use by people. This military installation is safe only with the following conditions in place: fences, signs, local use ordinances, prohibit or otherwise manage excavation, prohibit residential use, landfill restriction, prohibit activities that would impact the landfill cap (or cover system), and drainage system, landfill restriction - prohibit excavation on landfill cap or cover system, landfill restriction - restrict access to the site.

Currently, the PTA has one HIGH RISK active site where cleanup remains ongoing. The Pu‘u Pa‘a site is of high risk and is subject to the removal of unexploded munitions and ordnance at an estimated cost of \$90 million plus expected future cost of cleanup and an expected final cleanup action to occur in November 2045. The high risk assessment is made by the DOD which prioritizes the cleanup of sites that pose greatest threat to safety, human health, and the environment.

A second site subject to removal of unexploded munitions and ordnance is located at the former Bazooka Range. Its cleanup cost in 2015 plus future cost of cleanup was expected to be \$1.7 million with a final cleanup action in June 2017.

The other 23 inactive sites are: (1) Humu‘ula Sheep Station – West Training and Maneuver Area (explosives and munitions cleanup, restricted access, 2012); (2) Landfill 2 (WSC#7) (hazardous substances cleanup, restricted access, 1997); (3) PBA@MMRP Pōhakuloa (explosives and munitions cleanup, restricted access, 2008); (4) former FFTA PIT (WSC#11) Fire/crash Training Area (hazardous substances cleanup, restricted access, 1997); (5) former STG Area behind Building T-31 (WSC#12) spill site area (hazardous substances cleanup, restricted access, 1997); (6) Artillery Firing Area Powder Burn (hazardous substances cleanup, restricted access, 1994); (7) Impact Area (WSC#1) Unexploded munitions and ordnance area (hazardous substances cleanup, restricted access, 1990); (8) POL Storage Area (WSC#3) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (9) Underground Storage Tanks Sites (7) (WSC#4) (hazardous substances cleanup, restricted access, 1990); (10) Maintenance Area (WSC#5) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (11) Ammunition STG Magazines (8) (WSC#8) Spill Site Area (hazardous substances cleanup, restricted access, 1990); (12) Foam Storage Shed (WSC#9) Spill Site Area (hazardous substances cleanup, 1990); (13) Underground Storage Tanks Site (WSC#10) (hazardous substances cleanup, restricted access, 1990); (14) Former Transformer STG Area (WSC#13) Spill Site Area (hazardous substances cleanup, 1995); (15) 43 Septic tanks/12 Leach Wells (WSC#15) Surface Disposal Area (hazardous substances cleanup, restricted access, 1990);

(16) Underground Storage Tanks Bldg 186 (hazardous substances cleanup, restricted access, 1994); (17) Vehicle Refueling Area Maintenance Yard (hazardous substances cleanup, restricted access, 1997); (18) Equipment Storage Area (hazardous substances cleanup, restricted access, 1996); (19) Abandoned Landfill 1 (WSC#6) (hazardous substances cleanup, restricted access, 1997); (20) Humu‘ula Sheep Station-East Unexploded Munitions and Ordnance Area (Explosives and Munitions, restricted access, 2006); (21) Bradshaw Field Storage Area (WSC#2) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (22) Kulani Burn Pile Burn Area (Explosives and munitions, no access, 2013); (23) Kulani Boys’ Home Unexploded Munitions and Ordnance Area (Explosives and munitions, no access, 2012).

<https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&c=shrink>

Given the U.S. Military’s use of hazardous substances, explosives and ordnance necessitating numerous cleanups leaving the land with restricted or no access available, it appears that the purpose of NEPA cannot be accomplished by the continuation of military training at Pōhakuloa as the land can never be restored and enjoyed even after thirty years of cleanup.

PTA is not the only site of subject to hazardous substances, explosives and ordnances necessitating numerous cleanups, In fact, there are 115 Military Installations with hazardous sites in the State of Hawai‘i with a total past and future cleanup cost of \$2.77B and of the 115 Military Installations, 43 are determined by the DOD to be HIGH and MEDIUM hazardous risk Installations. *See*, chart below:

<u>MILITARY INSTALLATION</u>	<u>#HAZ. SITES</u>	<u>CITY</u>	<u>COUNTY</u>	<u>RISK OF HARM</u>
PEARL HARBOR NAVAL STATION	145	PEARL HARBOR	Honolulu	High Risk
LUALUALEI NAVAL MAGAZINE	40	WAI‘ANAE	Honolulu	High Risk
WAHIAWA NCTAMS EASTPAC	30	WAHIAWĀ	Honolulu	High Risk
PEARL HARBOR NSY	27	PEARL HARBOR	Honolulu	High Risk
PŌHAKULOA TRAINING AREA	25	KAWAIHAE HARBOR	Hawaii	High Risk
WAIKOLOA MANEUVER AREA	25	WAIKOLOA	Hawaii	High Risk
PEARL HARBOR FISC	17	PEARL HARBOR	Honolulu	High Risk
NAVFAC HAWAII PEARL HARBOR	17	PEARL HARBOR	Honolulu	High Risk
WAIKAKALAUVA AMMO STORAGE	7	MILILANI	Honolulu	High Risk
WAIKANE TRAINING AREA	3	WAIKĀNE	Honolulu	High Risk
‘AIEA MILITARY RESERVATION	2	‘AIEA	Honolulu	High Risk
MAUI BOMBING TARGETS	2	MAUI	Maui	High Risk
HE‘EIA COMBAT TRAINING CAMP	2	KAHALU‘U	Honolulu	High Risk

MAKANALUA BOMBING RANGE	1	MOLOKA'I	Kalawao	High Risk
RABBIT ISLAND	1	WAIMANALO BAY	Honolulu	High Risk
PACIFIC JUNGLE COMBAT	1	PUNALU'U/KAHANA	Honolulu	High Risk
PAKINI BOMBING RANGE	1	KA'U	Hawaii	High Risk
KAHUKU TRAINING CAMP	1	KAHUKU	Honolulu	High Risk
FORT SHAFTER	54	HONOLULU	Honolulu	Medium Risk
KANEHOE BAY MCB	33	KĀNE'OHE BAY	Honolulu	Medium Risk
WHEELER ARMY AIRFIELD	31	HONOLULU	Honolulu	Medium Risk
BELLOWS AIR FORCE STATION	28	BELLOWS AFS	Honolulu	Medium Risk
MAKUA MILITARY RESERVATION	10	O'AHU	Honolulu	Medium Risk
PEARL HARBOR NSB	7	PEARL HARBOR	Honolulu	Medium Risk
JFHQ HI ARNG	4	HONOLULU	Honolulu	Medium Risk
BIG ISLAND BOMBING TARGETS	3	ISLAND OF HAWAI'I	Hawai'i	Medium Risk
PALMYRA ISLAND	2	PALMYRA	So. Pacific	Medium Risk
MAKAPU'U LIGHT HOUSE RES	2	MAKAPU'U	Honolulu	Medium Risk
ARMY IMPACT RANGE	2	HILO	Hawai'i	Medium Risk
WAIMEA TRAINING SITE	1	WAIMEA	Kaua'i	Medium Risk
WAILUA ARTILLERY IMPACT AREA	1	WAILUA	Kaua'i	Medium Risk
O'AHU ISLAND TARGET	1	MOKUAUIA	Honolulu	Medium Risk
AHUKINI	1	OFFSHORE AHUKINI	Kaua'i	Medium Risk
WAIMEA FALLS PARK	1	HALE'IWA	Honolulu	Medium Risk
GROVE FARM ARTY IMP	1	LIHUE	Kaua'i	Medium Risk
MOKU HO'ONIKI ISLAND	1	MOLOKA'I	Maui	Medium Risk
RANGE D-400-L	1	WAHIAWA	Honolulu	Medium Risk
PAPOHAKU RANGLAND SUB	1	MOLOKA'I ISLAND	Maui	Medium Risk
UNEXPLODED ORD REMOVAL	1	MOLOKINI ISLAND	Maui	Medium Risk
CENTER COMBAT RANGE	1	WAHIAWĀ	Honolulu	Medium Risk
KANE PU'U NAVAL BOMBING RANGE	1	LANAI	Maui	Medium Risk

KA'U BOMBING RANGE	1	VOLCANO	Hawai'i	Medium Risk
WAIAWA TRAINING AREA	1	WAIAWA	Honolulu	Medium Risk

<https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&c=shrink>

The point of providing this listing is to demonstrate the absolutely terrible record of the U.S. military in exercising its stewardship responsibilities as a lessee of lands in the State of Hawai'i.

Given the multitude of Military Installations throughout the State of Hawai'i that remain high and medium risk of injury and contamination, the Environmental Caucus of the Democratic Party of Hawai'i remains steadfast in its opposition to the proposed retention of the PTA for the continuation of uninterrupted military training pursuant to NEPA, Article XI, Section 1 of the Hawai'i State Constitution; the Precautionary Principle; and Ching v. Case, 145 Hawai'i 148, 449 P.3d 1146 (2019).

The Hawai'i State Constitution, Article XI, Section 1, states:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.

The Hawai'i Supreme Court has declared that this section makes the Public Trust Doctrine ("PTD") a fundamental element of Constitutional Law in the State of Hawai'i.

Specifically, under Article XI, Section 1, of the Hawai'i State Constitution, the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people. The Hawai'i Supreme Court has declared that this Constitutional provision created a duty for the State to protect public trust purposes. The Public Trust Doctrine, therefore, seeks to protect the following Public Trust purposes:

1. Domestic water use of the general public, particularly drinking water,
2. The exercise of Native Hawaiian and traditional and customary rights including appurtenant rights,
3. Reservations of water for Hawaiian Home Land allotments, and
4. Maintenance of waters in their natural state. (Water Resource Protection Plan (2008), Commission on Water Resource Management)

Both the Hawai'i Supreme Court and the Commission on Water Resource Management have declared that the Public Trust Doctrine applies with equal force to groundwater as it does to surface water.

The Precautionary Principle is a duty under the Public Trust Doctrine. The PTD is a preventive doctrine, not a remedial one, as the Hawai'i Supreme Court recognized when it found that the

Precautionary Principle was an inherent attribute of the PTD. In endorsing the Precautionary Principle, the Hawai‘i Supreme Court rejected the requirement of scientific certainty before acting to protect Public Trust Purposes, noting that to do so will often allow for only reactive, not preventive regulation.

In 2018, the Democratic Party of Hawai‘i, out of concern and an abundance of caution over military degradation, devastation, and desecration of the State’s Public Trust lands, affecting hundreds of thousands of *Kanaka Maoli*, residents, businesses, and visitors to the State of Hawai‘i, adopted the following Resolution:

GOV:2018-18 Urging the Congressional Delegation to Actively Work to Ensure that the Military Protects Our Natural Resources

Whereas, Damaging the land and impairing natural resources is inconsistent with protecting the homeland; and

Whereas, Military activities have contaminated our groundwater at Red Hill, littered the landscape of Pōhakuloa with unexploded ordnance, adversely affected archaeological sites and habitat at Mākua, and rendered substantial portions of Kaho‘olawe unsafe; and

Whereas, The military once claimed that it was a matter of national security that it be allowed to continue to bomb Kaho‘olawe and continue to train at Mākua, but that has proven to be inaccurate; and

Whereas, A state judge questioned the Army’s veracity and reliability when it claimed to regularly clean up debris after each training exercise at Pōhakuloa; and

Whereas, Although the Navy argues that its fuel has not found its way into our drinking water wells, yet it is undisputed that leaks from some of its Red Hill tanks have contaminated our groundwater in an unacceptable manner; now, therefore, be it Resolved,

That the Democratic Party of Hawai‘i urge all members of the Hawai‘i Congressional Delegation to actively work to ensure that the military takes all necessary action to prevent degradation of our natural resources and clean up the existing contamination; and be it

Ordered, That copies of this Resolution be transmitted to the Hawai‘i Congressional delegation.

[End quote]

For these reasons, the Environmental Caucus of the Democratic Party of Hawai‘i opposes the renewal of the 65-year lease for PTA between the U.S. Army and DLNR. In this light, it rejects the process involved in developing a draft EIS for the U.S. Army. Further, given that the U.S. Army – Hawai‘i (“USARHAW”) is retaining the U.S. Army Corps of Engineers, Honolulu District

under contract W9128A19D0004 to process the EIS, we urge the U.S. Army to retain a disinterested third-party to conduct an Environmental Impact Statement before it proceeds to negotiate for the retention of the PTA.

Pursuant to the EIS Preparation Notice, dated August 2020, the proposed EIS will evaluate the following 14 affected environmental subject areas: (1) land use, (2) biological resources, (3) archaeological and cultural resources, (4) hazardous and toxic materials and wastes, (5) air quality and greenhouse gases, (6) noise, (7) geology, topography and soils, (8) socioeconomics and environmental justice, (9) water resources, (10) transportation and traffic, (11) airspace, (12) electromagnetic spectrum, (13) utilities, and (14) human health and safety.

The Army Training Land Retention area at PTA is not in compliance with the **National Environmental Policy Act of 1969** (“NEPA”), 42 U.S.C. § 4321. The purposes of NEPA are to declare a national policy that will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. Clearly, the continuous of act of maintaining (1) live-fire and non-live-fire artillery firing points; (2) ranges for mounted, dismounted, and aviation training; and (3) support facilities, including ammunition storage areas and helicopter and tilt-rotor aircraft landing zones fails to encourage productive and enjoyable harmony between man and his environment as the environment suffers irreparable harm; fails to promote efforts that prevents or eliminates damage to the environment and biosphere as the target areas remain littered with spent munitions and fragments and unexploded ordnance and contaminated with depleted uranium, which fails to stimulate the health and welfare of man; and it fails to enrich the understanding of the rare ecological systems and natural resources and wildlife important to the Nation.

Pursuant to the EIS Preparation Notice, dated August 2020, the proposed EIS will evaluate the affected environmental areas: (1) land use in a Conservation District, Open, and zoned Forest Reserve, (2) biological resources where 35% of the plants found at PTA are indigenous or endemic and 25 federally listed species, one of which is threatened and 19 plants are listed as endangered, and the terrestrial mammal, the Hawaiian hoary bat, is listed as endangered, and there a endangered inveterate species and four endangered bird species and 5,000 acres of the State-owned land are designated as critical habitat for the endangered Palila, (3) archaeological and cultural resources as only 45% of the accessible land has been surveyed for archaeological sites and about 450 acres of the State-owned land are closed to personnel and vehicles to protect cultural resources, (4) hazardous and toxic materials and wastes on munitions and explosives of concern which include unexploded ordnance, discarded military munitions, and munitions constituents, and historically unknown quantities and types of hazardous material were disposed of on State-owned land, (5) air quality and greenhouse gases, including sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, and lead from military vehicles, aircraft flight operations, boilers, internal combustion engines, dust from vehicle use on gravel and dirt roads and emissions from ordnance use and explosives detonations and training in the 1960s using 20-millimeter spotter rounds containing a depleted uranium alloy, fragments of rounds were documented in the impact area in 2008, (6) noise including live-fire ordnance, large and small caliber weapons and military movement of vehicles and aircraft, (7) geology, topography and soils including Ahi Quarry with a vein of highly desirable “blue rock” for its hardness, abrasion resistance and tensile strength, (8) socioeconomics and environmental justice including 120 military and civilian personnel working at PTA cantonment and

approximately 12,000 military personnel trained at PTA over roughly 200,000 troop training days, and whether the impact on low-income and minority populations including Native Hawaiian and other Pacific Islander bear a disproportionate burden of negative effects resulting from federal actions, (9) water resources including the Waikahalulu Gulch, Pōhakuloa Gulch, and ‘Auwaiakeakua Gulch, and Flood Zone X, (10) transportation and traffic including the Old Saddle Road which is the primary access to the State-owned land, (11) airspace including aviation training consisting of aerial gunnery and assault support for ground troops, (12) electromagnetic spectrum including radio, short-wave radio, television signals, and microwaves, (13) utilities, including electrical, potable water, wastewater, stormwater, solid waste, fire protection water, and communications equipment, and (14) human health and safety including hazardous material and depleted uranium, explosive safety-quantity distance arcs, surface danger zones, clear zones, accident potential zones, natural hazards, multiple ammunition storage areas, impact area of a live-fire range with projectiles that have a 1:1,000,000 probability of escapement, and a runway that possess an increased potential for aircraft accidents.

We believe that a comprehensive and objective analysis U.S. military activities at Pōhakuloa pursuant to these 14 enumerated factors must lead inexorably to the conclusion that the military needs to cease further gunnery activities, engage in thorough clean-up of the site, and return it to the people of Hawai‘i not later than the original lease expiration date in 2029. It must also pay arrearages for the grossly insufficient rent.

The environmental damages from the continued military training use at PTA are substantial. We continue to oppose further retention of the PTA by the DOD as the risk of damage to the environment and ecosystem is great and the likelihood of restoration is low to the detriment to the Native Hawaiian community, the community at large, and indigenous plants and animals.

Mahalo for the opportunity to provide comments,

/s/ Alan B. Burdick

Chair, Environmental Caucus of the Democratic Party of Hawai‘i

Email: burdick808@gmail.com

/s/ Melodie Aduja

Vice-Chair, Environmental Caucus of the Democratic Party of Hawai‘i

Chair, Human Environmental Impacts Committee

Email: legislativepriorities@gmail.com

**ET AL.
NATIVE TENANTS
HAWAI'I KINGDOM**

**ATLR PTA EIS
P.O.Box 3444
Honolulu, Hawai'i 96801-3444**

The state of Hawai'i has and is doing fraudulent acts by illegal ownership to the *ceded* lands. They have no say to the land which belongs to the *Original native tenants*. From 1893 to present the so called united states of America (federal) and the state of Hawai'i (under federal rules) has illegally occupied our lands. Fraudulent Annexation; fraudulent occupation, fraudulent acts of war crime imposed upon *Hawai'i Kingdom's Original native tenants*.

In violation of International Laws and against the will of Native Tenants, (Hawai'i Kingdom), the United States Military expansion in Hawai'i Kingdom continues their fraudulent acts. (Hague Convention IV, Section III, Military Authority, Article 42, 43, 45, 46, 55, 56).

We have better use to our lands than seeing you use it for bombing and all other military usage.

You have vast lands in the U.S.A.. Go there. Our islands have been stressed, battered and left baron from you.

We don't want you here; we have not and will not approve of you being here.

We NATIVE TENANTS of the HAWAI'I KINGDOM wholeheartedly DO NOT approve of you *LEASING ANY PART OR ALL OF OUR ISLANDS*.

Public Notice Public Notice Public Notice

U.S. Army to Prepare Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area on Kauai Island

In accordance with the National Environmental Policy Act (NEPA) and the Hawaii Environmental Policy Act (HEPA), the Department of the Army (Army) announces its intent to prepare an Environmental Impact Statement (EIS) to address the Army's proposed retention of up to approximately 23,000 acres of land currently leased to the Army by the State of Hawaii ("State-owned land") at Pohakuloa Training Area (PTA) on the island of Hawaii. The EIS will be a joint NEPA-HEPA document on the proposed retention involves State-owned land; therefore, the public scoping processes will run concurrently and will jointly meet NEPA and HEPA requirements.

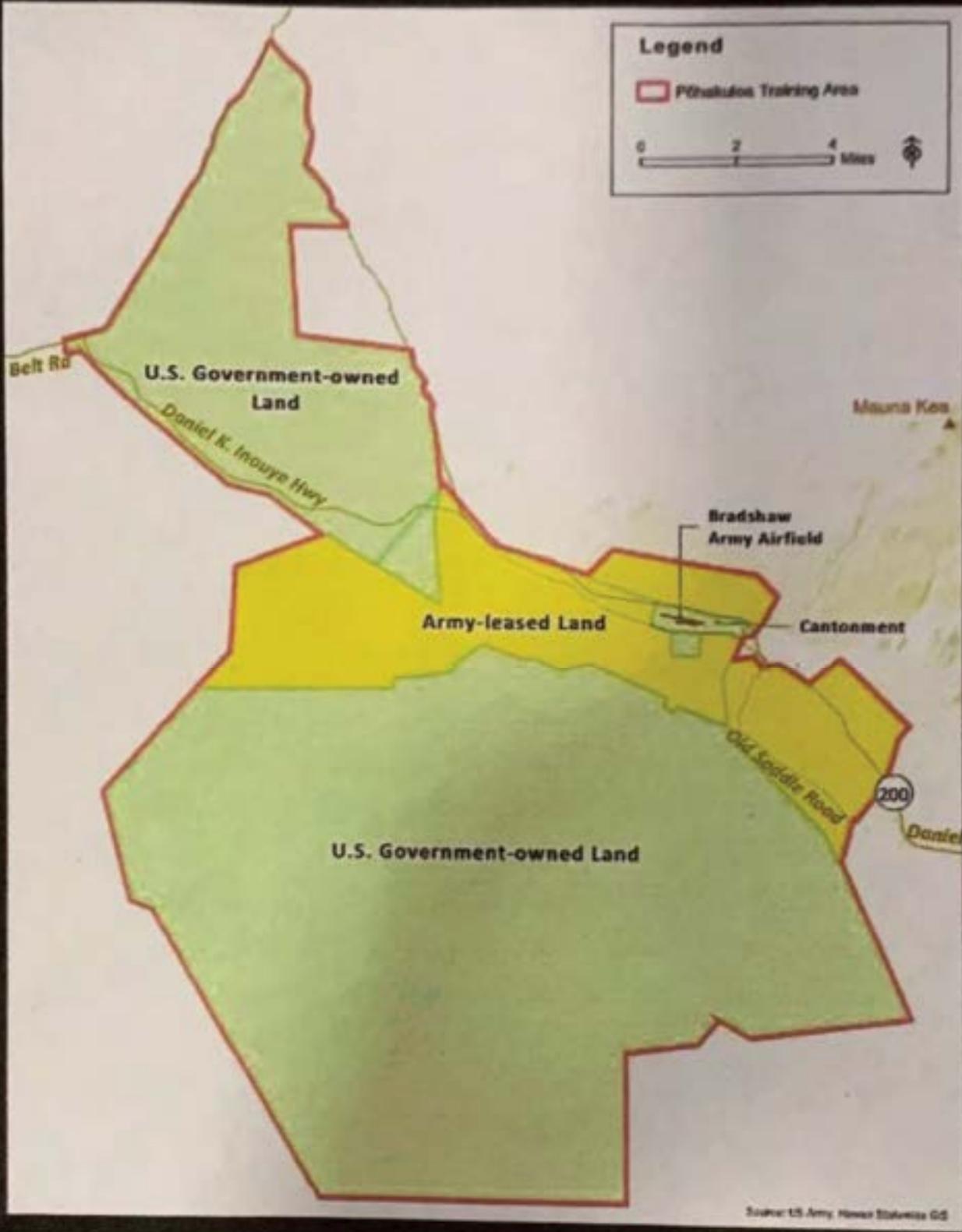
The Army invites public comments on the scope of the EIS during a 60-day public scoping period beginning Sept. 4, 2020. Comments can be submitted on the EIS website: <https://www.army.mil/hawaii/index.php/PTAES>, as well as emailed to earmy.hawaii.mpo@hawaii.mil, or mailed to: ATR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444. All comments must be postmarked or submitted by October 14, 2020, to be considered in preparation of the EIS.

The public is invited to participate in an online scoping open house Sept. 23, 2020, to take place on the project website: <https://www.army.mil/hawaii/index.php/PTAES>. During the virtual open house participants can:

- 1) View online presentations.
- 2) Call (808) 300-0220 to submit oral comments from 4 p.m. - 9 p.m. (Sept. 23 only).

For more information or accessibility requests, please contact Mr. Michael Donnell, PTA Public Affairs Officer, at michael.a.donnell@hawaii.mil or (808) 969-2411.

HEPA/NEPA/CA1200078 8/3, 9/14, 9/29/20
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The Myth of Ceded Lands and the State of Hawai'i's Claim to Perfect Title

By Dr. Keamu Sai

In the recent Ceded lands hearing at the Supreme Court in Washington, D.C., on February 25, 2009, Attorney General Mark Bennett repeatedly asserted in the hearings that the State of Hawai'i has perfect title to over one million acres of land that were transferred to the United States government upon annexation in 1898 and then transferred to the State of Hawai'i in 1959. This is an incorrect statement. This falsehood, however, is not based on arguments for or against the highly charged Hawaiian sovereignty movement; rather, it is a simple question to answer since ownership of land is not a matter of rhetoric but dependent on a sequence of deeds in a chain of title between the party granting title and the party receiving title. In fact, the term "perfect title" in real estate terms means "a title that is free of liens and legal questions as to ownership of the property. A requirement for the sale of real estate."

What determines a perfect title is a chain of title that doesn't have a missing link. Here in Hawai'i all titles originate from the Hawaiian Kingdom government whether by Royal Patents or Land Commission Awards and all subsequent conveyances between individuals are registered at the Bureau of Conveyances located at the corner of Punchbowl and Beretania Streets on the ground floor of the Kalanimoku Building. An example of a chain of title would be the Hawaiian Kingdom government to Joe Smith, Joe Smith to Alex White, Alex White to Alapa'i, Alapa'i to Yao Wong, Yao Wong to Jonathan Judd. If there is no record of the deed between Alapa'i and Yao Wong there is a break in the chain of title and therefore Jonathan Judd cannot claim to have a perfect title, which is a "requirement for the sale of real estate."

For so-called Ceded Lands, being the Hawaiian Kingdom government and Crown lands, the chain of title is supposedly from the Hawaiian Kingdom government and Queen Lili'uokalani to the Provisional government, the Provisional government to the Republic of Hawai'i, the Republic of Hawai'i to the United States, the United States to the State of Hawai'i. In this chain, however, there are two missing links and not just one. On January 17, 1893, the Provisional government seized control of the Government and Crown lands without conveyance, but through revolt, and after investigating the revolt, President Cleveland reported to the Congress on December 18, 1893 that the Provisional government was neither *de facto* (a successful revolution), nor *de jure* (the lawful government), but self-proclaimed (committing the crime of high treason). On November 13, 1893, U.S. Ambassador Albert Willis began to negotiate with the Queen, on behalf of President Cleveland, to grant amnesty for these criminals and an agreement to restore the Hawaiian Kingdom government was concluded with the condition that the Queen grant amnesty after the government was restored.

The other missing link is that there is no record of conveyance from the so-called Republic of Hawai'i to the United States when the Hawaiian Islands were supposedly annexed in 1898. According to the Merriam-Webster Dictionary, the term cede is "to

yield or give up esp. by treaty." In order for countries to cede territory to the United States it must be made by treaty, e.g. Louisiana Purchase from France in 1803, or the Alaska Purchase from Russia in 1867. For Hawai'i, there are two failed treaties of cession, the first in 1893 and the other in 1897, but the first was permanently withdrawn from the Senate by Cleveland in March of 1893, and the second was not able to be ratified by the Senate because of protests by the Queen and Hawaiian subjects. Instead, the United States enacted a Congressional joint resolution proclaiming that the Hawaiian Islands had been annexed. The joint resolution of annexation is not a treaty or conveyance from the so-called Republic of Hawai'i. It is a unilateral declaration that was used to seize and occupy the Hawaiian Islands during the Spanish-American War. The United States today could no more annex Iraq by a joint resolution than it could annex the Hawaiian Islands by joint resolution in 1898. Congressional laws have no effect beyond the borders of the United States.

If there is no record of a deed from the Hawaiian Kingdom government and the Queen to the Provisional government transferring Government and Crown lands, there is a break in the chain of title and therefore the State of Hawai'i cannot claim to have a perfect title, which is a "requirement for the sale of real estate." As far as the term "Ceded lands," there is no such thing because the Government and Crown lands were never "yielded or given up by treaty" to the United States in the first place. Confusing cession for occupation is tantamount to confusing adoption for kidnapping. This is not a case of semantics, but ignorance of the legal and political history of Hawai'i.

For more information:

- Download my doctoral dissertation titled "*American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State*" (PDF) at <http://www.hawaiiankingdom.org>
- Download my article titled "*Establishing an acting Regency in order to Restore the Hawaiian Kingdom Government: A Countermeasure Necessitated to Protect the Interest of the Hawaiian State*" (PDF) at <http://www.hawaiiankingdom.org>
- Download my law journal article titled "*A Slippery Path Towards Hawaiian Indigeneity: An Analysis and Comparison between Hawaiian State Sovereignty and Hawaiian Indigeneity and its Use and Practice in Hawai'i Today*" (PDF) and other publications at <http://www2.hawaii.edu/~anu/publications>
- Information on Hawaiian Kingdom Laws at <http://www.hawaiiankingdom.org>

THE UNITED STATES OCCUPATION OF THE HAWAII KINGDOM (A NEUTRAL NATION)

**The United States Of America Has Unlawfully Occupied The
Kingdom of Hawai'i For Over 127 Years**

**In January 1893, the U.S. Minister to the Kingdom of Hawai'i,
John Stevens, conspired with, the "Committee of Safety",
Thirteen (13) residents of the Hawai'i Kingdom, Americans, German,
Englishmen and Hawai'i born subjects of foreign extraction, take
over the government of Hawai'i Islands.**

**On the morning of January 16, 1893, two members of the committee,
Hawai'i subjects Messrs. Thurston and Smith, committing treason
and fearing for their lives, asked Minister Stevens for assurances of
protection in the events of failure. He promised them they would be
protected by the United States.**

AN ACT OF WAR

**On the afternoon of January 16, 1893 the United States military
invaded the Hawai'i Kingdom and positioned themselves to attack
Queen Liliu'okalani's Palace and her Government.**

**The next day the committee of safety, now under the protection of
the U.S. military, proclaimed the establishment of the Provisional
Government. Thus, began the United States occupation of the
Kingdom of Hawai'i, A NEUTRAL INDEPENDENT NATION.**

FRAUDULENT ANNEXATION

**Hawai'i Subjects of the Hawai'i Kingdom Opposed Their Nation
Being Annexed to the United States**

U.S. Minister John Stevens confirmed it was a U.S. occupational government by immediately recognizing the Provisional Government as the de facto government February 14, 1893, only 28 days after the occupation, the Provisional Government tried to have the Hawai'i Kingdom annexed to the United States. The annexation attempt failed.

In 1898, the Provisional Government renamed itself, The Republic of Hawai'i, still the U.S. occupational government, again tried to annex the Hawai'i Kingdom to the United States, but 98% of Hawai'i Native Tenants, responded by circulating and signing petition opposing the annexation. The annexation attempt failed again.

Unable to annex the Hawai'i Kingdom, and needing the Hawai'i Islands for their upcoming war with Spain, the United States resorted to fraud. They purportedly annexed the Hawai'i Kingdom with the Newlands Resolution, a U.S. Congressional resolution that had and has no effect of law outside the borders of the United States.

Only treaties of annexation between de jure (lawful) governments of two (2) states can lawfully constitute annexation.

There was no annexation, only continuing United States occupation.

UNITED STATES CONFESSES

The U.S. Organic Act of April 30, 1900, that created the Territory of Hawai'i, extended U.S. citizenship to Hawai'i citizens and asserted jurisdiction of the U.S. over the Hawai'i Kingdom, is unlawful. The 1959 Statehood Act, creating the State of Hawai'i is also unlawful. Both Acts were created by the United States government and violate International Laws of Occupation.

The Native Tenants of the Hawai'i Kingdom has full rights to their own sovereign nation is being violated by the United States occupation of the Hawai'i Kingdom

In 1993, a hundred years (100), the United States admitted their crimes against the Hawai'i people. Their confession was called the Apology Bill, passed into law by the U.S. Congress as Public Law 103-150.

International Law PROHIBITS Nations from increasing their territories by military aggression and occupation.

U.S. VIOLATES TREATIES

Under International Law, U.S. law and Hawai'i Kingdom law, the treaties in existence between the two (2) nations, the Hawai'i Kingdom and the United States, were binding on each other, On, January 16, 1893, on this date, in violation of the "Treaty of Friendship", "Commerce", "Navigation and Extradition of 1850", The U.S. committed, what President Cleveland call at the time, An "ACT OF WAR" by landing United States military troops on Hawai'i soil.

UNITED STATES OCCUPATION

**The United States has disguised their theft of the Hawai'i Kingdom with four (4) occupational governments,
First was the Provisional Government;
Second was the Republic of Hawai'i
Third was the Territory of Hawai'i
The Same traitors were part of all of them.
The fourth, created in 1959 is called the State of Hawai'i.
It's another despotic United States government, put in power by
the U.S. occupiers of the Hawai'i Kingdom.**

INTERNATIONAL LAW

All Acts and Laws of the United States Affecting the Hawai'i Kingdom and Hawai'i Nationals Are Unlawful and Violates International Laws

The U.S. is in Violation of the 1907 Hague Conventions International Law

1907 Hague Convention IV Section III Military Authority over the territory of the hostile State.

ARTICLE 42. Territory is considered occupied when it is actually placed under the authority of the hostile army.

ARTICLE 43. The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 45. It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power

ARTICLE 46. Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, cannot be confiscated.

ARTICLE 55. The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties and administer them in accordance with the rules of usufruct. (*without damaging or diminishing the properties*).

ARTICLE 56. The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when state property, shall be treated as private property.

All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

UNITED NATIONS

Under Article 73 of the United Nations Charter, The United States, is obligated, as a matter of sacred trust, "To bring about self-government of the people within territories deemed non-self governing".

Hawai'i was designated as such a territory. (U.N. General Assembly Resolution 66 (I) (1946). In 1959 Hawai'i was removed from the U.N. list of Non-self Governing Peoples, After unlawfully becoming a state of the United States.

The United States is continuing its unlawful occupation of the Hawai'i Kingdom and continues the genocide of Native Tenants of Hawai'i Kingdom and their culture.

In Violation of International Laws and against the will of the Native Tenants of Hawai'i Kingdom, A Neutral Nation, the U. S. Military still continues growth expansion Through illegal occupation.

From: Shari Chang <schang@gshawaii.org>
Sent: Thursday, September 24, 2020 9:21 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Army Training Land retention Pōhakuloa EIS letter of support
Attachments: Army Training Land Retention Pohakuloa EIS 9.24.20.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Aloha please note enclosed is our letter of support for the Army Training Land retention Pōhakuloa EIS. If you need any further information, please advise.
Mahalo
Shari Chang



Shari W. Chang
Chief Executive Officer
Girl Scouts of Hawai'i
410 Atkinson Drive, Suite 2E1, Box 3
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[Caution-www.GSHawaii.org](http://www.gshawaii.org/) < Caution-http://www.gshawaii.org/ >
[Renew your Girl Scout membership at](http://www.gshawaii.org/renew)
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Girl Scouts of Hawai'i
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September 24, 2020

To Whom it may concern;

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Alexis Kleeman

Ex Officio
Shari W. Chang
Chief Executive Officer

RE: Army Training Land Retention at Pōhakuloa Training Area EIS

Aloha,

Girl Scouts of Hawai'i fully supports retaining the Army Land Training area at Pōhakuloa on Hawaii Island.

As an immediate neighbor of the training area we have only seen positive community contribution by those training in that area. They have partnered with Girl Scouts of Hawai'i and others in numerous community support projects and we feel this is important to take into consideration. They also provide a sense of security for an area that is remote and have assisted us in emergency situations. If the land lease is not renewed we will lose a valuable community partner at a time when community support partnerships are critical to create positive impact for Hawaii Island.

We hope you will approve the land lease renewal and would be willing to answer any additional questions that you may have.

Mahalo nui loa,

Shari W. Chang

CEO

From: Miles Yoshioka <miles.yoshioka@hicc.biz>
Sent: Wednesday, October 14, 2020 8:34 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Support testimony attached
Attachments: HICC PTA EIS Scoping Letter 100620.pdf

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Aloha,
Thank you for the opportunity to voice our support.
Sincerely,

Miles Yoshioka
Executive Officer
Hawai'i Island Chamber of Commerce
1321 Kino'ole Street
Hilo, HI 96720
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October 7, 2020

To: PTA EIS Scoping Project

From: Hawai'i Island Chamber of Commerce

Subject: Testimony Regarding Army Retention of State Land at Pohakuloa Training Area (PTA) as part of the Environmental Impact Statement (EIS)

Submitted via email to usarmy.hawaii.nepa@mail.mil

The Hawai'i Island Chamber of Commerce, formed in 1898 by the business community of the Island of Hawai'i has continued to be a dedicated supporter of the Pohakuloa Training Area and the many benefits this military installation brings to our community. PTA supports our island in many ways including the following:

1. Providing essential fire and medical first responder support in the saddle area (from mile marker 17 on the east side to the upper road on the west side, and from the top of Maunakea to the top of Maunaloa). This is extremely important to the health and safety of the many drivers, hunters, and visitors in the area.
2. Providing training opportunities for the Hawai'i County Fire Department with the only Class A (real wood) fire training facility on the island.
3. Providing training grounds for our National Guard and Hawai'i County Police with the only live fire training range on the island.
4. Providing jobs and injecting money into the local community via construction and service contracts. Additionally, of the 230 people who work at PTA, only five are military.
5. Funding a Cultural Resources Program that participates in site monitoring, site protection, surveying, and public outreach. They currently manage 1254 identified cultural sites.
6. Funding a Natural Resources Program that protects 26 threatened and endangered species (20 plants and 6 animals) like the Banded Rump Storm Petrel that nests on PTA. They propagate rare plants in a greenhouse on property and have created a native seed bank.
7. Providing food left over from training to the local foodbank.
8. Requiring visiting soldiers to volunteer in the local community. Recent events have included restoring native fish ponds, replacing the Waimea park playground, and picking up trash in the Volcano area.

For these and other reasons, the Hawai'i Island Chamber of Commerce strongly supports the renewal of lease for the state land at PTA.

Mahalo,

Keith Marrack, Military Affairs Committee Chair
Hawai'i Island Chamber of Commerce

Hawai'i Peace and Justice

Please see attached comments.

October 14, 2020

Kyle Kajihira, Ph.D.
Lecturer, Ethnic Studies and Geography, University of Hawai'i at Mānoa
kkajihir@hawaii.edu

Scoping Comments on the Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA)

Historical and Cultural Context

In its approach to the preparation of this EIS, the Army must situate Kānaka ʻŌiwi (Native Hawaiians) as a genealogical, cultural, and spiritual embodiment of the ʻāina (land) itself. Any activities that affect the environment will have significant effects on Kānaka ʻŌiwi, especially those with closer genealogical ties to the land. This will necessarily affect interpretations of the significance of impacts on natural and cultural resources and environmental justice.

Public Law 103-150 recognizes two key facts: (1) the importance of land to Kānaka ʻŌiwi, and (2) as a condition of the Admissions Act, public trust lands of the Hawaiian Kingdom were to be held by the State for, among other things, "... the betterment of the condition of Native Hawaiians." Further, Public Law 103-150 finds, in relevant part, "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land" (P.L. 103-150 1993).

Purpose and Need Statement

The issue at the core of the purpose and need statement in the EIS must be the Army's responsibility as lessee to care for the land as defined by the terms of General Lease (GL) 3849. In the case *Clarence Ching and Mary Maxine Kahaulelio vs. Suzanne Case*, Judge Gary Chang ruled:

Public trust lands are state-owned lands that are held for the use and benefit of the people in general of the State of Hawaii. The State of Hawaii is the trustee of these public lands in the public trust. The trustee of the public lands trust has the highest duty to preserve and maintain the trust lands. This duty is broadly coined in the concept of

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"malama 'aina"—to care for the land. (*Clarence Ching and Mary Maxine Kahaulelio vs. Suzanne Case* 2018)

Therefore, the Army as lessee is governed by the terms of the lease to mālama 'āina.

The purpose and need statement must be rewritten to reflect this duty to clean up and restore the land it leases from the state. The court has found that Army activities have caused environmental damage in violation of the terms of the lease and that the State has a duty to enforce the terms of the lease consistent with the principle of mālama 'āina (care for the land).

Alternatives Statement

In line with this purpose and need, the *preferred alternative* should be: returning the leased parcel GL 3849 back to the people of Hawai'i (via the Department of Land and Natural Resources) after restoring it to its condition prior to the Army's use of this land. The Army must fulfill its agreements to return Pōhakuloa to the people of Hawai'i in its original state by 2029.

The alternatives analysis must also consider other locations outside of Hawai'i where the proposed training activities may be conducted. In the process of stationing the Stryker Brigade Combat Team (SBCT) in Hawai'i, the public was frequently told that Hawai'i was the only place where the unit could be stationed. And yet, in 2016, less than ten years after the decision to station the SBCT in Hawai'i was finalized, the Army moved the SBCT to Washington State.

Affected Environment

Defining the scope of the affected environment requires thinking along both *temporal* and *spatial* axes.

Temporal Scope: Environmental effects of past, present, and foreseeable future activities: In order to provide an accurate assessment of environmental impacts for proposed actions, an EIS must begin with a thorough understanding of the baseline and current ecological and cultural conditions of the affected site.

Baseline conditions at the Pōhakuloa Training Area are the environmental conditions which existed *prior to military use of the land*. A reasonably accurate picture of baseline conditions can be determined by extrapolating from historical records, oral histories, cultural, archaeological, and geophysical studies, and biological studies of relatively intact native ecosystems in neighboring areas which have similar environmental conditions.

Understanding *current environmental conditions* at PTA requires a comprehensive study of the *cumulative environmental effects of all past military activities* at PTA. This study must consider effects of the proposed action that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including how the proposed action may compound or increase the adverse effects of past military activities.

Spatial Scope: Region of Influence (ROI): The geographical scope of analysis, or region of influence (ROI) must include environmental effects of proposed military activities on all lands within the PTA boundary, the neighboring areas, as well as more distant sites which are operationally linked to the proposed action and affected environment, such as Kawaihae Harbor. The rationale for this is that the state-owned parcel in question (general lease 3849) is identified as key to providing access and support to all training activities at PTA. The EIS must also consider the cumulative effects of the proposed action with other non-military projects in the affected area.

Land Use

The EIS should incorporate a complete history of land title and land use with maps. A central issue is the Army's use of public trust lands (also known as "ceded lands"). The status of these lands are unique in that they are held in trust for a number of public purposes defined by the Statehood Act. The EIS should explain the decision making process, with relevant documentation, for the initial negotiation and approval of G.L. 3849.

DHHL Land: Also at issue is the Army's use of land owned by the Department of Hawaiian Home Land (DHHL).

- What decision making steps were followed to lease DHHL land to the Army?
- How are DHHL beneficiaries being involved in the decision making for renewal of the lease?

No Condemnation: A document titled "Information Paper: Subject: Land leased to the U.S. Army by the State of Hawaii for Training" (Army Garrison Hawaii 2015), states that "Major actions associated with entering into a new lease are broken down into (3) Phases," with the Phase III including the step "Proceed with Acquisition or Condemnation" (Army Garrison Hawaii 2015). Condemnation of the land would be an egregious breach of trust and abuse of power.

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Nothing is more politically inflammatory in Hawai‘i than the forcible taking of land, especially public trust lands considering the injustice of the U.S.-military backed overthrow Queen Lili‘uokalani and the unlawful means by which the United States claims to have annexed Hawaiian territory.

The military’s condemnation of 187-acres of Kamaka family land in Waikāne after failing to clear UXO is another bitter reminder of grievous injustice by the military. The present EIS must unequivocally state that there will be no use of eminent domain to condemn the State-owned parcel at Pōhakuloa.

State Land Use Regulations: Most of PTA falls within the State Conservation District. As stated above, the Army has a duty to fulfill its obligations under the lease, consistent with State land use regulations, to mālama ‘āina.

Cultural Resources

To date, investigations into the number and significance of cultural sites have been superficial. The EIS should include a thorough inventory of the historic sites in the area, discussion of the cultural significance of Pōhakuloa itself, in relation to the larger cultural landscape, and a discussion as to how the condition of these sites has changed while the Army has used these lands. Kānaka ‘Ōiwi and the general public currently only have limited access to Pōhakuloa, and therefore, are denied the right to fully enjoy and conduct cultural, religious, or subsistence gathering practices until the lands are cleaned up and restored.

The EIS must incorporate a comprehensive Cultural Impact Assessment (CIA). Pursuant to the Hawai‘i Environmental Policy Act (HEPA), and Articles IX and XII of Hawai‘i State Constitution government agencies are required “to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups” (Guide to the Implementation and Practice of the Hawaii Environmental Policy Act, 2012, 11). The CIA must include an analysis of adverse cultural impacts on Kanaka ‘Ōiwi and other cultural practices by military activities at PTA which have occurred in the past, and which may occur in the future as a result of proposed military activities.

Cultural Landscapes: The CIA must consider the entire connected cultural landscape of Ka‘ohe ahupua‘a, Mauna a Wākea (Mauna Kea), and the surrounding cultural landscapes. Hawai‘i law recognizes that in addition to built structures, a cultural resource may also be a

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natural feature of the landscape, such as a mountain, hill, rock, tree, stream, or animal which has cultural significance to Kānaka ʻŌiwi. This study should include an in-depth cultural landscape study (CLS) and ethnographic survey (ES).

The Papakū Makawalu methodology, developed by the Edith Kanakaʻole Foundation, would be appropriate to employ in the assessment of the cultural meanings and significance of the affected area.

- What does the name Pōhakuloa signify?
- What is the relationship of Pōhakuloa to Mauna a Wākea (Mauna Kea)?
- What is the significance of the ahupuaʻa name Kaʻohe and the fact that it encompasses Mauna a Wākea (Mauna Kea), Pōhakuloa, parts of Mauna Loa, and a portion of the windward coastline?
- How does this land division relate to the history of the important chief ʻUmi a Līloa?
- How does Pōhakuloa relate to the heiau Ahu a ʻUmi to the west of the PTA boundary?

Cultural Sites and Resources: Affected sites include, but are not limited to alanui (trails), ahu and heiau (shrines and temples), puʻu (hills), rocks, caves and lava tubes, plants and animals used in traditional healing, hunting grounds, sites for harvesting birds, sites for observation and study of celestial bodies, burial sites, quarries and workshops for tools, and sources of water.

- How have military activities affected the cultural sites in Pōhakuloa?
- How have military activities affected the availability and quality of plant, animal, and mineral resources for Kanaka ʻŌiwi cultural practices.
- What are the effects of live fire training on lava tubes and cultural artifacts in PTA?

Cultural Practices: Pursuant to the Army's lease agreement and legal obligations, the Army must mālama ʻāina to restore ola (life) and create a safe and healthy environment for the well-being of flora, fauna and all interdependent life forms including the native tenants/hoa ʻāina/beneficiaries. The native tenants must include, but are not limited to: hunters and gatherers, lāʻau lapaʻau (herbal medicine practitioners), cultural and religious/spiritual practitioners and their relationship to the ʻāina. Adverse impacts on cultural practices include, but are not limited to restrictions on access due to security or safety restrictions, the destruction of cultural or religious sites, the destruction of environmental resources used in cultural practices, and the disruptions of the view plane and serenity of the area caused by explosions, vehicle and aircraft noise, and smoke and dust.

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- What Kānaka ‘Ōiwi cultural practices have been conducted in the past and are currently conducted in the ROI?
- What cultural sites and resources are needed for the revival and/or perpetuation of these cultural practices?
- How will the Army improve the ability of Kānaka ‘Ōiwi and the public to have safe, meaningful, and regular cultural access to Pōhakuloa?
- How will the Army increase the opportunities for Kānaka ‘Ōiwi and the public to safely participate in mālama ‘āina (environmental and cultural restoration activities) at Pōhakuloa?

Biological Resources

Native Ecosystems: The EIS must adopt an ecosystems approach to analyzing the effects of the proposed military activities on the natural resources. This means studying the components, structures, and functioning of affected ecosystems. Individual species cannot be considered in isolation from their ecosystems. Nor can they be considered as separate from cultural relationships with humans. Ecosystems and species that inhabit them are also cultural resources for Kānaka ‘Ōiwi.

Threatened and Endangered Species: It is imperative that all rare, threatened and or endangered organisms within the area remain protected. The EIS must incorporate a complete inventory of all rare, threatened and/or endangered plant, insect and animal species including those identified as Native Hawaiian ‘Aumakua and Kinolau (Divine Bodily Manifestations Of Hawaiian Deities) within PTA and neighboring areas which are likely to be affected by activities on the range. Some of the species of particular concern should include, but not be limited to the following: Palila, ‘I‘iwi and all forest birds, Nēnē, Pueo, ‘Ōpe‘ape‘a, ‘Io, ‘Ua‘u, ‘Iwa and other sea birds. Also the forest flowers and trees that must be considered include; ancient Lehua, Māmane, ‘Iliahi (Aoa), Koa, ‘Akoko and all other rare, threatened and endangered species of plants that represent Hawaiian ‘Aumakua and/or Kinolau.

- What occurrences of rare threatened and endangered species have been documented within PTA?
- Cultural monitors have testified that they have heard the singing of Palila in PTA construction areas. Please provide documentation of recent or previously undocumented occurrences of any rare, threatened, and endangered species.

- I have read that historically, there may have been as many as 90,000 ‘Ua‘u nesting burrows. What is the current status and the future outlook for recovery of the ‘Ua‘u population? How are they affected by the noise and activity of military training?

Invasive Species: The EIS should fully disclose the extent of invasive species threats at PTA.

- What is the inventory and extent of invasive species threats at Pōhakuloa?
- What is the status of ungulates within the area used by the Army and what is the extent of damage they have caused?
- What is the Army doing to control these threats?
- Please provide any incident reports of damage to endangered species or habitats by invasive species.
- Please provide any incident reports of accidental releases or introductions of invasive species, such as: hitchhiking fountain grass or fireweed on vehicles or personnel or the introduction of invasive species such as fire ants, rodents, snakes, spiders, rhinoceros beetles as stowaways on cargo boats, vehicles, and aircraft.

Wildfires: The EIS must provide a complete history of wildfires at Pōhakuloa, including the dates, causes, extent of damage, and responses.

- How are wildfires documented, and where is this information reported and archived?
- What have been the impacts on fires to protected species and habitats?
- What have been the impacts of fires on cultural sites and resources?
- How have fire incidents affected the transformation of the ecology?
- How are biologists and cultural resources specialists documenting the impacts of fires?

Socioeconomics / Environmental Justice

Environmental Justice Analysis: As mentioned above, the greatest environmental justice impacts will be borne by Kānaka ‘Ōiwi who have the most profound connection to the lands in question. The environmental justice analysis in the EIS must not use demographic data to claim that there are negligible environmental justice impacts because all ethnic groups are considered minorities on Hawai‘i island. The key considerations in determining environmental justice impacts include:

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- Who has the longest history, deepest connections, and profound knowledge about Pōhakuloa?
- Who has the greatest stake and is most directly affected by the environmental and cultural impacts there?
- Who has suffered the greatest historical injustice, cultural disintegration, and dispossession as a result of the history of the U.S.-backed overthrow of the Hawaiian Kingdom and the subsequent seizure of Hawaiian land by the federal government?
- Whose cultural practices are most adversely affected by Army activities in Pōhakuloa?
- Who is exposed to the greatest risk of exposure to toxins, injury, or death in the exercise of their cultural practices?
- How are subsistence hunters, la‘au lapa‘au practitioners, and Kanaka ‘Ōiwi religious practitioners affected by the access restrictions and hazards at PTA?

Department of Hawaiian Homelands (DHHL): Another important issue is the impact of military use of DHHL lands and Kanaka ‘Ōiwi beneficiaries. The EIS should include feedback from beneficiaries about the use of DHHL land by the military.

Economic Costs: Some questions about the economic impacts of the military activities at PTA:

- What are the costs of clean up and restoration of environmental damage caused by military activity?
- What is the depreciation in the land’s value as a result of military activities?
- How does the loss of value adversely affect the general public and Native Hawaiians as beneficiaries of the public land trust?
- What are the opportunity costs?
- What economic value can be gained by restoring the ecological and cultural integrity of Pōhakuloa?

Noise

Noise is one of the major complaints about military training at PTA. The EIS should include consultations with residents of neighboring communities about the effects of noise.

- How does noise affect the value of homes?
- How does it affect quality of life?

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- What public health affects might be induced by chronic noise?
- How are veterans' mental health affected by the noise?
- How does noise affect the behaviors of animals, especially endangered species?

Air Quality

The EIS must provide thorough data on air quality at Pōhakuloa.

- What kinds of documentation and reporting is conducted when there are incidents that may adversely affect air quality, such as a fire or training event?
- What emissions of air pollutants have been reported at PTA?
- What toxins or hazardous substances have been detected in airborne particulate matter during fires or training events?

Water Resources

The ahupua'a of Ka'ōhe refers to bamboo, which is a kinolau of Kāne, a deity associated with sources of fresh water.

- What is the history and status of aquifers in the vicinity of PTA?
- How has live fire training affected aquifers within PTA? Does the pulverization of lava in the impact areas increase the soil's permeability and the infiltration of contaminants into the groundwater?
- Where are the wells? What is the history of water usage? What has been the impact of past uses of aquifers on Mauna a Wākea?
- Did the Army request a UH researcher to conduct test drilling for water at Pōhakuloa? Was this research funded by the Army?
- What has been the role of the Hawai'i State Water Commission in approving or overseeing this prospecting activity?
- What is the Army's proposed water use at PTA?

Natural Hazards, Geology, and Soils

- What are the impacts on lavas and soils in the impact range?
- Are they changing the permeability of the ground?
- What are the projected impacts if Mauna Loa erupts?

Visual Resources

Wide open spaces and views of the mountains is part of the significance of Pōhakuloa. As a site that usually sits above the tradewind inversion layer, the skies are often clear.

- What are the Kanaka 'Ōiwi visual resources at Pōhakuloa?
- What is the cultural significance of different view planes?

Public Facilities and Infrastructure

- What are the effects on the quality of roads?
- What are the impacts of military use on Kawaihae harbor facilities?
- How are convoys affecting traffic?
- How do residents feel about the traffic disruptions?

Toxic and Hazardous Substances

The EIS must include comprehensive information characterizing toxic and hazardous substances in soil, groundwater, surface water runoff, uptake in plants and animals, air emissions, and air borne particulate matter. The Contaminants of Concern (COC) that should be investigated include, but are not limited to:

- Munitions and explosives of concern (MEC);
- Metals, including lead from small arms munitions, mercury, beryllium, cadmium, arsenic, copper, aluminum,
- Depleted uranium (DU), strontium 90, and other radioactive contaminants,
- PCBs, dioxins and furans,
- Energetics and explosive constituents and their byproducts,
- Per- and polyfluoroalkyl substances (PFAS) which is commonly found in fire-fighting foam,
- Perchlorate, a common chemical in rocket fuels,
- Petroleum, oil, and lubricants (POLs),
- Volatile organic compounds (VOCs), including solvents, pesticides, and herbicides,
- Benzene, Toluene, Ethylbenzene, and Xylene (BTEX) and Polycyclic Aromatic Hydrocarbons (PAHs),

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- Asbestos,
- Various kinds of air pollution emissions.

Cumulative Impacts

The EIS must incorporate data and analysis of the environmental effects of all past military activities at PTA, including:

- A comprehensive list of all military activities ever conducted at PTA, including any nuclear, biological, and chemical weapons tests and military activities by other service branches and foreign militaries.
- A comprehensive study of toxic and hazardous substances and their effects on the human and natural environment.
- A comprehensive list of federal actions since 2001 within the entire PTA boundary and at sites on Hawai'i Island which are connected to the affected environment in the EIS, and a summary of their environmental impacts.
- A description of all munitions used, the quantities used, the explosive yields, contaminants associated with these munitions, the extent of unexploded ordnance contamination, and the results of any removal actions.
- A comprehensive report on wildfires, their causes, responses, and environmental consequences.

The EIS must also take into account the combined environmental and cultural impacts of all past, present, and reasonably foreseeable future projects at or near the project area. Past projects include:

- Infantry Platoon Battle Course;
- Kawaihae Harbor improvements (state facilities);
- Stryker Brigade Combat Team training support facilities (prior to cessation of Stryker training at PTA)—with the removal of the Stryker Brigade from Hawai'i, why has there not been a reversion of land acquired and developed for the aborted project?;
- changes in military aircraft training at PTA, including the Urban Close Air Support Range and an Aviation Bulls-Eye Range;
- Multi-Purpose Range Complex facilities.

Present and reasonably foreseeable actions that must be taken into consideration include:

- PTA Cantonment Facilities Improvement Program modernization projects;
- Daniel K. Inouye Highway extension;
- State small boat and commercial harbor improvements at Kawaihae Harbor;
- marine sciences center at Kawaihae Harbor;
- Department of Hawaiian Home Lands development plans;
- State airport plans;
- Mauna Kea Observatories Thirty-Meter Telescope—opposition to the telescope has sparked widespread protest across Hawai‘i and around the world; these energies will spill over into Pōhakuloa;
- and other recreational and residential community plans.

Characterizing the Natural Resources, Cultural Resources, and Environmental Impacts within the Impact Area: Given the dangers of the UXO in the impact area, this vast area remains a blank spot on the map. The absence of cultural and environmental resources on Army maps does not mean that there are no resources there. It simply reflects the fact that no one has looked or been able to look. It is a map of our ignorance about Pōhakuloa. As a result, any EIS for PTA without an investigation of the impact area will be fatally flawed because it will not provide a complete picture of the affected environment or the environmental impacts.

The present EIS must do better to characterize the cultural and natural resources and impacts within the impact area. The Army should explore different unmanned aerial vehicle technologies to conduct aerial surveys of the impact area. Aerial imagery and remote sensing technologies can detect and map the topography, differentiate between different types of vegetation and land composition, identify archaeological structures, and even detect UXO and munitions debris. As the landscape and hazards are mapped in finer detail, planners can begin to explore new techniques for removing UXOs, perhaps using robotics, or adopting creative demining techniques and technologies.

Again, the Army has a duty to clean up and restore the environmental damage caused by its activities. This EIS must begin the process of fulfilling those responsibilities.

Restoration of past environmental impacts

General Lease 3849 requires that that the Army “make every reasonable effort to ...remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” and remove “all trash, garbage and other

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waste materials[.]” Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using. Further the EIS must outline plans for the clean up and restoration of state-owned land at PTA affected by military contamination.

The *Real Property Master Plan Pohakuloa Training Area, Hawai‘i Island - Final (Digest)* states that “Specific data on UXO at PTA is not available at the time of this study” (HHF Planners 2020, 35). All areas used for live munitions training in the past, present or foreseeable future must be surveyed and characterized for unexploded ordnance (UXO) hazards.

Therefore the Army should disclose its unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy. Mālama ‘Āina (to care for), requires cleanup and restoration of the land, and therefore means:

- Pōhakuloa is to be restored to its natural habitat with healthy ecosystems that Kanaka Maoli can access and utilize as right holders/practitioners of the ‘āina.
- The process for clean-up must include restoring the ‘āina to its original condition and beauty.

Former Bazooka Range: In a draft document entitled "Action Memorandum for the Time Critical Removal Action", that was prepared in March 2015 by the United States Army Garrison at Wheeler Army Airfield on Schofield Barracks in Wahiawa, O‘ahu, Hawai‘i, it was reported that the former Bazooka Range MRS is located at the Pōhakuloa Training Area. The former Bazooka Range was apparently used as a military maneuver area through the early 2000s. During a site inspection of the Bazooka Range area that was jointly conducted by DLNR and the Army in 2014, the area was found to be "heavily contaminated on the surface with material potentially presenting an explosive hazard (MPPEH) and munition debris (MD)." (Emphasis added.) A subsequent inspection by two military explosive ordnance disposal units found that the following types of ordnance were observed to be present:

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

Other suspected fired ordnance at the Bazooka Range area also included:

- M28A2 bazooka rounds with M404 fuse, and

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- M30 white phosphorus (WP) bazooka rounds.

The Army noted that the sheer densities and quantities of ordnance that are present on the ground at the former Bazooka Range area "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." The estimated cost of remediating the danger as of March 2015 was \$2,353,000. The Army recommended that the removal of ordnance danger because of the significant possibility that ordnance exists at the former Bazooka Range area that "presents an imminent and substantial endangerment to public health, or welfare, or the environment." Any EIS should disclose the status of the cleanup of the Former Bazooka Range:

- Has it been completely cleaned up?
- Is it safe to enter?
- How much waste was collected?
- What types of waste was removed?
- Where and how was it disposed of?

Failed Public Involvement

Although the COVID-19 pandemic creates difficulties for in-person participation, new video conferencing technologies could have allowed for meaningful remote participation in public information sessions. Unfortunately, the virtual scoping open house session on September 23 failed to take advantage of the technology and instead offered the public what amounted to an audio-visual brochure. The posting of slides and the audio recordings of the text did not fulfill the need for public involvement. Many people had questions, but there was no way to ask questions of subject matter experts. The result was that members of the public who wished to participate went away frustrated and disillusioned by the process.

I have tried to obtain more background information on the proposed real estate action. My searches led me to a digest of the *Real Property Master Plan (RPMP) Pohakuloa Training Area, Hawai'i Island - Final* (HHF Planners 2020a). While this was helpful, I wished to study the full master plan. However, the document was not publicly available. Also, the RPMP makes reference to a number of documents that would be relevant to understanding the proposed action. Please make these documents publicly available:

- U.S. Army Engineering and Support Center Huntsville, Alabama. 2009. "Enhanced Area Development Plan, Pohakuloa Training Area, Hawai'i." Final Submittal.
- U.S. Army Garrison Hawaii. 2020. *Integrated Natural Resources Management Plan*.

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- U.S. Army Region Hawaii. 2015. "Memo for Commander, USARHAW, Approach to Training in Hawaii: A Strategy for PTA." October 25.
- U.S. Department of Defense, Assistant Secretary of Defense. 2018. "Approval of Major Land Acquisition Waiver Request - US Army Hawaii Training Sites, Hawaii." June 4.
- PTA Area Development Plan (ADP). 2015.

Thank you for your consideration of these comments.

References

- Army Garrison Hawaii. 2015. "Information Paper: Subject: Land Leased to the U.S. Army by the State of Hawaii for Training."
- Apology to Native Hawaiians*. 1993. Public Law 103-150. 103rd Congress.
- HHF Planners. 2020a. "Real Property Master Plan Pohakuloa Training Area, Hawai'i Island - Final (Digest)."
- . 2020b. "Programmatic Environmental Assessment Pōhakuloa Training Area Real Property Master Plan Adoption, Hawai'i Island, Hawai'i." U.S. Army Corps of Engineers, U.S. Army Garrison Hawaii.
- Office of Environmental Quality Control, State of Hawai'i. 2012. "Guide to the Implementation and Practice of the Hawaii Environmental Policy Act."
- "National Environmental Policy Act Implementing Regulations." 2020. Council on Environmental Quality.

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RE: Army Training Land Retention at Pōhakuloa Training Area on Hawai'i Island

To Whom It May Concern,

The Kona-Kohala Chamber of Commerce is a 501(c)(6) non-profit organization with nearly 500 member businesses that represent upwards of 20,000 employees in the Kona and Kohala districts on the island of Hawai'i. Our mission is to provide leadership and advocacy for a successful business environment in West Hawai'i.

The Kona-Kohala Chamber of Commerce supports the U.S. military's training mission at Pōhakuloa and a new State lease for Pōhakuloa Training Area (PTA).

PTA is a premier training area in Hawai'i and the Pacific. For Hawai'i Island, PTA employs 230 people, infuses \$74 million in the local economy annually, provides crucial first response for fire and rescue on Daniel K. Inouye Highway and regularly engages with the community through education and outreach.

The vision of the Kona-Kohala Chamber of Commerce is to enhance the quality of life for our community through a strong, sustainable economy. The economic impact of PTA can readily be quantified through expenditures such as Quonset hut, rock quarry, drainage and other infrastructure projects where local companies are used as much as possible. Additionally, travel to Hawai'i Island by soldiers feeds into our local economy, especially on the Kona side. However, PTA's reach goes far beyond providing positive economic impacts on Hawai'i Island. PTA connects to our community through multiple venues including Experience PTA Day, tours, community speaking engagements, participation in parades, dedication to Civil Air Patrol and Boys and Girls Club, and active memberships in local chambers and community associations. PTA has earned the respect of our community through relationship building and authentic, effective communication.

The Kona-Kohala Chamber of Commerce knows how crucial this land lease is to the overall operations of PTA and to the U.S. military in Hawai'i and the Pacific. We strongly support continued military use of the State-owned land at Pōhakuloa Training Area.

Sincerely,



Wendy J. Laros, M.Ed.
Executive Director, Kona-Kohala Chamber of Commerce

From: Susan
Sent: Wednesday, October 14, 2020 8:48 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] PTA EIS SCOPING INPUT
Attachments: PTAEIS.doc

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None but ourselves can free our minds ~Bob Marley

MAKA'ALA O KA HANA WAI

Moku O Keawe

Waikahekahe

RR#3 Box 1022

Pahoa, H.I. 96778

RE: Army Training Land Retention at Pohakuloa Training Area
Environmental Impact Statement Preparation
Public Scoping Process Input

To Whom It May Concern:

This letter is in response to the request for comments on the scope of the PTA EIS. First and foremost it must be stated, as is noted in the PTA EIS Scoping document that Ko Hawai'i Pae 'Aina: The Archipelagic Kingdom of the Hawaiian Islands still exists through today. There is no Treaty of Annexation, but there were Treaties between the USA and the Hawaiian Kingdom which were broken upon the landing of United States troops onto the grounds of the I'olani Palace in Honolulu on January 16, 1893. The US Military continued to support the small group of insurgents which made it impossible for the law enforcement of the Hawaiian Kingdom to rescue their held captive Queen Liliuo'kalani and to enforce Kingdom Law. There was no legal Statehood vote. Because the islands were held in a TRUST situation and eligible for de-colonization, a vote was held as a requirement of the UN (International Law) The required participation of the 'injured parties', the Hawaiians could not happen because of voter registration required USA citizenship, income minimums and property ownership requirements, yet the US military were encouraged and allowed to vote even though the voting military did not all meet the requirements of property ownership. The ballot also was also fraudulent in that it did not offer the required options of 'Free Association' nor 'Independence' which is also a requirement of international law for a plebecite.

We are positive others will be addressing this historical at some length; therefore, we shall move forward to address our EIS related concerns.

Section 3.1 states the classification of the lands which the Army currently holds its training. As Conservation Land. Environmental Conservation is defined as "used in a way that is sustainable". For your consideration: How sustainable is it to continue riddling the land with bombs and munitions for over 60 years with no completed clean up? Section 3.4 should be expanded for complete clean-up of all munitions and toxic waste on ALL military training lands.

The EIS needs to address ALL of Pohakuloa for ALL of the military claimed areas are subjected to bombing and artillery fire. That means all 132,000 acres need to be CLEANED UP as REQUIRED by the Terms of the Lease Agreement. The lease states that the land must be cleared of all munitions after EACH exercise. It is evident from the summaries in Section 3.4 that the required level of clean-up has not yet happened. This serious IMPACT on the ENVIRONMENT must be addressed in the EIS and used as a excuse to not complete a comprehensive EIS including ALL of the Pohakuloa areas of training, target practice and munitions experimentations.

With regard to the Cultural Impact, please note that under communities consulted there was not one Hawaiian Homestead Community listed, yet this island has the most Hawaiian Homestead Communities of any island! Food for thought ... Why is that? Can you do better? Please do so! Expansion of your consultation list to include the Native Hawaiian communities is imperative!

Section 3,9 Water Resources. In the statistics about rainfall and groundwater it is stated there are 3 intermittent streams that run through PTA with one of them combining with a 4th intermittent stream within the far northern border of the Training Area, and those 5 streams make up all the groundwater runoff for the entire 133,000 acres of Training Area. It is imperative that the aquifers at the 4500 foot elevation be protected from ALL potential contamination!

Please consider mitigation measures for any oil or fluid leaks from the equipment and trucks that travel all over this property. and whose fluids may permeate the ground

eventually making its way down to the aquifer. We understand that the Army has a strict maintenance program, but we also know that the number one breakdown on equipment is broken hydraulic hoses and fittings. A hydraulic leak on a pressurized hose can empty an entire oil tank in no time at all, and tanks on equipment can be anywhere from 10 gallons to 50 gallons and more. This is something most don't even consider, but we know the Army can change that! Since there are mostly dirt roads crisscrossing the facility, considering this type of mitigation measures should be a top priority and can help ensure a future with clean water in our aquifers that are only 1700 feet below the surface of Pohakuloa.

In conclusion these are the main topics of concern for our organization. We thank you for your attention in these matters and look forward to their inclusion in the Draft PTA EIS.

Sincerely,

Susan Rosier,
Community Advocate

Mālama Mākua

Mālama Mākua stands in staunch opposition to the renewing of U.S. Army leases anywhere in the Hawaiian islands, many of which currently expire in 2029, including sacred Pōhakuloa and sacred Mākua Valley on O‘ahu. Pōhakuloa and Mākua are both breathtaking wahi pana (legendary place, often sacred) that are culturally vital to the Kānaka Maoli (Native Hawaiians), the Indigenous people of the Hawaiian islands, and are thereby critical to all of the Hawaiian archipelago.

The definition of the way we use the word "‘āina" has become too narrow over time. In ancient times, ‘āina did not only refer to land, but to all that inhabit the environment. From the Earth to plants, to animals, to humans, all of it is ‘āina. We are ‘āina. Every time a bomb is detonated anywhere in the Hawaiian islands, Ko Hawai‘i Pae ‘Āina, not just the land, but the ‘āina, all of us, are impacted.

Mālama Mākua stands with U.S. Army COL (ret.) Ann Wright, and countless Kānaka Maoli cultural practitioners and non-Native allies, in staunch opposition to any new military leases of land in Hawai‘i. In fact, both COL Wright and Mālama Mākua call for the termination of the existing leases. In an op-ed published in the Honolulu Star-Advertiser on Monday, Oct. 12, 2020, COL Wright wrote:

"In violation of the terms of the lease, the Army has damaged native ecosystems, left unexploded ordnance, depleted uranium, and other contaminants, and harmed Native Hawaiian cultural sites. Hawaiian cultural practitioners Clarence Ku Ching and Mary Maxine Kahaulelio filed suit against the state DLNR in 2014, claiming the state breached its trust duties by failing to enforce the lease.

"Four years later, state Circuit Judge Gary Chang ruled in Ching and Kahaulelio's lawsuit that the DLNR failed to care for the Big Island property, lacking inspections over the first nearly 50 years of the lease. The judge said that the state has a duty to ‘mālama ‘āina,‘ called two DLNR inspection reports ‘grossly inadequate,‘ and ordered the state to develop and potentially execute a plan to obtain adequate funding for a comprehensive cleanup of the land."

There is no reason to believe the Army will be a better tenant under a new lease, or that the state of Hawai‘i will hold the Army to its lease obligations. Regardless, the Hawaiian islands, currently under a prolonged U.S. military occupation, have a long history of being peace-loving, dating back to when Hawaiian Kingdom monarch Kamehameha III declared the Hawaiian Kingdom a neutral state on May 16, 1854.

We, Mālama Mākua, call on the U.S. military to stop all discussions relating to the renewal of expiring leases that impact Hawaiian soil and Hawaiian waters and terminate all current military leases in the Hawaiian archipelago.

From: Healani Sonoda-Pale <healanipale@gmail.com>
Sent: Wednesday, October 14, 2020 1:56 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: Kealoha; Clarence Ching; mmkahualelio@yahoo.com
Subject: [Non-DoD Source] Pohakuloa Training Area EIS Comments
Attachments: Pohakuloa Letters Submitted.xlsx; Ae Like Pohakuloa Letter.pdf

Aloha,

Attached is the spreadsheet compilation of the 494 form letters (many with individual comments) that you should have received via email over the past three weeks.

I've also attached the PDF version of the statement by Maxine Kahualelio and Clarence "Ku" Ching that all 494 persons listed on the attached spreadsheet signed on to.

Sincerely,

M. Healani Sonoda-Pale, Ka Lahui Hawai'i Komike Kalai'aina
Maxine Kahualelio, Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana
Clarence "Ku" Ching, Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana
Kealoha Pisciotta, Mauna Kea Hui



Primary Message for Pōhakuloa:

The Army is currently seeking public comments for an Environmental Impact Statement (EIS) and an extended lease for Pōhakuloa. The scoping period will be open from September 23rd to October 14th, 2020. Attached are Uncle Ku Ching’s and Aunt Maxine Kaha`ulelio’s recent statement to the Army Commanders. The Mauna Kea Moku Nui `Aelike Consensus Building `Ohana supports our kūpuna and their statements with: 1) mālama `āina: calling for the Army and state to abide by the State of Hawai`i’s Supreme court’s ruling in Ching vs Case to mālama `āina and abide by their existing lease agreement to clean up; 2) a request in good faith for a schedule and plan of action for clean up of the Pōhakuloa training area; and 3) no extended leases to continue destroying the `āina beyond the end of the Army’s current lease (2029).



Photo L to R: UNCLE KU CHING, SUMMER SYLVA, DAVID FRANKEL AND AUNTY MAXINE KAHAULELIO

Uncle Ku Ching and Aunt Maxine Kaha`ulelio’s Recent Statement Submitted to the Army Commanders at Pōhakuloa: Standard of Policy and Behavior at Pohakuloa Training Area

WHEREAS, Under the Hawai`i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai`i’s people and the generations to come. Additionally, the Constitution specifies that the public lands “ceded” to the United States by the so-called Republic of Hawai`i following the overthrow of the Hawaiian Monarchy and returned to Hawai`i upon its admission to the Union hold a special status under law. These lands are held by the State IN TRUST for the benefit of Native Hawaiians and the general public. Accordingly, The Hawai`i State Constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including fiscal duties and responsibilities, an obligation to protect and preserve the resources however they are utilized.

WHEREAS, Several parcels of ceded land on the island of Hawai`i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. The State must monitor the leased trust land and the United States’ compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai`i’s people.

WHEREAS, The State’s duty to protect and preserve trust land is an obligation to reasonably monitor a third party’s (the U.S. Army’s) use of the property, and that this duty exists. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs.

WHEREAS, On August 17, 1964, the State of Hawai`i Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land, Lease No. S-3849, situated at Ka’ohe, Hāmākua and Pu’uanahulu, North Kona, Hawai`i to the United States for military purposes. The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA), was leased to the United States for a term of sixty-five years, to expire on August 16, 2029. In exchange, the United States paid the DLNR one dollar.

WHEREAS, The lease gives the United States the right to “have unrestricted control and use of the demised premises.” The lease also establishes several duties that the United States is obligated to fulfill during the course of the lease. The lease, among other things, requires that the United States “make every reasonable effort to ... remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the public, whichever is sooner. In Paragraph 14 of the lease, the United States agrees to “take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources” and to “avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from [the United States’ use of the said premises.”

WHEREAS, and Furthermore, the United States agrees that, if required by the State upon the surrender of the property at the termination of the lease, it will “remove weapons and shells used in connection with its training activities.”

WHEREAS, Under article XII, section 4 and article XI, section 1 of the Hawai‘i Constitution, the State is the trustee of the public “ceded” lands trust and of public natural resources, and it therefore has a trust duty to “monitor, inspect and investigate to ensure that public trust lands are not being damaged. The State of Hawai‘i, as the trustee of such lands, has “the highest (Constitutional and fiduciary) duty to preserve and maintain the trust lands (for the beneficiaries).”

WHEREAS, and Additionally, The Ka Pa‘akai court held that the Hawai‘i Constitution places “an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights.”

WHEREAS, Acknowledging the intention of the Admission Act and the “Aloha” of the Hawai‘i State Constitution,

WHEREAS, As a further guideline, the courts (including the Hawai‘i Supreme Court), in compliance to its (the State’s) duty to comply with its public trust and fiduciary obligations, suggest - that it should “promptly initiate and undertake affirmatively to “Malama ‘Aina” the PTA” - to care for the land, and,

BE IT RESOLVED, In order to operate at the highest possible standards and good faith, We adopt the principle of “Malama ‘Aina” (to care for the land) to accompany and be an integral part of all behavior, policies, rules, regulations and activities taking place at Pohakuloa Training Area.

Specific Talking Points for the EIS

The Army’s lease requires that it “make every reasonable effort to ...remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” and remove “all trash, garbage and other waste materials[.]” Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.

Former Bazooka Range

In a draft document entitled “Action Memorandum for the Time Critical Removal Action”, that was prepared in March 2015 by the United States Army Garrison at Wheeler Army Airfield on Schofield Barracks in Wahiawa, O‘ahu, Hawai‘i, it was reported that the former Bazooka Range MRS is located at the Pōhakuloa Training Area. The former Bazooka Range was apparently used as a military maneuver area through the early 2000s. During a site inspection of the Bazooka Range area that was jointly conducted by DLNR and the Army in 2014, the area was found to be “heavily contaminated on the surface with material potentially presenting an explosive hazard (MPPEH)and munition debris (MD).” (Emphasis added.) A subsequent inspection by two military explosive ordnance disposal units found that the following types of ordnance were observed to be present:

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

Other suspected fired ordnance at the Bazooka Range area also included:

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

The Army noted that the sheer densities and quantities of ordnance that are present on the ground at the former Bazooka Range area “coupled with the accessibility to the public make for the potential for significant danger to public health and welfare.” The estimated cost of remediating the danger as of March 2015 was \$2,353,000. The Army recommended that the removal of ordnance danger because of the significant possibility that ordnance exists at the former Bazooka Range area that “presents an imminent and substantial endangerment to public health, or welfare, or the environment.”

Any EIS should disclose the status of the cleanup of the Former Bazooka Range.

1. Has it been completely cleaned up?
2. Is it safe to enter? How much waste was collected?

3. What did it comprise of?
4. Where was it disposed of?

It is important for the Army to acknowledge that Native Hawaiians (Kanaka Maoli) are an embodiment of the `āina and as a result it is imperative that our lands are returned to their natural state and condition by leaseholders upon expiration of their leases. To fully understand the Native Hawaiian people's political and spiritual relationship to the land, two key facts outlined in the U.S. Apology to the Hawaiian people must be considered; 1) the federal government has recognized the importance of the land to the Hawaiian people, and 2) in order for the Admissions Act to pass, the U.S. Congress required a provision be included clarifying that all the lands of Hawai'i be held by the State for, among other things, "... the betterment of the condition of Native Hawaiians." Public Law 103-150 affirms this stating in relevant part: "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land [Please See Public Law 103-150 the Apology Resolution (November 23, 1993)]."

Therefore regarding unexploded munitions, we call upon the Army in good faith to disclose its unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy.

Mālama `Āina (to care for), requires cleanup and restoration of the land, and therefore means:

1. Pōhakuloa is to be restored to its natural habitat with healthy ecosystems that Kanaka Maoli can access and utilize as right holders/practitioners of the `āina.
2. The process for clean-up must include restoring the `āina to its original condition and beauty. Pursuant to the Army's lease agreement and legal obligations, the Army must mālama `āina to restore ola (life) and create a safe and healthy environment for the well-being of flora, fauna and all interdependent life forms including the native tenants/hoa `āina/beneficiaries including but not limited to: hunters and gatherers, lā'au lapa'au, cultural and religious/spiritual practitioners and their relationship to the `āina.

Invasive Species

The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused. In the early 90's enclosures were installed within the training area to identify and protect endemic species within the area from Army training activities. It is imperative that all rare, threatened and or endangered organisms within the area remain protected. The complete inventory of all rare, threatened and/or endangered plant, insect and animal species including those identified as Native Hawaiian `Aumakua and Kinolau (Divine Bodily Manifestations Of Hawaiian Deities) this list should include but not be limited to the following:

(1) Palila bird, (2) I'iwi bird and all forest birds, (3) Nēnē Geese, (4) Pueo, (5) `Ōpe`ape`a (6) `Ua`u (Petrel), (7) `Iwa Bird and other Manu Kai etc.

Also the forest flowers and trees including; ancient Lehua, Māmane, `Iliahi (Aoa), Koa, `Akoko trees and all other rare, threatened and endangered species of plants that represent Hawaiian `Aumakua and/or Kinolau (Divine Bodily Manifestations Of Hawaiian Deities).

Cultural Sites

To date, investigations into the number and significance of cultural sites have been superficial. The EIS should include a thorough inventory of the historic sites in the area, discussion of the cultural significance of Pōhakuloa itself, and a discussion as to how the condition of these sites has changed while the Army has used these lands. Native Hawaiians and the general public have limited use only and therefore cannot fully enjoy and/or properly use the land for cultural, religious or gathering practices until the lands are cleaned up and restored.

Full Range of Alternatives

The Army must consider the most important alternative: returning these "ceded lands" back to the People of Hawai'i (via the Department of Land and Natural Resources) after restoring them to the condition that they were in prior to the Army's use of this land.

We hold the Army to their agreements to return Pōhakuloa to the People Of Hawai'i in its original state by 2029.

/s/ Aunty Maxine and Uncle Ku on behalf of the Mauna Kea Moku Nui `Aelike Consensus Building `Ohana

Date: 9.27.2020

"Stop bombing Ko Pae `Āina o Hawai'i (Archipelago of Hawai'i), Stop bombing Moananui (Pacific)"

Date	Name-First	Name-Last	City, Island or State	Email	Primary Message for Pohakuloa	Primary Message for Pohakuloa	Comments
					<p>Primary Message for Pohakuloa</p> <p>The Army is currently seeking public comments for an Environmental Impact Statement (EIS) and an extended lease for Pōhakuloa. The scoping period will be open from September 23rd to October 14th, 2020. Attached are Uncle Ku Ching's and Aunt Maxine Kaha'ulelio's recent statement to the Army Commanders. The Mauna Kea Moku Nui 'Ae'ike Consensus Building 'Ohana supports our kūpuna and their statements with: 1) mālama 'āina: calling for the Army and state to abide by the State of Hawai'i's Supreme court's ruling in Ching vs Case to mālama 'āina and abide by their existing lease agreement to clean up; 2) a request in good faith for a schedule and plan of action for clean up of the Pōhakuloa training area, and 3) no extended leases to continue destroying the 'āina beyond the end of the Army's current lease (2029).</p> <p>Uncle Ku Ching and Aunt Maxine Kaha'ulelio's Recent Statement Submitted to the Army Commanders at Pōhakuloa:</p> <p>Standard of Policy and Behavior at Pohakuloa Training Area</p> <p>WHEREAS, Under the Hawai'i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come. Additionally, the Constitution specifies that the public lands "ceded" to the United States by the so-called Republic of Hawai'i following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under law. These lands are held by the State IN TRUST for the benefit of Native Hawaiians and the general public. Accordingly, The Hawai'i State Constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including fiscal duties and responsibilities, an obligation to protect and preserve the resources however they are utilized.</p> <p>WHEREAS, Several parcels of ceded land on the island of Hawai'i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. The State must monitor the leased trust land and the United States' compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai'i's people.</p>	<p>Primary Message for Pohakuloa</p> <p>The Army is currently seeking public comments for an Environmental Impact Statement (EIS) and an extended lease for Pōhakuloa. The scoping period will be open from September 23rd to October 14th, 2020. Attached are Uncle Ku Ching's and Aunt Maxine Kaha'ulelio's recent statement to the Army Commanders. The Mauna Kea Moku Nui 'Ae'ike Consensus Building 'Ohana supports our kūpuna and their statements with: 1) mālama 'āina: calling for the Army and state to abide by the State of Hawai'i's Supreme court's ruling in Ching vs Case to mālama 'āina and abide by their existing lease agreement to clean up; 2) a request in good faith for a schedule and plan of action for clean up of the Pōhakuloa training area, and 3) no extended leases to continue destroying the 'āina beyond the end of the Army's current lease (2029).</p> <p>Uncle Ku Ching and Aunt Maxine Kaha'ulelio's Recent Statement Submitted to the Army Commanders at Pōhakuloa:</p> <p>Standard of Policy and Behavior at Pohakuloa Training Area</p> <p>WHEREAS, Under the Hawai'i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come. Additionally, the Constitution specifies that the public lands "ceded" to the United States by the so-called Republic of Hawai'i following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under law. These lands are held by the State IN TRUST for the benefit of Native Hawaiians and the general public. Accordingly, The Hawai'i State Constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including fiscal duties and responsibilities, an obligation to protect and preserve the resources however they are utilized.</p> <p>WHEREAS, Several parcels of ceded land on the island of Hawai'i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. The State must monitor the leased trust land and the United States' compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai'i's people.</p>	
					<p>WHEREAS, The State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's (the U.S. Army's) use of the property, and that this duty exists. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs.</p> <p>WHEREAS, On August 17, 1964, the State of Hawai'i Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land, Lease No. S-3849, situated at Ka'ohē, Hāmākua and Pu'uānāhulu, North Kona, Hawai'i to the United States for military purposes. The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA), was leased to the United States for a term of sixty-five years, to expire on August 16, 2029. In exchange, the United States paid the DLNR one dollar.</p> <p>WHEREAS, The lease gives the United States the right to "have unrestricted control and use of the demised premises." The lease also establishes several duties that the United States is obligated to fulfill during the course of the lease. The lease, among other things, requires that the United States "make every reasonable effort to ... remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the public, whichever is sooner. In Paragraph 14 of the lease, the United States agrees to "take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources" and to "avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from [the United States' use of the said premises."</p> <p>WHEREAS, and Furthermore, the United States agrees that, if required by the State upon the surrender of the property at the termination of the lease, it will "remove weapons and shells used in connection with its training activities."</p> <p>WHEREAS, Under article XII, section 4 and article XI, section 1 of the Hawai'i Constitution, the State is the trustee of the public "ceded" lands trust and of public natural resources, and it therefore has a trust duty to "monitor, inspect and investigate to ensure that public trust lands are not being damaged. The State of Hawai'i, as the trustee of such lands, has "the highest (Constitutional and fiduciary) duty to preserve and maintain the trust lands (for the beneficiaries)."</p>	<p>WHEREAS, The State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's (the U.S. Army's) use of the property, and that this duty exists. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs.</p> <p>WHEREAS, On August 17, 1964, the State of Hawai'i Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land, Lease No. S-3849, situated at Ka'ohē, Hāmākua and Pu'uānāhulu, North Kona, Hawai'i to the United States for military purposes. The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA), was leased to the United States for a term of sixty-five years, to expire on August 16, 2029. In exchange, the United States paid the DLNR one dollar.</p> <p>WHEREAS, The lease gives the United States the right to "have unrestricted control and use of the demised premises." The lease also establishes several duties that the United States is obligated to fulfill during the course of the lease. The lease, among other things, requires that the United States "make every reasonable effort to ... remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the public, whichever is sooner. 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					<p>WHEREAS, and Additionally, The Ka Pa'akai court held that the Hawai'i Constitution places "an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights."</p> <p>WHEREAS, Acknowledging the intention of the Admission Act and the "Aloha" of the Hawai'i State Constitution,</p> <p>WHEREAS, As a further guideline, the courts (including the Hawai'i Supreme Court), in compliance to its (the State's) duty to comply with its public trust and fiduciary obligations, suggest - that it should "promptly initiate and undertake affirmatively to "Malama 'Aina" the PTA" - to care for the land, and,</p> <p>BE IT RESOLVED, In order to operate at the highest possible standards and good faith, We adopt the principle of "Malama 'Aina" (to care for the land) to accompany and be an integral part of all behavior, policies, rules, regulations and activities taking place at Pohakuloa Training Area.</p> <p>Specific Talking Points for the EIS</p> <p>The Army's lease requires that it "make every reasonable effort to ...remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.</p> <p>Former Bazooka Range In a draft document entitled "Action Memorandum for the Time Critical Removal Action", that was prepared in March 2015 by the United States Army Garrison at Wheeler Army Airfield on Schofield Barracks in Wahiawa, O'ahu, Hawai'i, it was reported that the former Bazooka Range MRS is located at the Pōhakuloa Training Area.</p>	<p>WHEREAS, and Additionally, The Ka Pa'akai court held that the Hawai'i Constitution places "an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights."</p> <p>WHEREAS, Acknowledging the intention of the Admission Act and the "Aloha" of the Hawai'i State Constitution,</p> <p>WHEREAS, As a further guideline, the courts (including the Hawai'i Supreme Court), in compliance to its (the State's) duty to comply with its public trust and fiduciary obligations, suggest - that it should "promptly initiate and undertake affirmatively to "Malama 'Aina" the PTA" - to care for the land, and,</p> <p>BE IT RESOLVED, In order to operate at the highest possible standards and good faith, We adopt the principle of "Malama 'Aina" (to care for the land) to accompany and be an integral part of all behavior, policies, rules, regulations and activities taking place at Pohakuloa Training Area.</p> <p>Specific Talking Points for the EIS</p> <p>The Army's lease requires that it "make every reasonable effort to ...remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.</p> <p>Former Bazooka Range In a draft document entitled "Action Memorandum for the Time Critical Removal Action", that was prepared in March 2015 by the United States Army Garrison at Wheeler Army Airfield on Schofield Barracks in Wahiawa, O'ahu, Hawai'i, it was reported that the former Bazooka Range MRS is located at the Pōhakuloa Training Area.</p>	

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				<p>It is important for the Army to acknowledge that Native Hawaiians (Kanaka Maoli) are an embodiment of the 'āina and as a result it is imperative that our lands are returned to their natural state and condition by leaseholders upon expiration of their leases. To fully understand the Native Hawaiian people's political and spiritual relationship to the land, two key facts outlined in the U.S. Apology to the Hawaiian people must be considered; 1) the federal government has recognized the importance of the land to the Hawaiian people, and 2) in order for the Admissions Act to pass, the U.S. Congress required a provision be included clarifying that all the lands of Hawai'i be held by the State for, among other things, "... the betterment of the condition of Native Hawaiians." Public Law 103-150 affirms this stating in relevant part: "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land [Please See Public Law 103- 150 the Apology Resolution (November 23, 1993)]."</p> <p>Therefore regarding unexploded munitions, we call upon the Army in good faith to disclose its unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy. Mālama 'Āina (to care for), requires cleanup and restoration of the land, and therefore means:</p> <ol style="list-style-type: none"> 1. Pōhakuloa is to be restored to its natural habitat with healthy ecosystems that Kanaka Maoli can access and utilize as right holders/practitioners of the 'āina. 2. The process for clean-up must include restoring the 'āina to its original condition and beauty. <p>Pursuant to the Army's lease agreement and legal obligations, the Army must mālama 'āina to restore ola (life) and create a safe and healthy environment for the well-being of flora, fauna and all interdependent life forms including the native tenants/hoa 'āina/beneficiaries including but not limited to: hunters and gatherers, lā'au lapa'au, cultural and religious/spiritual practitioners and their relationship to the 'āina.</p> <p>Invasive Species The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have</p>	<p>It is important for the Army to acknowledge that Native Hawaiians (Kanaka Maoli) are an embodiment of the 'āina and as a result it is imperative that our lands are returned to their natural state and condition by leaseholders upon expiration of their leases. To fully understand the Native Hawaiian people's political and spiritual relationship to the land, two key facts outlined in the U.S. Apology to the Hawaiian people must be considered; 1) the federal government has recognized the importance of the land to the Hawaiian people, and 2) in order for the Admissions Act to pass, the U.S. Congress required a provision be included clarifying that all the lands of Hawai'i be held by the State for, among other things, "... the betterment of the condition of Native Hawaiians." Public Law 103-150 affirms this stating in relevant part: "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land [Please See Public Law 103- 150 the Apology Resolution (November 23, 1993)]."</p> <p>Therefore regarding unexploded munitions, we call upon the Army in good faith to disclose its unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy. Mālama 'Āina (to care for), requires cleanup and restoration of the land, and therefore means:</p> <ol style="list-style-type: none"> 1. Pōhakuloa is to be restored to its natural habitat with healthy ecosystems that Kanaka Maoli can access and utilize as right holders/practitioners of the 'āina. 2. The process for clean-up must include restoring the 'āina to its original condition and beauty. <p>Pursuant to the Army's lease agreement and legal obligations, the Army must mālama 'āina to restore ola (life) and create a safe and healthy environment for the well-being of flora, fauna and all interdependent life forms including the native tenants/hoa 'āina/beneficiaries including but not limited to: hunters and gatherers, lā'au lapa'au, cultural and religious/spiritual practitioners and their relationship to the 'āina.</p> <p>Invasive Species The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have</p>	
				<p>caused. In the early 90's enclosures were installed within the training area to identify and protect endemic species within the area from Army training activities. It is imperative that all rare, threatened and or endangered organisms within the area remain protected. The complete inventory of all rare, threatened and/or endangered plant, insect and animal species including those identified as Native Hawaiian 'Aumakua and Kinolau (Divine Bodily Manifestations Of Hawaiian Deities) this list should include but not be limited to the following:</p> <ol style="list-style-type: none"> (1) Palla bird, (2) I'wi bird and all forest birds, (3) Nēnē Geese, (4) Pueo, (5) 'Ōpe'ape'a, (6) 'Ua'u (Petrel), (7) 'Iwa Bird and other Manu Kai etc. <p>Also the forest flowers and trees including; ancient Lehua, Māmane, 'Iliahi (Aoa), Koa, 'Akoko trees and all other rare, threatened and endangered species of plants that represent Hawaiian 'Aumakua and/or Kinolau (Divine Bodily Manifestations Of Hawaiian Deities).</p> <p>Cultural Sites To date, investigations into the number and significance of cultural sites have been superficial. The EIS should include a thorough inventory of the historic sites in the area, discussion of the cultural significance of Pōhakuloa itself, and a discussion as to how the condition of these sites has changed while the Army has used these lands. Native Hawaiians and the general public have limited use only and therefore cannot fully enjoy and/or properly use the land for cultural, religious or gathering practices until the lands are cleaned up and restored.</p>	<p>caused. In the early 90's enclosures were installed within the training area to identify and protect endemic species within the area from Army training activities. It is imperative that all rare, threatened and or endangered organisms within the area remain protected. The complete inventory of all rare, threatened and/or endangered plant, insect and animal species including those identified as Native Hawaiian 'Aumakua and Kinolau (Divine Bodily Manifestations Of Hawaiian Deities) this list should include but not be limited to the following:</p> <ol style="list-style-type: none"> (1) Palla bird, (2) I'wi bird and all forest birds, (3) Nēnē Geese, (4) Pueo, (5) 'Ōpe'ape'a, (6) 'Ua'u (Petrel), (7) 'Iwa Bird and other Manu Kai etc. <p>Also the forest flowers and trees including; ancient Lehua, Māmane, 'Iliahi (Aoa), Koa, 'Akoko trees and all other rare, threatened and endangered species of plants that represent Hawaiian 'Aumakua and/or Kinolau (Divine Bodily Manifestations Of Hawaiian Deities).</p> <p>Cultural Sites To date, investigations into the number and significance of cultural sites have been superficial. The EIS should include a thorough inventory of the historic sites in the area, discussion of the cultural significance of Pōhakuloa itself, and a discussion as to how the condition of these sites has changed while the Army has used these lands. Native Hawaiians and the general public have limited use only and therefore cannot fully enjoy and/or properly use the land for cultural, religious or gathering practices until the lands are cleaned up and restored.</p>	
				<p>Full Range of Alternatives The Army must consider the most important alternative: returning these "ceded lands" back to the People Of Hawai'i (via the Department of Land and Natural Resources) after restoring them to the condition that they were in prior to the Army's use of this land. We hold the Army to their agreements to return Pōhakuloa to the People Of Hawai'i in its original state by 2029. /s/ Aunty Maxine and Uncle Ku on behalf of the Mauna Kea Moku Nui 'Aelike Consensus Building 'Ohana Date: 9.27.2020 *Stop bombing Ko Pae 'Āina o Hawai'i (Archipelago of Hawai'i), Stop bombing Moananui (Pacific)-I am adding my name on to this letter (it is also attached as a pdf).</p>	<p>Full Range of Alternatives The Army must consider the most important alternative: returning these "ceded lands" back to the People Of Hawai'i (via the Department of Land and Natural Resources) after restoring them to the condition that they were in prior to the Army's use of this land. We hold the Army to their agreements to return Pōhakuloa to the People Of Hawai'i in its original state by 2029. /s/ Aunty Maxine and Uncle Ku on behalf of the Mauna Kea Moku Nui 'Aelike Consensus Building 'Ohana Date: 9.27.2020 *Stop bombing Ko Pae 'Āina o Hawai'i (Archipelago of Hawai'i), Stop bombing Moananui (Pacific)-I am adding my name on to this letter (it is also attached as a pdf).</p>	

2020-10-14 11:51:24	Milliani	Trask	Hawaii	[REDACTED]	yes	yes	<p>Comments of Milliani B. Trask, Culture Practitioner, Pohakuloa, Hawaii</p> <p>1. The EIS and CIA for the Pohakuloa training Area must follow the Ka Pa'akai Analytical Framework, See Decision in 94 Hawai'i at 52, 7 P.3d at 1089.</p> <p>The fundamental approach to the development of the CMP & EIS must utilize the Hawai'i Supreme Court's analytical framework to ensure that traditional and customary Native Hawaiian rights are preserved and protected. This framework has its foundation in Ka Pa'akai. This includes at a minimum addressing: "(1) the identity and scope of 'valued cultural, historical, or natural resources' in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the PTA area (23,000 acres); (2) the extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken by the [agency] to reasonably protect native Hawaiian rights if they are found to exist." (Ka Pa'akai, 94 Hawai'i at 52, 7 P.3d at 1089.)</p> <p>The CMP & EIS must address these three components to ensure that traditional and customary Native Hawaiian rights and cultural, historical, and natural resources are preserved and protected:</p> <p>1) The identity and scope of valued cultural, historical, or natural resources that are found within the entire DOD/DLNR Pohakuloa Training Area consisting of 23,000 acres. This would include the extent to which traditional and customary Native Hawaiian rights are exercised in the entire area.</p> <p>The identification and scope of the valued cultural resources should be determined by conducting a 106 Federal Consultation, personal interviews and meetings with lineal descendants well as historical documentation about cultural resources and traditional and customary practices that may have been historically and are contemporarily exercised within the PTA. Additional information from past archaeological surveys and existing documentation about historical uses of the PTA and current contemporary uses, including the building of shrines and altars , gathering etc should be researched, mapped (cultural mapping) and included.</p>
2020-10-14 11:24:02	Jeike	Meijer	California	[REDACTED]	yes	no	<p>Valuable natural resources that are also cultural resources need to be identified & include a thorough literature review, reports on past surveys conducted in the PTA.</p> <p>2) The extent to which those resources – including traditional and customary Native Hawaiian rights – will be affected or impaired by the proposed action</p> <p>3) The feasible action, if any, to be taken by the DOD/DLNR to reasonably protect Native Hawaiian rights, natural and cultural resources, as well as procedures for Hawaiian Access to the PTA for the exercise of Hawaiian Federal Constitutional Rights.</p> <p>ccess to engage in traditional and customary rights will not be adversely affected by the CMP. Section 7 is designed specifically to provide a set of management actions with guidelines to manage existing and potential future activities and uses to ensure that the cultural, historical, and natural resources are properly managed and protected not only for this generation but for future generations. In those instances where specific cultural protocols need to be addressed and developed, the CMP recommends that Kahū Kū Mauna or the Mauna Kea Management Board (MKMB) Hawaiian Cultural Committee work in coordination with families with lineal and historic connections to Mauna Kea, kūpuna,</p>
2020-10-14 11:13:25	Emily	Burkhart	Hilo, Hawai'i Island	[REDACTED]	yes	no	<p>I demand that the U.S. Army and state abide by the Hawai'i Supreme Court Ruling in Ching vs Case to mālama 'āina and abide by their existing lease agreement to clean up the 'āina.</p> <p>I request in good faith for a schedule and plan of action for clean up of the Pōhakuloa training area.</p> <p>I demand that no extended leases are issued to the Army to continue destroying the 'āina beyond the end of the Army's current lease (2029).</p>
2020-10-14 11:10:30	Beth	Eisenberg	West Hills	[REDACTED]	yes	yes	<p>We must honor our word and respect native Hawaiians, our citizens and the land.</p>
2020-10-14 11:07:46	Tlaloc	Tokuda	Kailua Kona	[REDACTED]	yes	yes	<p>I agree that the clean up of the Pōhakuloa training area be completed then returned as ceded land to DLNR and the people of Hawaii,</p>
2020-10-14 10:00:03	Nana-Honua	Manuel	Hawaii, Hawaii	[REDACTED]	yes	yes	<p>I would also request Section 106 consultation with lineal & cultural descendants of this area. There should be no extension of the lease or retention of these lands without the Army having complied with the original terms of the existing lease. Please clean up and surrender these "ceded" lands.</p>
2020-10-14 09:50:22	janice	palma-glennie	hawaii, HI	[REDACTED]	no	yes	<p>Aloha, The use of critical habitat by the U.S. Military purposes is unacceptable per the statements and information provided in the message above. Mahalo for stopping this unnecessary, extremely damaging use of the land on our island. Sincerely, janice Palma-Glennie</p>
2020-10-14 08:04:58	Kalamaakaaina	Niheu	Kaaawa	[REDACTED]	yes	no	
2020-10-14 07:56:51	Melissa	Tomlinson	Lafayette, CA	[REDACTED]	yes	yes	<p>I believe an individual would have to be pretty dense in today's world to not only defend these actions, but also to not understand or acknowledge the environmental and all life impact from bombing. It is not the way we evolve, period. Stop bombing the land!!!! Stop bombing land everywhere. Stop bombing period. How about our nation exemplify true leadership and sets the tone by being non-violent. Are U.S. military personnel even capable of that? Or is the complex just a bunch of warmongers because honestly, that is how I view our military and any military. Like a bunch of kids fighting over a toy. It's shameful how the U.S. military perceives protecting and defending and how the top down treats its people who choose to serve. Do better! Stop bombing!</p>
2020-10-14 07:53:58	Jonathan	Davis	CA	[REDACTED]	yes	yes	
2020-10-14 07:14:13	Terri	Eisenberg	California	[REDACTED]	yes	no	
2020-10-14 07:12:39	Sherri	Thal	Kea'au	[REDACTED]	yes	yes	<p>The Kanaka Maoli have spoken their truths and requests in the attached letter. Justice must be served to the Aina and the Native Hawaiians, who are the living embodiment of the land as well as its keeper. Do the right thing: Restore the land, clean up your deadly military trash, return the ceded land to the people. We must learn to live in Peace. Aloha, Malama pono. Sherri Thal, Kea'au, HI 96749</p>
2020-10-14 05:35:15	Ally	Arganbright	Santa Cruz, CA	[REDACTED]	yes	no	<p>Stand up for indigenous moral authority over land!!</p>
2020-10-14 05:33:28	Mary	True	Pepeekeo, 96783	[REDACTED]	yes	yes	<p>Telescopes please, not bombs.</p>
2020-10-14 04:46:31	Laura	Acasio	Hilo, Hawaii	[REDACTED]	yes	no	
2020-10-14 04:40:42	Lisa	Medvene	Lake Forest, CA	[REDACTED]	yes	no	
2020-10-13 22:38:19	Eric	Wada	Honolulu	[REDACTED]	yes	no	
2020-10-13 21:43:07	Tatsuki	Kohatsu	Honolulu	[REDACTED]	yes	yes	
2020-10-13 21:12:15	Jim	Albertini	Ola'a (Kurtistown) Hawaii	[REDACTED]	yes	no	
2020-10-13 21:11:35	Frances	Harold	Maui	[REDACTED]	yes	no	

2020-10-13 20:40:59	Pete	Doktor	Moanalua, O'ahu	[REDACTED]	yes	yes	As a former US Army combat medic, I can personally attest that we would routinely destroy rampantly public lands (e.g., Piñon Canyon, Colorado; Yakima, Washington, Mojave desert, etc.) during war games with our armored vehicles, of which I participated as a teenager recruited during high school. The EPA would often freeze training in areas previously destroyed to permit some time for restoration -- only to be destroyed again. Even IF Armed Forces had proactive policies to protect such natural resources that the community depends like aquifers, as a former soldier I do not believe it is possible to completely reign in every soldier from the top down to prioritize land preservation over its mission of military readiness -- because that endeavor is not mutually compatible -- preparing for war is the act of practicing violent force against imaginary enemies -- with very real consequences against natural and cultural resources. Auntie Maxine and Uncle Ku are doing more for the security of the people of Hawai'i Island than the military which is the actual public health and safety threat to the local community. The Army should withdraw from Pōhākūloa as agreed to by contract before it further embarrasses and discredits itself anymore than it already has, to make way for a community-based stewardship of the land that maintains genuine human security, aloha 'āina and pono.
2020-10-13 19:45:49	Lauren	Nuss	Hilo	[REDACTED]	yes	no	
2020-10-13 18:42:38	Corrina	Gould	Oakland, California	[REDACTED]	yes	no	
2020-10-13 18:20:19	Alisa	Eisenberg	Laguna Beach California	[REDACTED]	yes	no	
2020-10-13 18:00:49	J	Oba	Oahu	[REDACTED]	yes	no	
2020-10-13 15:47:03	Laulani	Teale	Kāne'ohe	[REDACTED]	yes	no	
2020-10-13 15:08:28	Amara	Smith	Oakland, California	[REDACTED]	yes	yes	
2020-10-13 14:43:48	Leimomi	Kalanihua	Hawaiian Kingdom	[REDACTED]	yes	no	Stop desecrating the sacred land of indigenous people. Just. Stop.
2020-10-13 14:38:10	Tehani	Louis-Perkins	Haleiwa, Oahu	[REDACTED]	yes	no	
2020-10-13 14:15:05	Dr. Chris	Lipat, DC	Honolulu, HI	[REDACTED]	yes	no	
2020-10-13 13:33:02	David	Mulinix	Kaneohe, Oahu, Hawaii	[REDACTED]	yes	yes	
2020-10-13 12:27:37	Tavae	Samuelu	Long Beach, CA	[REDACTED]	yes	no	
2020-10-13 12:23:15	Mark	Kamakea	San Leandro, CA	[REDACTED]	yes	no	
2020-10-13 11:09:26	Teresa	Lau	California	[REDACTED]	yes	no	
2020-10-13 10:58:08	Nadya	Tannous	Berkeley, CA	[REDACTED]	yes	yes	Protect Pōhākūloa!
2020-10-13 10:38:52	Luke	Budjardjo	NY	[REDACTED]	yes	no	
2020-10-13 10:33:46	Sheridan Noelani	Enomoto	Santa Rosa, California	[REDACTED]	yes	no	
2020-10-13 10:09:05	Mina	Hemmy	Oahu	[REDACTED]	yes	yes	
2020-10-13 09:55:49	Kauāakeakua	Segundo	Wailuku, Maui	[REDACTED]	yes	yes	
2020-10-13 09:29:07	Dylan	Kennedy	California	[REDACTED]	yes	no	
2020-10-13 07:42:25	Alliah	Alcain	Maryland	[REDACTED]	yes	yes	Our land should be taken care of and protected, not damaged. Aloha 'āina always
2020-10-13 07:18:22	Talia	Cooper	Oakland, California	[REDACTED]	yes	no	
2020-10-13 06:43:02	Dr Fuituilupe	Niumeitolu	Oakland, California	[REDACTED]	yes	no	
2020-10-13 06:18:40	Erin	Doyle	California	[REDACTED]	yes	no	
2020-10-13 06:01:25	Emma	Kinney	Massachusetts	[REDACTED]	yes	no	
2020-10-13 05:38:30	Kim	Shuck	San Francisco	[REDACTED]	yes	no	
2020-10-13 05:04:09	Barbara	Mumby	California	[REDACTED]	yes	yes	
2020-10-13 03:38:22	Jane	Leitch	FI	[REDACTED]	yes	no	In a world where we are being pushed and pulled, and manipulated on a dail basis, Improud to out my name to something that stands for something important. Protect and support what is important.
2020-10-13 02:56:32	Kallioa	Lee Loy	Hilo, Hawai'i	[REDACTED]	yes	yes	"He alii ka 'āina; he kauwā ke kanaka." "The land is a chief; man is its servant." -Mary Kawena Pukui, 'Ōlelo No'eau
2020-10-13 02:52:25	Carol	McKenzie	London, UK	[REDACTED]	yes	yes	
2020-10-13 02:03:02	Kay	Barrett	Nj.	[REDACTED]	yes	no	Return the ceded lands back to the people of Hawaii! Stop the bombing! The army is devastating and harming the land.n
2020-10-12 23:22:10	Malioluika P.	Gentry	Kailua-Kona, Hawaii	[REDACTED]	no	yes	Having worked on Pōhākūloa as an Archaeologist in 2011-12, I am aware of the numerous unique Archaeological sites located on Pōhākūloa. I am also aware of the existing cultural resources on Pōhākūloa that, due to access restrictions, many Kānaka Maoli (Native Hawaiians) have never seen. Issues related to Unexploded Ordinance, and other dangers have currently, and in the past rendered many areas inaccessible without specialized training, military escorts and specialized gear. In the case of Kānaka Maoli, access to Pōhākūloa has been restricted, and customary cultural practices have not been allowed. As a Kānaka maoli, I have been fortunate to see and experience many of our cultural sites on Pōhākūloa. While working there, I came to realize the cultural significance of Pōhākūloa and the necessity of it's importance to the Hawaiian people. Therefore, I support the clean up and restoration of Pōhākūloa to it's original state, and the cessation of all bombing of the 'āina in the saddle area. Further, I support the ending of the military's lease of Pōhākūloa upon termination of the current lease. A complete documentation of all sites both in and outside of the bombing zone is also warranted. In conclusion, the uniqueness of the sites on Pōhākūloa not found elsewhere, and the connection of these sites to the surrounding volcanic peaks is important to the Hawaiian people. Located at the base of what culturally is our piko (belly button) that connects us to the past, present and future, namely Mauna ā Wākea (Maunakea), Pōhākūloa is a significant cultural resource to the Hawaiian people. Bombing of this resource is paramount to desecration In Kānaka maoli eyes, minds, and spirits. I ask for consideration in this matter and a recinding of the military's tequest for lease renewal. Sincerely, Malioluika Gentry Retired Archaeologist
2020-10-12 22:29:51	Elizabeth	Bush	KAMUELA	[REDACTED]	yes	no	
2020-10-12 21:20:03	Jack	Leitch	Oakland, California	[REDACTED]	yes	yes	
2020-10-12 21:17:36	Linda	Kraemer	Costa Mesa, CA	[REDACTED]	yes	no	Please preserve this beautiful place we visit!
2020-10-12 21:14:35	Alika Kamanawa	Kinimaka-Mano'i	Kailua-Kona, Hawai'i	[REDACTED]	no	yes	I, Descendant of David Kinimaka. Demand that the Commander and Chief of the United States Military immediately address our initial council of 'Aelike for the discussions on the process of returning all Hawaiian Lands to the rightful owners the Gods of Hawai'i under the salvation of the most recent addition to the Divine Hawaiian Patheon Iesu Kristo. Also, Mr. PRESIDENT. I am glad to hear you are rested and returning to health. You have been in my prayers. Alika Kinimaka Mano'i
2020-10-12 21:06:13	Alexander	Logan	Hawaii	[REDACTED]	no	yes	As an American Citizen the Kanaka Maoli deserve every square foot of their land back immediately. I refuse to lend my family's good name seeded within the Catholic Church towards any further American Voting System until this issue among many others that the Kanaka Maoli must illustrate and present to assist in the process of deoccupation. Finally God Bless your forces for the continued protection of the planet and beyond. However Hawai'i and it's original boundaries must be restored to the host culture for ecological balance and political renewal. Mahalo, Mr. Alexander Joshua Logan, Kailua Kona

2020-10-06 16:43:21	Livia	Solari	Oakland, CA (Chochenyo Land)		yes	no	
2020-10-06 15:32:11	Rachel	Huang	California		yes	yes	Please listen to the voices of indigenous folks. Please listen to the climate and environment. Please halt all destructive activities.
2020-10-06 15:17:39	Trevor	Auldridge	Goleta, CA		yes	no	
2020-10-06 15:16:56	Dante	Gonzales	California		yes	yes	
2020-10-06 14:45:25	Mel	Wildman	Honolulu		no	yes	MILITARY OR NOT, BOMBING A PART OF A LAND THAT IS NOT IN WAR AGAINST THE AMERICAN UNITED STATES IS AN ACT OF WAR. LEGAL TERMS ; An act of war is an action by one country against another with an intention to provoke a war or an action that occurs during a declared war or armed conflict between military forces of any origin. The loss or damage caused due to such conflicts are excluded from insurance coverage except for life assurances. 18 U.S. Code § 2331. Definitions (1) the term "international terrorism" means activities that— (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (B) appear to be intended— (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum; (MY COMMENT) ; When , a preponderance of question arises to declare one persons facts against another persons while engaging in the act of destruction, shall be illegal. Its pure common sense. No one should be allowed to destroy anything while in question of their act. This is where the question for any extended permits shall be halted against the military who vaguely showed any repercussion of any respect towards culture or damage towards nature. (C) occur primarily outside the territorial jurisdiction of the United States, or - Just that alone is substantial fact.
2020-10-06 11:15:41	Michael	Greenberg	Hopkinton		yes	no	
2020-10-06 11:04:39	danielle	west	Oahu, Hawai'i and Santa Cruz, CA		yes	yes	Protect Pōhakuloa! End the occupation! Return the lands!
2020-10-06 09:57:28	Alex	Tan	Oakland, CA		yes	yes	
2020-10-06 08:32:56	Ashley	Tyau	Honolulu, Oahu		yes	no	
2020-10-06 08:27:44	Megan	Moniz	Wailuku, Maui		yes	no	
2020-10-06 08:14:22	Kaleo	Elvenia	NV		yes	yes	
2020-10-06 07:54:51	Bobbie	Nava	California		yes	yes	I stand with the people of Hawaii, demanding that the United States surrender the property at the termination of the lease and return this land back to the Native Hawaiians and remove weapons and shells used in connection with its training activities by doing a major cleanup upon expiration of the lease in 2029. Bobbie Nava (808) 720-8200
2020-10-06 06:29:58	Thomas	Belfield	Hilo		yes	yes	Pōhakuloa needs to be closed and cleaned up. It is a travesty on the landscape.
2020-10-06 06:21:48	Ane	Brewster	California		yes	yes	
2020-10-06 06:17:48	Jonathon	Jacobson	Georgia		yes	yes	Stop the destruction of the land and reefs! Stop polluting the water and the land! Stop destroying ancestral burial sites! Give the land back to Hawaiians!
2020-10-06 04:35:49	Owen	Woodcock	Boston		yes	no	
2020-10-06 04:30:48	Nadine K	Robertson	Mountain View, Moku o Keawe, Hawai'i		yes	no	
2020-10-06 04:19:43	Pablo	Beimler	Hawaii Island		yes	yes	
2020-10-06 04:07:45	Robin	Kaowili	94/408Keaolani St		yes	no	
2020-10-06 02:33:54	Edward	Acfalle jr.	Hagatna, GU		yes	yes	
2020-10-06 02:24:48	Victoria	Kaeo	Ocean View, Hawai'i, Hawai'i		yes	no	
2020-10-06 02:03:36	Keoni	DeFranco	Los Angeles		yes	no	
2020-10-06 00:31:14	Kawika Ke Koa	Pegram	Honolulu, O'ahu		yes	no	
2020-10-06 00:21:55	Kalani	Reyes	Northern Mariana Islands		yes	yes	Stop bombing Hawaiian lands! Stop bombing the Marianas! Stop bombing Okinawa! Stop bombing the Pacific!
2020-10-06 00:09:34	Tiarnie	Hay	NSW		yes	no	
2020-10-05 23:47:29	Mike Alapa'i	Linnolt	VOLCANO, Hawaii		yes	yes	This misuse and desecration of our 'aina for purposes of useless WARS around the world is hewa! Please leave Hawaii island in peace. Take your activities to other places were they cannot do any more harm, such as the Nevada testing site (old nuke testing areas) where that land has already been destroyed and contaminated for 70 years, and your actions will be welcomed there. E hele a hoi 'ole!!!
2020-10-05 22:30:13	Sheadon	Freitas	Kailua-Kona, Hawai'i		yes	yes	
2020-10-05 22:26:05	Alyssa	Roman	Papaikou, Hawaii		yes	yes	The EIS must discuss letting what is sacred and natural again take root without any further damage to these lands and waters. It is of critical importance that this scope include matters of environmental sovereignty, intuition, harmony, intelligence, and stewardship. Silence, stillness, and listening with the heart are the truest hope we have. Don't neglect the smallest light and the softest whispers you too must hear.
2020-10-05 22:08:29	Crystal	Dombrow	O'ahu		yes	no	
2020-10-05 21:47:16	Krystal	Zaragoza	New Mexico		yes	yes	Please protect these sacred sites. Science is important, but science can find another way and place. We cannot rebuild these beautiful lands.
2020-10-05 20:07:32	Jim	Albertini	Ola'a (Kurtistown), Hawaii		no	yes	No lease renewal. Clean up the military mess and No more bombing of Pohakuloa. The Kahoehupo is crown (private) lands. It is part of the "leased" lands and also military lands taken by executive orders --issued by Hawaii Governor King and US President L.B. Johnson. It is illegal for the private lands to have been taken and then via executive order transferred to the military.
2020-10-05 19:05:19	Jai	Jungly	Hilo, BI, Hawaii		yes	no	
2020-10-05 18:33:33	Paul	Cullen	Kaunakakai, Molokai		no	yes	STOP THE BOMBING !
2020-10-05 17:35:12	Harry	Kepaa	Hilo, Hawaii		yes	no	Get off the land. You've done enough damage. It will take eternity to clean up the poison. You can keep your money and jobs.
2020-10-05 17:25:15	Renee	Robinson	Kailua-Kona		yes	no	
2020-10-05 17:12:44	Brooke	Bohnhoff	KAILUA KONA		yes	no	
2020-10-05 17:00:06	Alan	Domingo	Edmond Oklahoma		yes	yes	
2020-10-05 16:58:45	Mikey	Inouye	Honolulu		yes	no	
2020-10-05 16:54:55	Healani	Waia'u	Hilo		yes	no	
2020-10-05 16:30:09	Beth	Leeds	Oahu		yes	no	
2020-10-05 16:23:40	Faith	Chase	MauI		yes	no	Now can you clean up the debris? Mahalo
2020-10-05 16:15:45	Travist thomas	Mokiao	Oahu Hawaii		yes	no	
2020-10-05 15:21:37	Bobbie	Mattoon	Oahu, Hawaii		yes	no	
2020-10-05 15:10:07	Puanani	Brown			yes	yes	
2020-10-05 14:50:50	Katherine	Hoyt	Houston		yes	no	
2020-10-05 13:58:22	Mahinakeakaualani	Matthews	Oahu		yes	no	
2020-10-05 13:43:37	Alissa	Tamayo	OAHU		yes	no	
2020-10-05 13:12:49	fred	hofer	kurtistown		yes	no	
2020-10-05 12:07:31	Jennifer	Mitchell	Kailua Kona, Hawaii		yes	yes	Protect Pohakuloa! We the people of Hawaii wold like land for\$1. Clean up your mess.
2020-10-05 11:27:27	Meaghan	McCraw	North Carolina		yes	yes	

2020-10-05 11:27:18	Kulamanu	Kaneapua	Honokaa, Hawaii		yes		2020 has been a year of great change, let this be the catalyst for our US military to prioritize. If they start now with a cleanup they may be able to return the parcel of land it was leased by 2029. This will require them to cease all military training exercises and concentrate on the removal of all buildings including landing strips in order to return the land to its prior state. Or at least as close as it can!
2020-10-05 10:55:48	Noble	Kaluhiokalani	Madison, Alabama		no	yes	Mahalo Nui Loa ~ Kulamanu Was there use of depleted uranium during maneuvers???
2020-10-05 10:28:40	Sharon	Kershner	Waimanalo Oahu		yes	yes	WHY?! Have you ever asked yourself if there is HUBRIS in your actions and perspective ? WHY?! Is your Heart Pure?
2020-10-05 10:20:36	StormyLee	Swain	Hilo		yes	yes	
2020-10-05 10:16:59	Kris	Mueller	NH		yes	no	
2020-10-05 09:58:32	Mokihana	Iida	Waimānalo		yes	yes	I think it is time for the military to deconstruct start cleaning what can't be replaced by you as the military start repairing.... Move off and out of our islands ,
2020-10-05 09:51:08	Sandra	Stokes	Hilo, Hawaii		no	yes	As a citizen who cares about the Aina of this island, I respectfully require the US Military command to stop bombing, mutilation and other military action at Pohakuloa on the island of Hawaii.
2020-10-05 09:39:16	Illah	Folsom	Kula, Hawaii		yes	no	
2020-10-05 09:38:13	Nohealani	Ornellas	Kailua, O'ahu		yes	no	
2020-10-05 09:25:15	Ann	Saunders	Florida		yes	yes	
2020-10-05 09:16:47	Alexandra	Trask	The US Occupied Kingdom of Hawai'i		yes	yes	Clean up and get out. It is ONLY through imperialist violence that the US military occupies territory here. Kānaka Maoli do not welcome your presence here, and they never will.
2020-10-05 09:11:12	Puanani	Rogers	Kapaa Kauai HI		yes	no	Why should we allow more years of illegal military invasion and occupation of Pohakuloa when they have continually destroyed our peace, 'aina, kai, wai and caused harm to our people! Why?
2020-10-05 09:01:44	Lorraine	Sonoda	Hilo		yes	no	
2020-10-05 08:33:40	Pedra-Monnic	Reynolds	Washington		yes	yes	Be cognizant... we are all but ripples in this pond of life. Tread lightly and apply wisdom. Halt what you're doing.
2020-10-05 08:18:43	Ashley	Gutierrez	Kaua'i		yes	yes	THIS IS CONSERVATION LAND. BY YOUR OWN LAWS, YOU ARE NOT SUPPOSE TO BUILD HERE OR BOMB HERE. RERURN THE LANDS TO THE RIGHTFUL STEWARD OF THE LAND. YOU HAVE DONE ENOUGH DAMAGE TO THE LAND AND ECOSYSTEMS.
2020-10-05 06:43:28	S. Kaniu	Anderson	California		yes	no	
2020-10-05 06:37:53	Randee	Golden	Hawaii Island ~ North Kohala		yes	no	
2020-10-05 06:19:33	Mimi	Thayer	New York		yes	yes	Clean up the land. Do what's pono. Malama 'Aina.
2020-10-05 05:30:52	Amber	Genegabus	Hilo Hawaii		yes	yes	
2020-10-05 05:21:09	Brian	Ogawa	Keaau, HI 9674		yes	no	
2020-10-05 04:49:53	Janelle	AHQuin	Mesa, AZ		yes	yes	
2020-10-05 04:34:14	Kealoha	Ferreira	Saint Paul		yes	no	
2020-10-05 03:19:43	Kathy	Kaukani	New York		yes	no	Please return the land to the Native people.
2020-10-05 02:56:35	Anne	Schneider	Maui		yes	no	
2020-10-05 01:52:59	Mary	Kekalia	Molokai		yes	yes	It is time to cleanse the land!
2020-10-05 00:49:45	Katy	Benjamin	Hilo, HI		yes	no	
2020-10-04 23:20:56	Bobbi	Cuttance	Pahoa		yes	no	
2020-10-04 23:13:40	Barbara	S.Atemus	Honolulu		yes	no	
2020-10-04 22:58:46	Vince	Saures	Hoolehua Molokai HI		no	yes	Lawa i keia manawa!
2020-10-04 22:51:34	Marie R.Kaleo	Keawemauhili	Oahu , Hawaiian Kingdom		yes	no	
2020-10-04 22:51:15	Jonah	Keohokapu	Wahiaiwā		yes	yes	
2020-10-04 22:42:53	John Kaaeokalani	Keawemauhili Jr.	Oahu , Hawaiian Kingdom		yes	no	
2020-10-04 22:30:18	Kahaka	Patolo	Honolulu		yes	yes	Stop desecration! CEASE AND DESIST IMMEDIATELY!! STOP bombing our Islands! Deoccupy The Hawaiian Kingdom!
2020-10-04 22:28:55	Micah Kaimana	Pacalang	Wahiaiwā, O'ahu		yes	no	
2020-10-04 22:27:15	Ola	Jenkins	Hilo, Hawai'i		yes	yes	I wholeheartedly stand by the content and message of this letter. I support Malama 'aina and the recommendations aligned with this value.
2020-10-04 22:26:42	Rosa	Notta	Hāmākua, Moku o Keawe		yes	no	
2020-10-04 22:26:19	Brandy	Kimura	Kaneohe Oahu Hawaii		yes	no	
2020-10-04 22:22:18	Chloe	Hartwell	Honolulu, Hawai'i		yes	no	
2020-10-04 22:07:11	Dazdo	Duenas	California		yes	yes	Please listen to the Native Hawaiian's voices..this is their land that you are a guest on, act accordingly.
2020-10-04 21:51:50	Shannon	Velazquez	Captain Cook		yes	no	
2020-10-04 21:45:08	Raene	Chong	Hawaii		yes	no	
2020-10-04 21:37:45	Nohealani	Kaawa	Naalehu Hawaii		yes	yes	Stop Military and Military practices in Ko Hawai'i Pae 'Aina. Enough desecration on our 'Aina. This is not America and we are not Americans! Hawai'i is illegally occupied by the U.S.
2020-10-04 21:31:10	Walter	Ritte	Hoolehua		no	yes	The Aina is the chief...we do not harm the chief, we protect the chief!
2020-10-04 21:19:58	Kathryn	Shawhan	Kaneohe, Hawaii		yes	no	
2020-10-04 21:16:23	Pedro	Maynes	Honolulu, O'ahu, Hawai'i		yes	yes	Eo! Eal' Ku Kia'i Mauna! Onipa'a! Aloha Aina!
2020-10-04 21:12:25	Lili	Solomon	Island of Hawaii		yes	yes	Return the sacred land to its rightful owners. Allow peace to reign.
2020-10-04 20:57:49	Lia	Rozmiarek	'Aiea		yes	no	
2020-10-04 20:56:21	Joanne	Takatsugi	Honolulu		yes	no	
2020-10-04 20:33:45	Isaiah	Burch	Waianae		yes	no	
2020-10-04 20:04:29	Brittney	Perez	Kekaha, Kaua'i , Hawai'i		no	yes	The U.S military is conducting illegal acts of war and has done so for the pass 127 years on Hawaiian kingdom soil. The Kingdom of Hawaii was internationally recognized as a non waring nation. Since the illegal incursion of U.S. troops on August 13, 1898, the United States government was mandated to carry out Hawaiian kingdom Law over the land, not their own, until the troops were withdrawn.
2020-10-04 19:47:51	George	Ka'uhane	Wailuku, H.I.		yes	yes	
2020-10-04 19:21:42	Shantell	Cruz	Waianae		yes	no	
2020-10-04 19:12:41	Shannon	Cornwell	Hilo		yes	no	
2020-10-04 19:07:20	Fabienne	Melchior	Honolulu		yes	yes	If the French Government managed to dismantle and thoroughly clean close to original state the atoll of Mururoa in the following year of stopping all nuclear testing at the site in January 1996 and continue to attend to the health of all the personnel, I am quite sure that mighty America can do even better... right?
2020-10-04 19:03:35	Kelley	Uyeoka	Hawai'i		yes	no	
2020-10-04 19:00:14	Ramsey	Calimlim	Kahuku, Oahu, Hawaii		yes	no	
2020-10-04 18:59:38	Ethan	Porter	Oahu		yes	no	
2020-10-04 18:39:24	Miles	Matsumura	Hilo		yes	no	The U.S. military did a poor job at cleaning up Kaho'olawe, leaving it neither cleaned up nor safe as evidenced by removal of all remnant ordnance.
2020-10-04 18:36:10	Yvonne	Kahikina	Hilo, Hawaii		yes	no	We do not want that experience replicated on the island of Hawai'i. The U.S. military must cease its activities on this island, move those activities to North America (i.e., in your back yard, not ours), and commence to clean up and restore Pohakuloa to its pre-military use condition.
2020-10-04 18:20:31	Lindsay	Terkelsen	Mountain View, Hawai'i Island		yes	yes	
2020-10-04 18:19:33	Amy	Marsh	California		yes	no	
2020-10-04 18:17:29	Christine	Villafior	Ewa Beach		yes	yes	Stop bombing Hawai'i
2020-10-04 18:16:14	Jacob	Noa	Milliani, O' ahu		yes	no	
2020-10-04 18:11:44	Gayle	Fung	Oahu		yes	no	CLEAN UP AND GET OUT OF POHAKULOA!!!
2020-10-04 18:10:02	Ku'uleialohalani	Ortiz	Oahu		yes	no	
2020-10-04 18:03:15	Ericka	Badua	Hāwī, Moku 'o Keawe		yes	no	Stop the bombing of Ko Pae 'Aina o Hawai'i, stop the bombing of Moananui.

2020-10-04 18:03:09	Patricia	Magoffin	California		yes	yes	
2020-10-04 17:37:24	Kimberly	Usher	Wailuku		yes	yes	
2020-10-04 17:29:11	Angela Noelani	Smith	San Jose, California		yes	no	This area sits on the island's aquifer.
2020-10-04 17:23:15	Michael	Haring	Hilo, Hawaii		yes	no	
2020-10-04 17:10:11	Kah: Richard Maele	DeLeon	Wailuku Maui		no	no	As a cultural Practitioner of all Sacred places stop bombing paradise and the bones of our ancestors
2020-10-04 16:48:35	Joseph	Simpliciano	Waianae, Hawaii		yes	yes	We also need Makua to be cleaned and swept of UXO's.
2020-10-04 16:44:21	Christine	Ahn	Honolulu		yes	no	
2020-10-04 16:29:35	Kaiea	Medeiros	Maui		yes	yes	Aloha no Pohakuloa.
2020-10-04 16:19:06	Bob	Douglas	HI		yes	no	
2020-10-04 16:17:55	Erik	Ho	Waimanalo, Oahu		yes	yes	
2020-10-04 16:12:10	Cynthia	Massa	Hilo		yes	no	Pohakuloa needs to clean its Military Mess up and NOT get any renewed lease time on the Mountains and lands that make up Pohakuloa Military Camp On Moku O Keawe. No to any more Army lease on Mauna Kea at Pohakuloa or anywhere in Hawaii.. The lessee have destroyed native species, sacred sites, made a mess so ugly they may never get it all cleaned up, and they refuse to be good "stewards" with any of the space they occupy on Moku O Keawe. RETURN THE CEDED LANDS TO the People of Hawaii after restoring them to the condition they were in BEFORRE the US Army began their tenancy there. Signed, Cynthia R Massa, REGISTERED VOTER IN HAWAII since 1981.
2020-10-04 16:05:32	Heather	Long	Honolulu, HI		yes	no	
2020-10-04 16:00:15	Jonna	Ho'opai	Honolulu, Oahu		yes	no	
2020-10-04 15:57:37	Purdyka	Wahilani	Waianae		yes	yes	
2020-10-04 15:57:26	Maria	Walker	Kapaa, Hawaii		yes	no	
2020-10-04 15:54:35	Jacquelyn	Myers	Visalia California moku honu		yes	no	
2020-10-04 15:54:16	Tracie	Muraki	O'AHU		yes	no	
2020-10-04 15:53:17	Doreen	Hobdy	Kokomo, Maui		yes	no	
2020-10-04 15:52:48	Tiare	HewLen	Hawaii		no	yes	
2020-10-04 15:48:21	Eliott	medina	volcano,hi		yes	yes	
2020-10-04 15:47:39	Miki	Lene	Kalihi, O'ahu, Hawai'i		yes	no	
2020-10-04 15:45:31	Tara	Rojas	O'ahu		yes	yes	Hawaiian lands in Hawaiian hands. Period.
2020-10-04 15:44:02	Aleka	Pahinui	Oahu		yes	no	Military, train elsewhere.
2020-10-04 15:05:18	Daniel	Towle	Minnesota		yes	yes	
2020-10-04 14:53:46	Mitchael	Hughes	oHlo		yes	no	
2020-10-04 14:31:48	Ryan	Yamamoto	Waimea, Hawaii Island		yes	no	
2020-10-04 11:42:48	Deborah	Hauanio	Kailua Kona, Hawaii		yes	no	
2020-10-04 10:38:33	Martin	Groark	Kona		yes	no	
2020-10-04 09:56:31	Adam	Dochin	Kāne ohe, O'ahu		yes	no	
2020-10-04 09:21:42	Luana	Jones	Hawaii		no	yes	Hawai'i is still waiting for JUSTICE! The ILLEGAL takeover (research it!) and therefor, CONTINUED UNLAWFUL OCCUPATION of Hawai'i NEEDS TO BE RIGHTED (PONO!) ALOHA 'Aina Mahalo! (Thank you)
2020-10-04 09:16:24	Ellen K	Raiser	Maui		yes	no	
2020-10-04 07:20:24	Ryan	Christopher	Honokaa		yes	yes	
2020-10-04 06:40:50	Megan	Lamson	Hawai'i		yes	no	
2020-10-03 23:45:21	Ashelyn	Valdez	CA		yes	no	
2020-10-03 22:06:03	Dominique	Cordy	Kilauea, Kau'i		yes	yes	Aloha Mai Kakou. I am signing this as an individual, as a community member, as a mother, as a taro farmer, as an archaeologist, as a former employee of the USACE-POH-PPE office who has spent some considerable man hours deep in the field in Pōhakuloa, including the IBC. I believe everything included in this letter to be accurate, including the statement "To date, investigations into the number and significance of cultural sites have been superficial." USAG does not have an inventory of archaeological and or cultural sites. What they have is cursory inventory at best. The use of the word "superficial" is not an exaggeration, it is accurate.
2020-10-03 21:53:04	Evan	Ragland	Hawaii		no	yes	Let Kanaka maui decide
2020-10-03 21:22:28	Douglas	Nabeshima	Kailua-Kona		yes	yes	
2020-10-03 20:17:03	pake	salmon	waiane		yes	yes	"Stop bombing Ko Pae 'Aina o Hawai'i (Archipelago of Hawai'i), Stop bombing Moananui (Pacific)"
2020-10-03 19:24:57	V	Pahia	Hau'ula, Oahu		yes	yes	It is imperative the land be cleaned, preserved and returned to the people in the state it was when taken over. No extension of any agreements after pau in 2029
2020-10-03 18:25:30	Koohan	Paik-Mander	Kukuihaele, Hawaii Island		yes	no	
2020-10-03 17:00:31	Maile	Villablanca	California		yes	no	
2020-10-03 15:38:29	artemis	kim	ca		yes	yes	
2020-10-03 15:28:19	Emily	Kirk	Mooreville, Indiana		yes	yes	The extent in which the Army has damaged Pohakuloa is both deeply harmful to the environment and unfathomably disrespectful to Native Hawaiians. It is the Army's responsibility to honor and comply with the Hawai'i State Supreme Court order. They should not be allowed to exist above the laws of the country that they claim to serve, this includes laws which protect indigenous peoples and their heritage. The Army has a moral and legal obligation to heal the harm that they have inflicted on Pohakuloa.
2020-10-03 14:50:28	N	Chow	BRISTOL		yes	no	
2020-10-03 14:08:25	Sharon	Medeiros	Kamuela Hawaii 96743		yes	yes	(C) Sharon K Medeiros (TM) try that one
2020-10-03 14:05:19	Kelly	Osorio	Hilo		yes	yes	
2020-10-03 13:18:25	Honorable+Tiffany	Snyder+-+Mayor+of+Ward,+Colorado+(Ret.)	Boulder, Colorado		yes	no	
2020-10-03 11:50:05	Shelley	Muneoka	He'eia Uli, O'ahu		yes	no	I would like to reserve the right to submit additional comments, but wanted to be sure to log my dissent for any expansion or extension of the lease at Pōhakuloa. Bombing and other live fire training is simply incompatible with the concept of mālama 'āina. The time has come for this particular use of this land to wind down, clean up and leave.
2020-10-03 11:33:55	William	Kaohu	Kailua-Kona		yes	no	
2020-10-03 10:42:56	MJ	McDonald	Honolulu, Oahu		yes	yes	
2020-10-03 10:15:44	La'akea	Kane	Hawai'i		yes	yes	
2020-10-03 09:23:58	Derek	Lara	Aurora		yes	yes	
2020-10-03 09:19:52	Nakoa	Nelson-Riley	Kailua-Kona		no	yes	
2020-10-03 09:16:19	Laureena	Marston	Seattle, WA		yes	yes	No more Bombing in Hawaii nei. Practice Peace Building!
2020-10-03 09:01:25	Chet	Gardiner	Hawaii Island		yes	no	
2020-10-03 08:42:01	Regina	Gregory	Honolulu		yes	no	

2020-10-02 19:34:59	Kamalupawehi	Abad	Kohala		yes	no	
2020-10-02 19:26:27	johanna	stone	kailua, ko'olaupoko, o'ahu		yes	yes	
2020-10-02 19:21:00	Hideki	Kimukai	Honolulu, Oahu		yes	yes	
2020-10-02 19:00:32	Priscilla	Oili	Hilo		yes	yes	
2020-10-02 18:54:31	Tania	Malven	AZ		yes	yes	
2020-10-02 18:50:54	Belinda	Hosking	Reservoir		yes	no	
2020-10-02 18:41:45	Frank	Colburn	Hilo, Hawaii		yes	no	
2020-10-02 18:27:37	Amy	Nishimura	Honolulu		yes	no	
2020-10-02 18:12:39	Danielle	Martinez	California		yes	no	
2020-10-02 18:10:16	Blake	Watson	Hawaii island		yes	no	
2020-10-02 18:06:10	Briana	Guzman	CA		yes	yes	
2020-10-02 18:04:47	Kaina	Quenga	Hawai'i		yes	yes	Aloha Pōhakuloa
2020-10-02 17:52:16	Catherine	Lee	Oahu		yes	no	
2020-10-02 17:50:38	Marti	Townsend	HI		yes	no	
2020-10-02 17:45:34	Mishka	Sulva	Honolulu, HI		yes	yes	We cannot continue to destroy that which sustains us. Please allow the lease to expire and hold the military to account to clean up Pōhakuloa.
2020-10-02 17:43:07	Kat	Perreira	Honolulu		yes	no	
2020-10-02 17:29:06	Kelsea	Armstrong	Kaua'i		yes	yes	I support and echo the indigenous voices in liberating this land from its post-colonial possession, and returning it to the people who intimately and authentically exhibit mālama 'āina because of their ancestral husbandry to this place. I also want to emphasize that liberation and restoration must be defined by kanaka maoli. Neither the military nor the DLNR alone are to be trusted with self-monitoring, and exclusionary barriers such as quick deadlines, legal jargon, and conventional Western alternatives are equally vehicles towards inaccessibility on the terms of a hāole government. I hope that the outcome of this case will set a precedent that moves the state forward in privileging the autonomy of Native Hawaiians. Aunty Maxine and Uncle Ku have my full support in their mission to restore what has been so violently stolen.
2020-10-02 16:00:07	Amy	Perruso	Wahiawa		yes	no	
2020-10-02 15:58:48	Kathleen	Kane	Honolulu		yes	no	
2020-10-02 15:58:30	Bianca	Isaki	Kaneohe		yes	no	
2020-10-02 15:49:56	Maya	Greenhill	Hilo, HI		yes	yes	
2020-10-02 15:48:12	Tehani	Malterre	Honolulu, Hawaii		yes	no	
2020-10-02 15:47:59	Imiloa	Borland	Kaaawa, Oahu		yes	no	
2020-10-02 15:46:54	Karen	Thatcher	Honolulu		yes	yes	
2020-10-02 15:46:44	Andrew	Russell	Oahu		yes	no	
2020-10-02 14:19:41	Lindsay	Roth	Kailua-Kona, Hawaii		yes	no	
2020-10-02 13:24:16	cindy	schardt	Bellingham		yes	yes	
2020-10-02 11:31:40	Dylan	Ramos	Honolulu, HI		yes	no	
2020-10-02 10:15:53	Edward	Flounoy	Far Rockaway		yes	yes	
2020-10-02 07:55:24	Kara	Kelai	Honolulu, HI		yes	yes	
2020-10-02 06:25:16	Sheri	Wahinekapu	Kailua-Kona, Hawaii Island		yes	no	
2020-10-02 05:29:20	Bronson	Barrozo	Oahu		yes	yes	These are Hawaiian Lands that should be given back to the Hawaiian people, And these lands not now or ever should be used by the military or United States Use.
2020-10-02 01:58:20	Anna	Powell	Maine		yes	no	
2020-10-01 22:07:57	Davina	Sanders	Hauula, Oahu		yes	no	
2020-10-01 21:21:35	Shelly	Johnston	Saipan		yes	yes	
2020-10-01 21:09:10	Denise	D'Haenens-Luker	Washington		yes	yes	
2020-10-01 18:32:23	Kris	Larson	Cupertino, California		yes	no	
2020-10-01 17:16:39	Mahealani	Martin	Honolulu		yes	yes	Aloha, I am writing this today to say how extremely saddened by the military's disregard for its privilege to be on such a sacred place as Pōhakuloa and yet destroy everything under the sun. Why are they allowed to desecrate and pollute these lands without proper oversight. The military is allowed to get away with it because our fake State government needs you. War crimes are mounting.
2020-10-01 15:38:01	Joan	Lander	Hawai'i island		yes	no	
2020-10-01 15:30:06	Shantee	Brown	Kona, Hawai'i Island		yes	yes	I was raised in Waikoloa and have family members who continue to live there. I would like to see all hazards removed and the land given back to the public by 2029. The Army should prepare to dismantle or at least greatly reduce the size of the base.
2020-10-01 15:15:34	Amber	Souza	Kohala - Hawai'i Island		yes	yes	
2020-10-01 15:09:09	Kalena	Lee-Agcaolili	Kihei, Maui, HI		yes	yes	
2020-10-01 15:04:59	Jenna Puanani	Homer	Phoenix, AZ		yes	yes	
2020-10-01 14:59:38	Kapua	Keliihoa-Kamai	Waianae		yes	yes	Aloha, I fully support & mahalo nunui Uncle Ku Ching's and Aunty Maxine Kaha'ulelio's efforts and celebrate their 2019 Hawaii Circuit Court success in Ching v. Case (CAAP-18-000432; CIV. NO. 14-1-1085-04, STATE LEASE NO. S-3849). They succeeded in pointing out the state's negligence and now mandated legal necessity to ensure the military upholds its duties to clean up the range and malama the harmed Hawaiian cultural interests.
2020-10-01 14:45:38	Maggie	Zambolla	Louisiana		yes	no	To this end, my comment only reiterates the U.S. Army's necessity to fulfill its lease agreement to the people and State of Hawaii. They should not be permitted to wait or delay Pōhakuloa's clean-up any further, they must do it now. As lessee's the Army has not exhibited good faith or adequacy in cleaning-up after their training exercises. Yet, they have certainly excelled in keeping the public, Hawaiians exercising their cultural expertise, governmental agencies like the State Historic Preservation Division, and others, out. Well, they can't ignore their kuleana (or only have it their way) anymore. So much undocumented harm and loss has occurred. The time is now, let's help the Army to be good lessees by fulfilling all their obligations.
2020-10-01 14:45:38							Mahalo for this opportunity to share my mana'o.
2020-10-01 14:18:54	Haunani	Hess	1626 Aloha Ave		yes	yes	For \$1 dollar a year, the corrupted DLNR willingly let the military attack sacred Hawaiian homeland as a training exercise for war. How and when did that ever make sense? As tensions grow with China, the US government invest in the push for nuclear war with one of the biggest military forces on the planet. The military defense lie shares the same path with evil desecration of life and goes against the will of the people. All for one dollar a year. Use your brain. No one wins this war. The US government funded the Pentagon with \$738 billion dollars during a pandemic, the investment into the annihilation of life instead of the perpetuation and thriving of life is the enemy of life itself. Stay away, work on peace. Choose life.
2020-10-01 13:44:50	Nana-Honua	Manuel	Hawai'i, Hawaii		yes	yes	In addition to everything mentioned above, I also request a comprehensive hydrology study of Pōhakuloa lands. That the water in the aquifers under Pōhakuloa be tested for contaminations as well as the aquifers fed by this area. The fact Pōhakuloa trucks in water lends to belief that the waters are not fit for consumption. I recall that PTA did dig a well and that it was not used, please address the important issue of contamination of the waters of Pōhakuloa.
2020-10-01 13:19:56	Helen	Jaccard	California		yes	no	
2020-10-01 12:48:50	Malia	Marquez	Honolulu		yes	yes	Mahalo for your time on this very important matter.
2020-10-01 12:25:32	Alisha	Mahne-Brooks	Hawai'i		yes	no	
2020-10-01 12:10:56	Benjamin	Shafer	Kahana Bay, Oahu, Hawaii		yes	yes	Blessings to the Protectors of the land, water, and air we breath, thus protecting it's people, its cultures and traditions. May karma swiftly finds it ways to the de deceivers of the truth.
2020-10-01 11:24:27	Matthew	Villanueva	Nānākūli, O'ahu		yes	no	
2020-10-01 10:44:28	Lanwood	Ap6	Colorado		yes	no	
2020-10-01 10:03:59	Danielle	Beaver	Honolulu		yes	no	
2020-10-01 09:45:05	Claudia	Deley	Phoenix		yes	no	
2020-10-01 09:38:00	Merle	Hayward	Hilo		yes	no	
2020-10-01 09:30:26	Leona	Leialoha	Hilo, island of Hawaii		yes	no	

2020-10-01 09:15:58	Robin	Proctor	Maui		yes	yes	
2020-10-01 09:05:25	Kahelelani	Mahone	LA.		yes	yes	It is time for the our 'aina to rest. Enough damage has been done by the U.S military.
2020-10-01 08:17:59	Crystal	West	Kapaaau		no	yes	It is the responsibility of the state of Hawaii to hold accountable the US Military to cease all training exercises and begin the arduous extensive clean up efforts to remediate the past 56 years of reprehensible damage caused to the ecologically and culturally sensitive lands of Pohakuloa. No lease extension should be granted and all practices should discontinue and be followed by immediate and appropriate clean up and disposal efforts of all munitions and waste.
2020-10-01 08:14:25	Starr	Kalahiki	Oahu		yes	yes	Malama aina
2020-10-01 07:55:46	Jane	Brahm	Hawaii Big Island		yes	yes	
2020-10-01 07:47:14	Aileen Lily	Acain	Kihai, Maui, Hawai		yes	no	
2020-10-01 07:08:56	Renee	Winchester	Honolulu, oahu, hasii		yes	yes	
2020-10-01 07:04:33	Kaylene	Sheldon	Hawaii		yes	yes	Enough desecration and destruction!
2020-10-01 06:39:01	Michelle	Tomas	Kailua Kona		yes	yes	Its unnerving for the bombing to continue. Please stop! No more bombing please. Enough is enough. The bombing creates anxiety for myself.
2020-10-01 06:27:03	Lena	Carver	Hawaii		yes	yes	Stop the desecration of Big Island, Hawaii and throughout our state! Stop leaving your trash of ammuniton and clean it up thoroughly!
2020-10-01 06:16:38	Diane	Hanzel	Volcano,Hawaii		yes	no	
2020-10-01 04:58:09	Dominica	Esperas	Montana		yes	no	
2020-10-01 04:48:28	Janet	Mac Neal	Hilo, HI. 96720		yes	yes	(I AGREE to the above mentioned Comments & PETITION & also add my comments here too.) PA'AI A'OLE PILIKIA ALOHA AINA!!! ENOUGH IS TOO MUCH!!! STOP THE CORRUPTION & INVASION TO OUR PRECIOUS & BEAUTIFUL MAUNA!!! DONT REPEAT KAHOOLAWE DEVASTATION HISTORY THAT USA MADE UNINHABITABLE & UNEXPLODED BOMBS THAT IS STILL UNCOVERED UNTIL TODAY!!! HEWA!!!
2020-10-01 04:31:37	Maria	Hicks	Oregon		yes	no	
2020-10-01 04:12:49	Ximena	Balmori	New York City		yes	no	
2020-10-01 02:38:16	Raul Nohea	Goodness	Wailuku, Maui		yes	no	
2020-10-01 00:36:58	Ranette	Robinson	Hilo, hi		yes	no	STOP THE MADNESS
2020-09-30 22:59:15	Mahealani	Ahia	Honolulu, O'ahu		yes	no	
2020-09-30 22:49:44	Leimomi	Wheeler	Kea'au, HI		yes	yes	
2020-09-30 22:21:54	Pinky	Keanu	Waimanalo Oahu		yes	yes	Holomua! Eol EA! Eol Clean it up better than you got it & return it pristine as it was... it's time to return the na Kanaka back to the aina...
2020-09-30 21:53:15	C	A	big island		yes	no	
2020-09-30 21:47:57	Henry	Boothe	Hilo, HI		yes	yes	
2020-09-30 21:36:30	Aleka	Pahinui	Waialua		yes	no	
2020-09-30 21:34:59	Holland	Mulder	Oregon		yes	yes	My son's father side of the family is from the Big Island. This should be not an issue! Protect the land for it is sacred and we have one ONE EARTH! Restore and return Pohakuloa land to the Native Hawaiians.
2020-09-30 21:33:59	Sharla	Au	Honolulu, HI		yes	no	Return these ceded lands back to the Native Hawaiian people. The military has done enough damage to many areas in our small chain of islands.
2020-09-30 21:32:26	Theresa	Kapaku	Hana Maui Hawaii		yes	no	
2020-09-30 21:29:05	Vrvian	Chin	Hawai'i		yes	no	
2020-09-30 21:20:57	Kiana	Otsuka	Honolulu		yes	no	
2020-09-30 21:20:46	kevin	landers	HONOLULU		yes	no	
2020-09-30 21:20:08	Lauren	Stovall	Kamuela, Hawai'i		yes	no	
2020-09-30 21:17:48	Vicky	Robbins	Pahoa, Hawaii		yes	no	
2020-09-30 21:15:56	Titus	Matthews	Maunakea, Hawai'i		yes	yes	I kako o.
2020-09-30 21:08:51	Laura	Paul	Kaneohe		yes	no	
2020-09-30 20:13:46	Sadie	SARKISSIAN	kailua		yes	yes	Please Stop. Enough is Enough. Stop the Damage Please...
2020-09-30 19:58:30	Bronson	Azamxa	He'eia, O'ahu, Hawai'i		yes	yes	
2020-09-30 19:30:50	Troy	Wong	Kapaa		yes	yes	Enough is enough, Kanaka Maoli need to take control of the aina and stop allowing these people to come here to desecrate, and destroy our home. Need we remind you that Kaho'olawe was also a military training ground and they blew up its water table. This ends now
2020-09-30 19:17:25	Mary Jane	Kahalewai	Kaunakakai, HI 96748		yes	yes	I believe Pohakoloa military training base on Hawaii Island needs to find another area for their military agendas, anywhere but in Hawaii State, for one reason "da AINA is being destroyed, "Hawaii's" AINA is for PLANTING MEA'AI (Food), thou dere are many other areas to grow our food STILL ALL HAWAII is better off doing what us Hawaiians see as HAPPINESS dat OUR AKUA, our GOD, EVERYONES GOD has da POWER to BLESS HAWAII. What da Military does is da OPPOSITE, bringing SADNESS to those who are CONCERNED dat WAR will Benefit NOONE, People will DIE, I ask WHY? Isn't it enough we have to cope with da VIRUS, I'm TIRED for Cleaning up OUTSIDERS RUBBISH, Please THINK WISELY & KINDLY DEOCCUPY HAWAII, MAHALO!
2020-09-30 19:01:31	Keola	Donaghy	Maui		yes	no	
2020-09-30 19:00:37	Zoe	Beat	Newark		yes	no	
2020-09-30 18:56:04	Krystle	Montgomery	San Diego, CA		yes	no	
2020-09-30 18:44:06	Jeannine	Johnson	Niu Valley, O'ahu, HI		yes	no	
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas		no	yes	My position in this EIS process is as follows: 1.No EIS was conducted when PTA was established, therefore, an EA should first be done to determine if an EIS needs to happen (my understanding of the process). 2. Hawaii is a sovereign, neutral Nation State. 3.US President stated that the over-throw of the Hawaiian government was an "Act of War" – key statement in International Law. 4.Hawaii has been occupied since 1893. 5.US claimed it was necessary to have Hawaii (Pearl Harbor) in the Spanish-American War – which is over 6.US poured military forces on to the Hawaiian lands prior to WWII, during the war, and it continues extending into the Pacific. 7.US used PTA land to train for the Vietnam War, Iraq War, Afghanistan War, War on Poverty, War on Drugs, War on Terrorism and continues, all in violation of Hawaii's neutral state and treaties 8.US, as occupying force, violates International Law by imposing American Domestic Law in Hawaii as opposed to Hawaiian Kingdom Law 9.US continues to misuse the resources of the Islands by conducting RIMPAC Exercises within our area of the vast Pacific. 10. Hawaii is the playground for the thousands of military troops, crews, their families, and tourists to enjoy the beauty, the sun and the fun, never mind the environmental impact on the land, sea and air. 11.The US has ample space and land on the Continent to conduct all its military maneuvers, exercises, and training. 12.We are in a Nuclear, Missile-Centric military capabilities world and Hawaii is the central strategic target of future belligerents by virtue of its location, strategic value, and the ever-expanding US military build-up in the Pacific.

								<p>Continued from above.</p> <p>13. To the people of the land, Hawaiians, this location is the flashpoint, the coming co-lateral damage, the sacrificial lamb that will find the United States in the next World War. Hawaii experienced this on December 7, 1941 and, as long as the American armed forces are in Hawaii, it can be the trigger for the next world war, a war of Nuclear giants. That is our History. We the people of a Neutral Hawaiian Kingdom need to remove our Paradise as that target. Go play the war games, the Joint and Combined Exercises away from Hawaii. We want peace and Aloha in our Pacific domain along with our Polynesian-Triangle relatives. Go with kind heart. Let us be what we are, a peace-loving Nation State of Aloha.</p> <p>As stakeholders, we understand that you, as Occupier of our lands, limit access to military reservations, stations, posts, training areas, therefore, we are here to ask specific questions and make comments that relate to the claim that the US Army is a good steward of the land it occupies. During the remainder of the current Lease, here are further questions:</p> <p>a. How much does it cost to operate PTA. As we pay taxes, it is important to us to know how and where our taxes go.</p> <p>b. How many people does it take to operate PTA?</p> <p>c. What are the pay grades of every person on the installation?</p> <p>d. What are the nationalities of the persons in each position?</p> <p>e. How and in what ways are you being a good steward?</p> <p>f. Is there a current map that shows every archaeological, burial, sacred or protected site on PTA? Are any sites marked on the ground? Have any been disturbed, damaged or destroyed?</p> <p>g. How are hazardous materials disposed of?</p> <p>h. Do you have to surge your staff, equipment, supplies, POL or any support services on major exercises? If yes, from where do you get the augmentation staff and your procedures for hiring?</p> <p>i. Is there any time in the year when there is no live firing conducted? If yes, is access allowed for Native ordnance during these down times instead of allowing hazards to accumulate over time? Are heavy metals being located, gathered and removed after each live fire exercise? History, again reminds us of how the US military treated the people of Hawaii when Kahoolawe was released from its terrible abuse and violent destruction.</p> <p>j. Does the lessor, State of Hawaii (DLNR) monitor any activity on the installation such as earth moving, berm repairs, demolition, digging, or major construction involving new target structures and system components? Is there any plan to upgrade the infrastructure?</p> <p>k. When was there a 100% survey of the impact area for depleted uranium? What were the results?</p> <p>l. There is technology available to track each round of artillery and large explosives on impact, thus, confirming detonation. If unexploded, the exact location of the projectile is known for removal or to be detonated in place by your EOD team. If not already available, why are you not developing this capability in order to comply with the Lease specification to clean up after each firing exercise? The excuse that clean-up of any impact and training area after each exercise is not conducted because of UXO is not acceptable.</p> <p>m. Do you keep a record of each instance when foreign troops or weapons are using the training area? The Lease stipulates usage of this land is for US Forces. Who authorized foreign troops and weapons to be used at PTA for training? This is another violation of the lease agreement and along with the other non-compliances constitute grounds to terminate the lease for cause at any time.</p> <p>n. What dust suppression measures have you done to eliminate or minimize the effects of the helicopters and especially the Osprey aircraft? There could be depleted uranium particles in the dust clouds in these flight operations.</p> <p>o. What are your procedures for free access by native Hawaiian practitioners, family member visits to burial sites, hunters, and exercise cleanup monitors into PTA?</p> <p>As an interested participant, I want to have the following:</p> <p>p. Copy of the proposed renewal Lease Document</p> <p>q. Pictures of the entire Pohakuloa training land as it existed at the beginning of the lease</p>
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	██████████	no		yes	
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	██████████	no		yes	
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	██████████	no		yes	
2020-09-30 18:19:50	Lellani	Nussman	Seattle, WA	██████████	yes		no	
2020-09-30 18:11:33	Bernice	silva	volcano,bigisland, HI	██████████	yes		yes	

Continued from above.

r. Diagrams of the layout of the original installation-to review the historical progression of construction in the cantonment area

s. Additional diagrams of each major modification to the original documents up to the present (the total footprint)

t. Location of each bivouac area to include ammunition points, fueling points, motor parks, field latrines, mess areas and trash disposal areas on the map

u. For each firing point, the type weapon, caliber, number of weapons, number of shells expended and target impact locations on the map

v. Each round fired has a potential for wild fires, what is your wild fire plan?

w. I would like to have a document outlining every expenditure where steward of the land is conducted to include the 5 W's, who, what, when, where, why.

The intent of these questions are:

1. Bring accountability to the people, not to the bureaucracy and leadership on Oahu. It is the people of Hawaii Island who need to be heard pertaining to their kuleana to malama their Aina, hopefully supported by all islands.
2. The information that these questions uncover will put a lot of pressure on all those on PTA that the people of Big Island intend to have full transparency and accountability for not only what stewardship has been done, but, more importantly what is not being done both by the user and the Lessors on Oahu.
3. Prepare carefully for the eventual release of PTA lands to avoid the mistakes of Kahoolawe. Before an EIS is considered, an environmental assessment EA must be conducted to determine if an environmental impact statement is necessary.

Continued from above.

Hawaii is in a new environment that was not the case when the original executive order by President Lyndon B Johnson was announced in 1964 and the National Environmental Act (NEPA) was operationalized. Current knowledge of the true history of Hawaii as an independent state among the international community of national states back in 1843 presents information that now questions the presence of United States forces as occupiers of the Kingdom of Hawaii. Additionally, it is a fact that Hawaii was never annexed by the United States. Therefore, the Kingdom of Hawaii as a sovereign state, although not currently governing its own country, continues to exist as equals among all the International States. Given that this truth is now common knowledge among the people of Hawaii it constitutes a different environment as that was when Pohakuloa was established as a United States training area.

Hawaii as a sovereign nation, declared its neutrality within the international order of communities. This neutrality does not allow Hawaii to provide any assistance to belligerents in any war. International law prohibits belligerent nations forces engaged in war to enter into a neutral state territory without disarming. The United States has violated international law since the overthrow in 1893.

With this current knowledge of the true history of the overthrow, any further action by the United States military forces in Hawaii, if not formally requested and approved by the Kingdom of Hawaii government places the government in complicit with this violation. There has been no formal request or negotiation with the Hawaiian Kingdom to continue having the presence of United States forces in Hawaii which if done would continue violation of international law.

It is paramount that the United States military forces as well as the State of Hawaii governing entity understand the full ramifications of this violation. The improving awareness and knowledge of the Hawaiian people are now to be respected so that appropriate de-occupation of the sovereign Kingdom of Hawaii takes place with grace, pono and aloha.

2020-09-30 18:10:57	Liho	Hutchinson	Oahu		yes	no	
2020-09-30 18:10:09	Hulu	Hutchinson	Oahu		yes	no	
2020-09-30 18:09:10	Mikey	Hutchinson	Oahu		yes	no	
2020-09-30 18:08:10	Josh	Vincent	Maui		yes	no	
2020-09-30 17:15:20	Hlipo	Perreira	Ka'ūmānu, Hilo, Hawai'i		yes	no	
2020-09-30 17:08:02	Alec	Marentic	Keaau		yes	yes	I support respecting and honoring native hawaiian rights and sovereignty.
2020-09-30 17:07:30	Laurie	Akana	Honolulu, Oahu		yes	no	
2020-09-30 17:05:51	kāwika	hostallero	O'ahu		yes	no	
2020-09-30 17:00:06	Iliana	Isaia	Chua Vista		yes	yes	
2020-09-30 16:59:43	Joel	Fischer	HONOLULU		no	yes	US ARMY OUT OF HAWAII!! THE MILITARY HAS DONE MORE DAMAGE TO THE PEOPLE AND LAND OF HAWAII THAN ANY OTHER ORGANIZATION. THEY HAVE NOT MADE A SINGLE POSITIVE CONTRIBUTION! US ARMY OUT OF HAWAII!! DR. JOEL FISCHER
2020-09-30 16:57:06	Anita	Anderson	Kilauea		yes	no	
2020-09-30 16:42:29	Melanie	Kay	Kailua		yes	no	
2020-09-30 16:26:27	Merle	Pak	Kane'ōhe, Hawai'i		no	yes	Protect Pohakuloa!
2020-09-30 16:01:43	Patricia	Blair	Kailua		yes	yes	Time to stop this desecration of the Aina.
2020-09-30 16:00:41	Summer Kaimalia	Mullins-Ibrahim	O'ahu		yes	no	
2020-09-30 15:59:44	Gary	Pak	Hawai'i		yes	no	
2020-09-30 15:52:22	Melissa	Kaonohi-Carnit	Kahuku, hawaii		yes	no	
2020-09-30 15:42:05	Dee	Green	Honolulu Hawaii		yes	no	
2020-09-30 15:38:07	Gabrielle	Igarta	O'ahu		yes	yes	
2020-09-30 15:36:47	Kyle Kawaimanōokahala	Contrades	Anahola, Kaua'i		yes	yes	
2020-09-30 15:33:44	Cheryl	burghardt	Kou O' ahu		yes	no	I sent my own personal comments in a separate email last week.
2020-09-30 15:28:29	Rain	Wright	Oahu		yes	no	
2020-09-30 15:28:20	Christina	Keophannga	Franklin, Massachusetts		yes	yes	Stop bombing the land! Clean it up and leave it be.
2020-09-30 15:25:48	Candace	Fujikane	Honolulu, HI		yes	no	
2020-09-30 15:25:13	Ursula	Ching	Kamuela		yes	no	
2020-09-30 15:24:19	Teresa	Robertson	Ewa Beach, Oahu Hawaii		yes	yes	
2020-09-30 15:21:39	Charles	Phillips	Lahaina, Maui, Hawaii		yes	yes	The time has come to move on and let our aina heal. Years ago Kahoolawe bombing has stopped and the island still has not been cleaned!
2020-09-30 15:17:14	Kamalani	Kelikuli	Oahu		yes	no	
2020-09-30 15:07:32	Raene	Chong	Big Island		yes	no	
2020-09-30 15:07:12	Grace	Tsunami-Noguchi	Honolulu		yes	no	
2020-09-30 15:07:01	Colonel Ann	Wright, US Army Reserves (Ret)	Honolulu, Oahu, Hawai'i		yes	no	
2020-09-30 15:04:11	Kapua	Medeiros	Waimānalo O'ahu Hawai'i		yes	yes	I Do Not Support an Extension to the Lease for Pohakuloa... Enough is Enough... In a time when our Kanaka Maoli are Faced with Major Restrictions and Mounting Financial Hardships we Need to Regain ALL Hawaiian Lands to Help our People Live and Prosper... As I Have witnessed time and time Again on All Islands of our Pae 'Āina Hawai'i... it seems Govt Corruption would rather Allow Foreigners to Prosper here in Hawai'i at the Expense of All Hawai'i Residents...especially Kanaka Maoli. The Hewa has Continued for far too long! End 127 Years of Injustice as Stated in Public Law 103-150... Hawai'i remains the Only Occupied (Illegally, at that) Nation whose Occupiers have Never Left... It Needs to End...and Justice needs to Prevail. Mahalo for your time, Kapua Medeiros A Lineal Descendant of the Hawaiian Kingdom and Heir to its Crown Lands
2020-09-30 15:00:27	Keoni	Willis	Aiea Oahu HI		yes	no	
2020-09-30 14:53:59	Shayna Noelani	Dabis-Tom	O'ahu		yes	yes	Enough is enough. Papahānaumoku has endured enough destruction!. People take take take and never give back. Voices of the people cannot be silenced.
2020-09-30 14:46:19	Melanie	Park	Hawaii		yes	yes	
2020-09-30 14:34:00	Emalani	Case	Kamuela, Hawai'i		yes	no	
2020-09-30 14:30:06	Piilani	Akina	Honolulu		yes	no	
2020-09-30 14:10:34	Brandon	Santos	Honolulu		yes	yes	
2020-09-30 14:05:48	Noelani	Ahia	Wailuku Maui		yes	no	
2020-09-30 14:02:56	Rawstina	Leleo	Kapolei		yes	yes	Hewa , enough is enough ...Clean up your mess & don't come back
2020-09-30 13:59:11	atsushi	sawada	kaui		yes	yes	
2020-09-30 13:58:21	Lala	Johnson	Maui		yes	yes	I demand as Kanaka Maoli to stop the bombing and clean up your mess. No leave this a mess like you did at MaunaKea.
2020-09-30 13:42:47	Gpua	Goracomrea	Hawai'i		yes	no	
2020-09-30 13:42:23	Janali	Torres	Captain Cook, HI		yes	no	
2020-09-30 13:40:46	Shannon	Oberle	Punaluu, Oahu		yes	no	
2020-09-30 13:34:33	Tanya	Alana	Oahu		yes	yes	No more unwanted abuse by the United States and it's military! You have occupied our far too long! Time to deoccupy!
2020-09-30 13:31:59	Rebecca	Hogue	California		yes	no	
2020-09-30 13:26:48	Jennifer	Mitchell	Kailua Kona, Hawaii		yes	yes	Clean it up and give it back to the people of Hawaii.
2020-09-30 13:26:32	Debralee	Kailiwai-Ray	Puuanahulu, Hawaii Island		yes	yes	
2020-09-30 13:26:17	Samson	Poomaihealani	Papaaloa, HI. 96780		yes	no	
2020-09-30 13:22:33	Jim	Albertini	Ola'a (Kurtistown), Hawaii 96760		no	yes	Stop Bombing Pohakuloa , Clean up your mess and we will wish you aloha as you leave Hawaii.
2020-09-30 13:12:53	Foley	Pfalzgraf	Oahu		yes	no	
2020-09-30 13:12:02	Ingrid	Larson	Portland, OR		yes	no	
2020-09-30 13:11:22	Tatiana	Young	Oahu		yes	yes	The 'āina of pohakuloa is sacred. Stop the desecration, clean up da mess, and return the land to the people of Hawai'i who will Mālama'āina
2020-09-30 13:10:36	Dryden	Myers	Kailua, HI		yes	yes	In a time of increasing climate emergency as well a military tensions, these two seem to oppose one another. As a Native Hawaiian, I stand firmly behind the protection of our 'Āina and the unburdened access to cultural sites for our living religion. I believe the U.S. military is not a strong candidate to take care of these lands of Pele and could threaten the very life source of Moku o Keawe. I have faith, however, in the military's capacity to be creative and innovative in their training tactics and therefore have no need for an extended land lease and acreage. Because this land is Hawaiian land, it is not in the best interest of Native Hawaiians and all residents of Hawai'i Island for this to procede. 'O wu iho nō me ke aloha 'āina, Dryden Kū'ehuikapono Seto Myers
2020-09-30 13:06:52	Earl	DeLeon	Kealakekua Hawaii		yes	no	Stop the Bombing of pohakuloa And RIM Pac!! Now!!
2020-09-30 13:05:26	Kahaka	Patolo	Honolulu		yes	yes	STOP ALL DESECRATION! CEASE AND DESIST IMMEDIATELY
2020-09-30 13:05:12	Mary	Sakamoto	Hawai'i		yes	no	
2020-09-30 13:00:56	Jonathon	Jacobson	Georgia		yes	no	
2020-09-30 12:59:41	Inoa	Teeter	Maui, Hawai'i		yes	no	
2020-09-30 12:58:17	Kamuela	Napoleon	Mililani, Oahu		yes	yes	
2020-09-30 12:56:04	Alexandria	Brewster	California		yes	yes	A HIKI I KE ALOHA AINA HOPE LOA you fucking shiteads
2020-09-30 12:54:33	Gwen	Kim	Ka'a'awa HI		no	yes	Adamantly against further destruction of Moana Nui by military ♡🙏
2020-09-30 12:54:08	Destiny	Lopez	California		yes	yes	

2020-09-30 12:53:52	Jamaica	Osorio	Wahiawa, O'ahu		yes	yes	
2020-09-30 12:51:55	Emmaline	Padeken	Hawaii		yes	no	
2020-09-30 12:51:46	Nanea	Lo	Kapolei		yes	yes	
2020-09-30 12:49:54	Sunaina	Kale	California		yes	no	
2020-09-30 12:41:13	Lurlyne	Paleka-Kama	Hawaii		yes	no	
2020-09-30 12:35:47	Lawrence	Kidder	Kapolei		yes	no	
2020-09-30 12:33:30	Gerry	Condon	Oahu		yes	yes	It is high time for the U.S. military to respect the wishes of the Hawaiian people to stop bombing their lands and sacred places. No war preparations = no war.
2020-09-30 12:25:08	Dephlia	Rackley	Kanohi, Big Island Hawaii		yes	no	Stop bombing and clean up your Mess. Aloha Aina.
2020-09-30 12:23:32	Pono	Nui	HAWAII		yes	yes	It time to give Hawai'i BACK to its people and STOP all desecration by ENDING military presence in the Hawaiian Islands.
2020-09-30 12:22:47	Charmaine	Nee	Hawaii		yes	yes	
2020-09-30 12:16:00	Chassidy	Reis-Moniz	Hawai'i		yes	yes	
2020-09-30 12:15:36	AnissaMarie	Cummings	Kailua, Oahu, Hawaii		yes	no	
2020-09-30 12:12:15	R	Vincent	Oahu		yes	no	
2020-09-30 12:09:22	Shannon	Rudolph	Holualoa		no	yes	As a Hawai'i Island resident, I have watched the desecration of Pohakuloa for nearly 40 years; the toxic contamination of the land & cultural insult to Hawaiians must end. Shame on us. This 'industry' is robbing US taxpayers.
2020-09-30 12:08:06	Stephen	Loo	Hilo, Hawaii		yes	no	
2020-09-30 12:06:51	Kahala	Johnson	Maui		yes	yes	
2020-09-30 12:05:57	Margaret	Conner	California		yes	yes	Return "ceded lands" back to the people of Hawai'i. Clean up your mess first. It's the only right choice.
2020-09-30 12:04:35	Scott	Williams	Volcano Hawaii		yes	yes	Respectfully, Margret Conner
2020-09-30 12:03:44	Norman	Gaspar	Honoka'a		yes	yes	Please take it somewhere else
2020-09-30 12:03:08	Cookie	Akau-Gaspar	Honoka'a		yes	yes	
2020-09-30 12:01:25	Joy	McLeod	Hilo, Hawaii		no	yes	As a kanaka maoli, I am AGAINST extending the Army's lease at Pohakuloa. You cause harm & damage our land. Adverse,irreparable damage. No consent! No!
2020-09-30 12:01:09	Kiara	Donaldson	California		yes	yes	
2020-09-30 11:55:16	Sharon	Moraes	Volcano, Hawai'i		yes	no	
2020-09-30 11:45:18	TerrillJames Kaneali'i	Williams			yes	no	
2020-09-30 11:44:15	Alicia	Kalahiki-Washington	O'ahu		yes	no	
2020-09-30 11:42:47	Keala	Kekaulua	Hilo, Hawaii		yes	no	
2020-09-30 11:40:34	Purdyka	Wahilani	Waianae		yes	yes	
2020-09-30 11:31:27	Kimberly	Crawford	Kailua Kona, HI 96740		yes	no	
2020-09-30 11:21:14	M. Healani	Sonoda-Pale	Honolulu, O'ahu		yes	no	
2020-09-30 11:19:21	Warren	Costa	Hilo		yes	yes	Stop the bombing! Demilitarize Hawaii!
2020-09-30 11:13:31	Marilyn	Higbee	Hilo, Hawaii		yes	yes	How much time will be needed to clean up before the lease is ended?



To: PTA EIS Scoping Project
From: Maunakea Observatories
Subj: Testimony Regarding Army Retention of State Land at Pōhakuloa Training Area (PTA) as Part of Environmental Impact Statement (EIS)
Date: 9 October 2020

Based on years of positive engagement and collaboration between the Maunakea Observatories (MKOs) and PTA, we urge that as part of the EIS scoping process, important factors which have made PTA a valuable “neighbor” to the MKOs be considered including -

1. PTA provides essential fire and medical first responder support for all that visit the summit, including Hawaii residents and visitors in the Maunakea area, staff at the observatories, Halepōhaku and the Visitor Information Station. PTA emergency services cut in half response times compared to County resources given PTA’s proximity to the Maunakea summit. This is extremely important for the health and safety of our staff who work on Maunakea. Furthermore MKO summit staff occasionally need to provide rapid on-site help to summit visitors who become ill and having PTA nearby helps reduce this burden on MKO staff.
2. PTA helps support Maunakea resource management, including Office of Maunakea Management led weed pulls at Halepōhaku and supporting the clearing of debris from the upper slopes of Maunakea via their unique aerial assets.
3. Supporting the MKO’s “dark sky” initiatives through the use of low pressure sodium lamps on PTA land is also important. This is essential given their nearness to the summit since nearby lights can potentially impact the darkness of the night sky more readily than distant lights.
4. PTA has collaborated with the MKOs in community outreach including annual “Earth Day” events at PTA, cosponsoring “Engineering Bashes” with the Thelma Parker Library, and participating in the Waimea Christmas parade planning committee. PTA also engages local schools through their own programs – consistent with the MKO’s emphasis on supporting education and community outreach.
5. PTA has been awarded nationally for their recycling program and has invested significantly in environmental programs including field biologists and extensive game management programs that are popular with the public. These initiatives are broadly consistent with the Maunakea environmental interests of the MKOs.

For these and other reasons the MKOs value our working relationship with PTA, which has advanced over several decades and we hope will continue to do so in the years ahead.

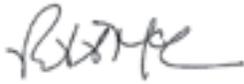
Mahalo,



Director Doug Simons, Canada-France-Hawaii Telescope



Director Paul Ho, James Clerk Maxwell Telescope (East Asian Observatory)



Interim Director Robert McLaren, Institute for Astronomy



Director Jennifer Lotz, Gemini Observatory



Director Hilton Lewis, W.M. Keck Observatory (Keck I and Keck II)

Nā Kuleana o Lele

We, the hoā'āina of Lahaina, absolutely object to Army Training Land Retention at Pōhakuloa Training Area (PTA) on the island of Hawai'i. We are absolutely in opposition.

From: Hank Hawaiian <hankhawaiian@yahoo.com>
Sent: Thursday, October 8, 2020 1:53 PM
To: Donnelly, Michael O'Malley CIV USARMY IMCOM PACIFIC (USA); USARMY
Wheeler AAF ID-Pacific Mailbox NEPA Comments;
hankhawaiian@yahoo.com
Subject: [Non-DoD Source] EIS Scoping

Hanalei Fergerstrom, spokesperson
Na Kupuna Moku O. Keawe
P.O. Box 951
Kurtistown, Hawaii 96760
808 938-9994
hankhawaiian@yahoo.com

October 8, 2020

Sirs,

I am writing humbly asking for an 30 day extension of the comment period for the scoping period connected to the EIS that is being prepared. I ask for this extension in that I've only recently returned home where the information regarding this EIS arrived to me.

As the spokesperson for this large group of elders from around Hawaii Island (Na Kupuna Moku O Keawe) it is my duty to inform them of these actions to gather information that may be useful to this EIS. Many of them live in areas that have no electronic connections and therefore I must travel to these areas to consult with them.

As you are aware the current cut off date is set for OCT. 18, 2020 which is slightly more than. a week. The addition time would be greatly appreciated.

A quick response is requested ...If an extension is not granted...then I would have to submit an incomplete rushed statement to satisfy the date of Oct. 18, 2020.

Thank you very much for all considerations.

// Hanalei Fergerstrom



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813 • www.nhchl.org
Phone (808) 521-2302 • Fax (808) 537-4268



September 29, 2020

ATLR PTA
EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444
usarmy.hawaii.nepa@mail.mil

Russell Tsuji
DLNR
1151 Punchbowl St. Room 220
dlnr.land@hawaii.gov

Army and DLNR officials:

The Native Hawaiian Legal Corporation submits these comments on the Army Training Land Retention at Pōhakuloa Training Area Environmental Impact Statement Preparation Notice (August 2020) on behalf of our clients Clarence Ku Ching and Maxine Kahaulelio. While our clients oppose the continued use of these lands by the U.S., the purpose of this letter is to identify the issues that must be fully explored in the environmental impact statement (EIS).

Debris that Litters the Land

The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" Cultural monitors, who spent extensive time on State lands at the Pōhakuloa Training Area, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision, including a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land the Army has been using.

In particular, the EIS should disclose the extent to which the Former Bazooka Range MRS has been cleaned up. In 2014, the area was found to be "heavily contaminated on the surface with material potentially presenting an explosive hazard (MPPEH) and munition debris (MD)." The Army noted that the sheer densities and quantities of ordnance that are present on the ground at the former bazooka range area "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." The estimated cost of remediating

the danger as of March 2015 was \$2,353,000. The Army noted that ordnance “presents an imminent and substantial endangerment to public health, or welfare, or the environment.”

In addition, the EIS should disclose whether debris has been cleaned up from the following areas that have been documented to be littered with debris:

- The area just north of Lava Road and east of Kaua Road. See FINAL PHASE II ARCHAEOLOGICAL RESEARCH OF PROPOSED BATTLE AREA COMPLEX (BAX) & ANTI-ARMOR LIVE FIRE AND TRAINING RANGE (AALFTR) TRAINING AREAS FOR STRYKER BRIGADE COMBAT TEAM (SBCT) U.S. ARMY PŌHAKULOLOA TRAINING AREA, ISLAND OF HAWAII, HAWAII (TMK K 3-4-4-1.6:1) (April 2006) at 21, 25-29; and the testimony of Kealoha Pisciotto at the *Ching v. Case* trial.
- ARCHAEOLOGICAL INVESTIGATIONS OF TWO WORK AREAS FOR THE LEGACY RESOURCE MANAGEMENT PROGRAM AT PŌHAKULOLOA TRAINING AREA, HAWAII ISLAND, HAWAII (March 1998) at 4, 38, and 47-49.
- PHASE I ARCHAEOLOGICAL RECONNAISSANCE SURVEY FOR SBCT GO/NO GO MANEUVER AREAS AT U.S. ARMY PŌHAKULOLOA TRAINING AREA, KA'OHE AHUPUA'A, HAMĀKUA DISTRICT AND PU'UANAHULU AHUPUA'A, NORTH KONA DISTRICT, ISLAND OF HAWAII, HAWAII (TMKs. 3-4-4-16:01 and 3-7-1-04:07) (April 2005) at 17, 45 and 47.
- ENVIRONMENTAL BASELINE SURVEY For Return of a Portion of Lands Leased from the State of Hawaii (State Lease #S-3849) Pōhakuloa Training Area, Hawaii (November 2012) at 25 and 39.
- Final First Five-Year Review Pōhakuloa Training Area Landfills 1 and 2 (POTA-03 & 06) ISLAND OF HAWAII (October 2014) at 8.

The Army claims that it recently began preparing semi-annual inspection reports. These reports should be included in the EIS.

Depleted Uranium

The EIS should disclose where depleted uranium has been found on or near state land. It should also disclose the levels at which it has been found and why the Army believes that these levels are safe. The Army should also address claims that depleted uranium has migrated from radiation controlled areas and assess any associated public and/or environmental health risks.

Groundwater

The EIS should disclose whether training activities have polluted groundwater. In 2013, the University of Hawai'i, funded by the Army Corps of Engineers, drilled wells in the area. See <https://www.bigislandvideonews.com/2012/07/26/university-plans-to-drill-for-water-beneath-mauna-kea/>. One well found water 700 feet deep within the Pōhakuloa Training Area. Has the groundwater been contaminated by the training activities? Because an EIS must examine cumulative impacts and because historic contamination is evidence that contamination may occur in the future as well, the EIS must fully discuss this issue.

Invasive species

The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused. The Army should also evaluate the impacts of other invasives, including fountain grass, fireweed, and Russian thistle.

Cultural sites

To date, investigations into the existence, number and significance of cultural sites have been superficial, in part, because comprehensive surveys pose a public health and safety risk for surveyors. Nevertheless, the EIS should include a thorough inventory of the historic sites in the area, and the Army should ensure the health and safety of cultural surveyors. The resulting map(s) included in the EIS should disclose where these cultural sites are, particularly in relationship to how these lands have been used and are proposed to be used, and whether those sites are sufficiently protected. The EIS should also include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.

Cultural Practices

The EIS should disclose the extent to which cultural practices have been exercised on these lands and the extent to which the Army's use of these lands adversely affects the ability of Hawaiians to exercise traditional and customary cultural practices.

The Army's "Need" for This Land

The military has repeatedly maintained that certain lands are critical for training purposes. Kaho'olawe was critical. As was Makua. That is what the military claimed. But it has alternatives. Continued use of Pōhakuloa is not a necessity. Certainly, lands owned by the state and filled with culturally and ecologically important sites can be returned to the Department of Land and Natural Resources in its natural condition.

Cumulative and Secondary Impacts

Cumulative impacts include past, present and future impacts. Secondary impacts include effects that are farther removed in distance, but still reasonably foreseeable. Given that the EIS needs to consider both cumulative and secondary impacts, the Army must complete a thorough inventory of historic and cultural sites on state land **and** on federal land (including the impact area). It must disclose the degree to which historic and cultural sites have been harmed by the Army's activities and the degree to which they may be adversely affected by continued training activities in these areas.

Trust Purposes

The EIS should fully disclose how the Army's continued use of these lands furthers the state's public trust purposes. "Under the Hawai'i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come. Additionally, the constitution specifies that the public lands ceded to the United States following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under our law. These lands are held by the State in trust for the benefit of Native Hawaiians and the general public. Accordingly, our constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including an obligation to protect and preserve the resources however they are utilized." *Ching v. Case*, 145 Hawai'i 148, 152, 449 P.3d 1146, 1150 (2019). "The BLNR is constitutionally mandated to conserve and protect Hawai'i's natural resources." *Pila'a 400, LLC v. Bd. of Land & Natural Res.*, 132 Hawai'i 247, 250, 320 P.3d 912, 915 (2014). "The most basic aspect of the State's trust duties is the obligation to protect and maintain the trust property and regulate its use." *Ching*, 145 Hawai'i at 170, 449 P.3d at 1168. "As trustee, the State must take an active role in preserving trust property and may not passively allow it to fall into ruin." *Id.* at 177, 449 P.3d at 1175.

The EIS must also disclose how the Army's continued use of the lands at Pōhakuloa is consistent with the purposes of the Hawaiian Home Lands trust given that a portion of these lands appear to be part of the Hawaiian Home Lands trust. "One specific trust duty is the obligation to administer the trust solely in the interest of the beneficiary." *Ahuna v. Department of Hawaiian Home Lands*, 64 Haw. 327, 340, 640 P.2d 1161, 1169 (1982).

Lease

Chapter four of the EISPN ignores several important statutory provisions.

HRS § 171-32 requires that the disposition of public lands be issued by lease after public auction. The EIS should disclose the legal basis by which the Department of Land and Natural Resources intends to avoid the public auction requirement.

HRS § 171-36(a)(3) prohibits DLNR from entering into a lease prior to 2027. The EIS should

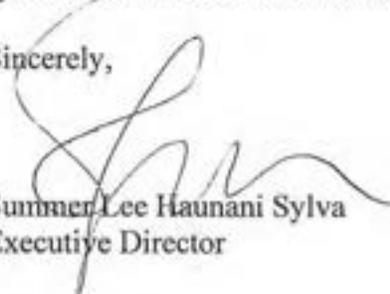
ATLR PTA
Russell Tsuji
September 29, 2020
Page 5

disclose whether DLNR intends to comply with this statutory requirement.

HRS § 171-36(a)(4) forbids granting a lease to anyone in arrears of obligations owed to the

State. Given the Army's failure to comply with the terms of the lease – by cleaning up its mess – the EIS should disclose how DLNR can legally enter into a lease with the U.S.

Sincerely,



Summer Lee Haunani Sylva
Executive Director

cc: David Kimo Frankel, Esq.,
Co-Counsel for Clarence Ku Ching
and Maxine Kahaulelio

Ola`a First Hawaiian Church

Tuesday, October 13, 2020

Comments on scoping period for the Environmental Impact Statement (EIS) for Army Training Land Retention at Pohakuloa Training Area (PTA) in Hawaii.

My name is Ronald Fujiyoshi. I am the treasurer of Ohana Ho`opakele, a 501c3 not-for-profit corporation registered in the State of Hawaii. I have been recognized as one of the official spokespersons for Ohana Ho`opakele. Ohana Ho`opakele has been recognized as one of the NHO (Native Hawaiian Organizations) by the Pohakuloa Training Area and is listed in their material as such.

Through these many years of association with the PTA, members of our organization have learned much and have become more and more knowledgeable concerning activities and factual knowledge about PTA.

Thank you for this opportunity to comment on this EIS process concerning 'the U.S. Army's Proposed Action, which is retention of up to approximately 23,000 acres of State-owned land at Pohakuloa Training Area, or "PTA."

There are many aspects about which we would like to comment. However, for brevity we will comment on only one aspect.

The words "State-owned land" and "U.S. Government-owned land" is used within the notice and material. We as an organization want to dispute this very point. At the least, neither the State of Hawai`i nor the U.S. Government, owns the Crown Lands of Humuula which are contained within both this leased 23,000-acre parcel under scrutiny and the other Executive Orders related to the other parcels of land mentioned in the notice. If the State of Hawai`i does not own the Crown Lands of Humuula, it cannot lease the lands to the PTA.

The land system which exists in Hawai`i is unique to Hawai`i and different from that found in any of the other states of the United States of America. The system was set-up by the Kingdom of Hawai`i government under the rule of Kamehameha III. This land system, recognized internationally by the other independent nations of the world at the time, is known as the Mahele. Actually, the Mahele are a series of laws that set-up the land system in Hawai`i. I cannot go into detail about all of the laws but to summarize, "An Act to Organize the Executive Department of the Hawaiian Islands" which set-up the "Board of Commissioners to Quiet Land Titles" was passed in April 27, 1846. Related to our contention that the State of Hawai`i nor the U.S. Government owns the Crown Lands of Humuula, is "An Act Relating to the Lands of His Majesty the King and of the Government" signed on June 7, 1848 by King Kamehameha III which named the Ahupuaa of Humuula located in the District of Hilo to be "Crown Lands." This same document describes the Crown Lands as lands reserved "to himself as his own private property." Under international understanding of land, if any government is overthrown or taken-over by a coup, lands that are "private lands" are not affected. Thus, the King's land or the Crown Lands of Kamehameha III were his own private lands and not lands of the Kingdom of Hawai`i. Further, "An Act to relieve the

Royal Domain from encumbrances, and to render the same inalienable" was approved on January 3, 1865 by King Kalakaua. Thus, the Crown Lands of Humuula are still considered "private lands" and cannot be owned by either the State of Hawai`i nor by the U.S. Government. Therefore, the PTA cannot lease this land from the State of Hawai`i.

I have quoted these acts of the Mahele from the original English sources. If there is any dispute, scholars who are recognized for their intellectual expertise can be asked for their expert opinion. I name Mr. Donovan Preza the author of the Master's Thesis, "The Empirical Writes Back: Re-examining Hawaiian Dispossession Resulting from the Mahele of 1848," Dr. Keanu Sai and Dr. Ronald Williams, Jr.

In conclusion, this EIS cannot proceed forward without proof from the State of Hawai`i that they own the Crown Lands of Humuula. There is also dispute whether the State of Hawai`i owns the Government Lands of Kaohe in the District of Honokaa and the Government Lands of Puuanahulu in the District of Kona also included in the Executive Orders that supposedly have given the PTA to the U.S. Army for its use.

Thank you for the opportunity to comment!

Ronald Fujiyoshi, Treasurer
Ohana Ho`opakele
1196 W. Kowailani St.
Hilo, HI 96720
Telephone: 808-959-9775
Email: ronsan2224@aol.com

October 13, 2020

ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

RE: Army Training Land Retention at Pohakuloa Training Area—Environmental Impact Statement

Dear Representatives of the United States Army:

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

While PRP supports the United States Army's (Army) continued military training on State-owned land within the Pohakuloa Training Area (PTA), we also want to ensure that the Army gives preference to hiring local contractors and workers who will be paid a "living wage" on future construction projects within the PTA. Hawaii residents, not just the Army, should benefit from these construction projects, and making that happen means guaranteeing the work is done by local contractors and workers.

The State of Hawaii is struggling to retain local jobs that pay middle-class wages, a situation that the pandemic has magnified. According to the latest ALICE data (2018), when combining households living beneath the Federal Poverty Level with ALICE households, an astonishing 42% of the State of Hawaii's population struggles to make ends meet with a budget that does not allow for savings without sacrificing other necessities, such as childcare, food, healthcare, and transportation (See: <https://www.unitedforalice.org/hawaii>). This data describes the economic reality before COVID-19.

In this COVID-19 environment, Hawaii faces an economic crisis without parallel in its history as a state. During the months of April through August 2020, Hawaii's unemployment rate far exceeded the national level. Recent forecasts by the University of Hawaii Economic Research Organization (UHERO) anticipate significant shortfalls in employment numbers versus what it forecast a year ago. The declines will be steepest in 2020 and 2021, with unemployment rates well above the national level. UHERO predicts that Hawaii employment will not return to 2019 levels before 2026.

Employing a local workforce to build projects within the PTA would play a significant role in helping Hawaii overcome the debilitating economic impacts of COVID-19 and beyond—salaries paid to local workers stay in the local economy.



(Continued From Page 1)

Given Hawaii's dire need for good-paying local jobs, we are interested to know whether the Army is committed to ensuring that contractor(s) awarded to build projects within the PTA will employ individuals who are residents of Hawaii. Please confirm whether federal laws and regulations, such as 48 C.F.R. §§ 222.7000—222.7002 relating to construction and service contracts in noncontiguous states or other location-based preferences that are agency specific, require or allow the Army to give residents of Hawaii preference as contractors and/or employees on military construction contracts performed, in whole or in part, within the PTA? Additionally, we would request that the EIS analyze the economic benefits to the State associated with hiring a local workforce to build future construction projects within the PTA.

Thank you for this opportunity to submit written comments.

Sincerely,



Christopher Delaunay
Government Relations Manager

From: Cory Harden <333cory@gmail.com>
Sent: Monday, October 12, 2020 6:15 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] comments
Attachments: temp 2020 10-12 PTA.odt

please acknowledge receipt--thanks!

scoping comments on
Army Training Land Retention At Pōhakuloa Training Area Environmental Impact Statement
http://oeq2.doh.hawaii.gov/Doc_Library/2020-09-08-HA-EISPN-Army-Training-Land-Retention-at-Pohakuloa-Training-Area.pdf

by Deborah Ward, chair, Sierra Club, Hawai'i Island Group cordylinecolor@gmail.com
comments due October 14, 2020 to usarmy.hawaii.nepa@mail.mil

CHAPTER 1 INTRODUCTION

1.2 Project Background p. 1-2

Loss of this land would substantially impact the ability of USARHAW and other military services and local agencies to meet their training requirements and mission of readiness.

The Army has known for 65 years that the lease would expire, with no certainty of retaining control of the land after that. They could have planned infrastructure and training so that loss of this land would not seriously impact training. It is disingenuous to claim their mission requires they retain the land, when it is lack of planning that created the problem.

The military once claimed it couldn't manage without bombing Kaho'olawe, but it found a way to stop. It claimed it had to continue training at Makua Valley, but found a way to reduce that. It also claimed it absolutely needed 23,000 acres for Strykers, but the Strykers departed after a few years.

1.3 Purpose and Need

The Proposed Action is needed to... allow for future facility and infrastructure modernization... p. 1-2

This appears to contradict a later statement:

"The Proposed Action does not involve new training, construction, or resource management activities at PTA. Instead, it is a real estate action that would enable continued military use of the State-owned land."
p. 2-3

Military EISs have repeatedly used a narrow focus that hides the true impacts of actions. The proposed action will undoubtedly enable huge amounts of training, construction, and environmental impacts in the future. This EIS must analyze those impacts. See also comments re. 1.4.

1.4 NEPA/HEPA Process p. 1-5

Proposed Army retention of State-owned land requires compliance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] Section 4321 et seq.). NEPA directs federal agencies to examine the potential effects of proposed actions on the human environment. NEPA requirements ensure that environmental information is available to public officials and citizens for review before decisions are made and before actions are taken...Public involvement is a key component of the NEPA and HEPA processes

The military aspires to making PTA a premier training ground for the entire Pacific region, and to that end has continuously been expanding and improving training facilities since 1938 -- over 80 years, including increasing the land area of the base by acquiring land between the main base and Keamuku, and 23,000 acres in Keamuku. Each incremental increase in impacts gets a separate EIS. How will cumulative impacts be evaluated for the final huge base with well water enabling far more personnel, equipment, and environmentally destructive training?

Training at Pohakuloa contributes to military action worldwide, with devastating consequences for our planet's living beings, land, water, and atmosphere. If the scope of the EIS will not include all these consequences, cite legal authority for limiting the scope in the manner proposed.

The September 23, 2020 scoping meeting was inadequate because there was no way to learn what fellow citizens thought about the action, or to interact with Army staff. The Army should re-do the scoping meeting as an online and phone-in event where people can hear and see others giving testimony, and have some opportunity to interact with staff, Knowing what other citizens think is important information. Body language and tone of voice convey far more than the written word. People may recognize speakers by sight even if they don't

recognize their written names. It's not enough to simply post scoping comments online. Many residents have poor or nonexistent Internet connections. Consultation was inadequate--only done with three immediately adjacent property owners.

Chapter 2 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Specify how long each scenario would be in effect, and analyze impacts in light of these time frames.

What steps have already been taken by the Army towards each form of land control?

What plans has the Army made at this point for losing control of the land?

2.1 Project Area Description p. 2-1

Parcels A, B, and 5,357 acres of Parcel C are managed and administered by DLNR. DLNR's Board of Land and Natural Resources is responsible for management and administration of approximately 250 acres of Parcel C on behalf of the Department of Hawaiian Home Lands (DHHL), until expiration of the U.S. Government lease. This 250-acre area is referred to as "DHHL-administered land" in this document. The lease for Parcels A, B, and C excludes approximately 112 acres of the Old Saddle Road right-of-way in Parcels A and C. The State transferred administration of Old Saddle Road to the County of Hawai'i, which grants PTA use of this area (USACE-POH & USAG-HI, 2019). Easements for portions of DK1 Highway that cross State-owned land were given to the State Department of Transportation upon highway completion.

What benefit does DHHL derive from use of their land?

2.3.4 No Action Alternative

Under the No Action Alternative, Army would not retain any of the State-owned land at PTA after the current lease expiration. p. 2-9

Lost training would be accommodated in other ways, which is not part of the Proposed Action, will not be analyzed in the EIS, and would require separate NEPA analysis. p. 2-10

Describe how the lands would be restored, before the lease expires, to be returned to the beneficiaries as spelled out in the lease.

Describe how lost training would be accommodated, to give a complete picture of the alternatives.

2.4 Land Retention Methods

Army Regulation 405-10 authorizes various methods for Army retention of non-federal government owned land including title (full ownership), lease, easement, and license. These land retention methods can be accomplished by a variety of ways, including purchase, negotiation, donation, exchange, and eminent domain. In general, it is assumed that title is the land retention method that would result in the greatest potential impact because the other land retention methods could include restrictions, such as restrictions on the quantity and type of training, and could require mitigation to lessen potential impacts. Therefore, to account for the range of potential impacts that could result from the Proposed Action, the EIS will analyze potential impacts associated with obtaining title. Where impacts would be greater under a different land retention method, the EIS will state which land retention method was analyzed and why the impacts would be greater than those associated with title. p. 2-10

How does retention, especially by eminent domain, enable the State to fulfill its obligations to its beneficiaries? See also comments re. Chapter 4.

CHAPTER 3 AFFECTED ENVIRONMENT

3.1 Land Use

The State-owned land at PTA is currently designated as being in the Conservation District (Figure 3-2). Under the Conservation District statute, HRS Chapter 183C, and its implementing rule, HAR Chapter 13-5 (Conservation District), lawful use of lands established prior to October 1, 1964 are considered nonconforming; thus, the State-owned land is not subject to the land use rules in HRS Chapter 183C and HAR Chapter 13-5. The County of Hawai'i zoning for the State owned land is "Open" and "Forest Reserve (FR)" ... p. 3-1

If there is a new lease, it would be subject to the Conservation District statute. How would the Army conform? See also last comment re. Chapter 4.

3.2 Biological Resources

Analyze impacts on 'ua'u.

Analyze extent and impacts of invasive species (goats, fountain grass, Russian thistle, fireweed, etc). Describe success of past control methods.

3.3 Archaeological and Cultural Resources

Approximately 45 percent of the accessible land (approximately 81,000 acres outside of the impact area) at PTA has been surveyed for archaeological sites (USAG-PTA et al., 2018). p. 3-5

The entire base, including the impact area, needs to be surveyed, before cultural resources are destroyed by training activities. If the Army does not plan to survey, cite legal authority allowing this.

Some native Hawaiians report there are numerous undiscovered caves and archaeological sites in the impact area. For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go there. But they went in to check for depleted uranium, and even did construction in the impact area for a new training range. What criteria are now being used to determine when people can enter?

3.3.1 History of Land Ownership and Use

Prior to statehood, land in the Pōhakuoloa area was held by the Kingdom of Hawai'i. The lands were either Crown or Government lands until 1893, when the Hawaiian Kingdom was overthrown. The successor government, the Republic of Hawai'i, assumed ownership and control of these lands and continued public use. When the Republic of Hawai'i was annexed as a territory of the U.S. under the 1898 Joint Resolution of Annexation (30 Stat. 750), the Republic ceded these lands to the U.S. The U.S. accepted ownership of the lands in fee simple (i.e., owned completely without limitations or conditions). These lands are referred to as ceded lands. During the territorial era (1898–1959), additional ceded lands were set aside for U.S. military use and other public purposes under Executive Order by the Governor of the Territory of Hawai'i. On August 21, 1959, Hawai'i was admitted into the Union and ceded lands were transferred to the newly created state, subject to the trust provisions in Section 5 of "the Admission Act" (Pub. L. 86-3, 73 Stat. 4). The U.S. Government retained ownership of the lands it needed for military and other public purposes and conveyed the remaining ceded lands to the State (USACE-POH, 2016; USACE-POH, 2017). There are Hawaiians and non-Hawaiians who strongly maintain that the State ceded lands were taken illegally from the former Kingdom of Hawai'i and should be returned to the Hawaiian people or descendants of Hawaiian nationals. p. 3-7

Cite laws and court decisions that demonstrate the land was transferred legally from the nation of Hawai'i, and that the Army has a right to lease the land, buy it, or take it by eminent domain.

3.4 Hazardous and Toxic Materials and Wastes p. 3-9

The court ruled that the State of Hawai'i DLNR failed to inspect and monitor the leased land under its jurisdiction, and that the state did not require corrective action or restorative measures to address the damage caused by failure to clean up the lands. The court referred to this duty as malama 'aina, and the Army's activities to date do not reflect responsible actions in this regard. The Army should provide specific details and timeline to clearly insure that clean-up would be complete by the end of the lease.

Provide data, including but not limited to Toxic Release Inventory reports, on the amount and type of persistent biological toxins (such as lead) and other pollutants released into the environment by training at Pohakuoloa over the past ten years. Describe cleanup actions and results.

Analyze impacts from use of hazardous substances, using new information showing ground water is much nearer the surface than once thought: For years Pohakuoloa EISs have said water is so far down that contaminants may never reach it. It appears this is not correct.

"Unexpectedly high water in the Humuula saddle region, between Mauna Kea and Mauna Loa, prompted a University of Hawaii researcher to seek a new site for additional tests.

Donald Thomas, director of the university's Center for the Study of Active Volcanoes, in 2012, received permission to drill two bore holes to collect core samples... "They found the first thin band of water about

500 feet below the surface. A thicker band was present at about 700 feet, and a regional water table was at 1,800 feet, Thomas said. 'That's considerable shallower than we anticipated,' he added."

<https://www.hawaiitribune-herald.com/2014/02/18/hawaii-news/higher-waters-unexpected-discovery-in-humuula-saddle-region-prompts-new-tests/>

Retention of the land would allow more firing into the impact area. For years, EISs for Pohakuloa have said the impact area will be cleaned up after the base is closed. But we know Kaho'olawe and other former military sites remain in hazardous condition despite similar promises. Will the Army post a bond to ensure cleanup of the impact area?

3.5 Air Quality and Greenhouse Gases

3.5.1 Air Quality

During the 1960s, training was conducted on PTA using 20-millimeter spotter rounds containing a depleted uranium [DU] alloy. At the time, use of the alloy was accepted technology and potential health effects were not understood. Fragments of these rounds were documented in the impact area of PTA in 2008. A 1-year airborne uranium monitoring program was undertaken in 2009 to determine if the decay and vaporization of these depleted uranium fragments have impacted air quality. The monitoring program concluded that the depleted uranium had not impacted air quality in the PTA area, and that the uranium levels in the collected particulate matter samples were within the range of naturally occurring uranium in Hawaiian soils and rock (USACE, 2010). p. 3-10

We share many of the concerns raised in comments on this EIS by Mike Reimer, a retired geologist who has been communicating his concerns about DU to the Army and Nuclear Regulatory Commission for years. For example, he states that the one test sample for 133,000 acres is grossly inadequate, and risks from inhaled DU oxides, that lodge in the lungs and emit radiation directly into body tissues for years, are not even being considered.

3.5.2 Greenhouse Gases p. 3-11

Do a full life cycle analysis for greenhouse gases from

- *manufacturing and shipping equipment to PTA*
- *transporting troops and equipment back and forth to PTA for training*
- *flying aircraft, including bombers from Guam and the states*
- *building facilities to house personnel*
- *building training areas*
- *hauling food, water, and supplies*
- *having staff commute to PTA*

3.6 Noise p. 3-11

Analyze impacts from explosions that rattle windows miles away, and aircraft involved in PTA training flying over populated areas.

3.8 Socioeconomics and Environmental Justice

3.8.1 Socioeconomics p. 3-12

Military Activity in the State. p. 3-14

Military activity has been an important contributor to the State's economy for decades.

Calculate the cost of cleaning up after the base is closed.

Calculate the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources and educates the public about history and culture; agricultural uses that provide food and building materials locally; raising of livestock., etc.

3.9 Water Resources

The depth to basal groundwater at PTA is estimated to be approximately 4,500 feet above sea level in a perched aquifer (USACE-POH & USAG-HI, 2017; USACE-POH & USAG-HI, 2019b). p. 3-15

See comments re. 3.4 re. water depth.

3.10 Transportation and Traffic p. 3-15

State the expected number and size of convoys, and how much traffic delay and disruption they will cause.

How will concussions from weapons firing be prevented from affecting travelers on Saddle Road? A friend told me he almost got blown off his motorcycle by a concussion.

3.14 Human Health and Safety p. 3-19

Describe past emergency incidents from aircraft using the runway, which is aimed at the cantonment area.

Fires are frequent on the Army leased lands and pose a detriment to public health and safety. Describe the effects of climate change on the rainfall and potential fire regime, and discuss efforts to reduce and quell natural and Army-activity based fires.

What will done to reduce noise from explosions and aircraft, which adversely affects residents for miles around?

CHAPTER 4 RELATIONSHIP TO PLANS, POLICIES AND CONTROLS

Describe how well the Army has complied with lease requirements to avoid damage and pollution and to clean up waste. Describe steps that have been taken to clean up the area and comply with the 2019 Supreme Court decision, including any formal inspection, monitoring, and reporting process conducted by Department of Land and Natural Resources. Include future plans and timelines. Include a copy of the lease, lease amendment, and court decision, or a link to access them.

What is the impact of past and proposed Army activities on the public trust obligations of the state? The State of Hawai'i has responsibilities as a Trustee of the lands at issue, including fiduciary responsibilities to the beneficiaries, identified in the law as Native Hawaiians and the General Public.

Do the environmental impacts of the State of Hawai'i continuing to lease the trust lands to the Army benefit the beneficiaries, or is the documented degradation of the leased lands a violation of the fiduciary responsibilities? (See Ching v Case SCAP-18-0000432)

Review State law, past DLNR decisions, contested case decisions, and court decisions re. renewal of State leases for lessees who have not fulfilled obligations in their lease agreements, and/or have been bad actors when using non-lease lands.

Describe the environmental record of the Army in Hawai'i, including:

- ***All legal actions, with outcomes, that have been taken regarding environmental concerns at Pohakuloa since 1938, including this:***

"In 1993 a report by Army auditors found that while planning the construction of a new training complex at Pohakuloa officials cut corners during the survey, ignoring the recommendations of Army engineers that called for a comprehensive botanical study of the proposed site."

<https://www.civilbeat.org/2020/09/army-state-needs-to-renew-lease-for-big-island-training-area/>

<https://www.environment-hawaii.org/?p=3460> re Multi-Purpose Range Complex

- ***Hazardous military debris now present in the impact area and DLNR lease area at Pohakuloa, the old O'okala Mill, in the impact area at Schofield, and at Makua Valley.***
- ***The state of cleanup on former military sites statewide, including Kaho'olawe (which was returned to the State in hazardous condition), Waiakea Forest Reserve (where the Army lied about nerve and bacterial agents), and Waikoloa Maneuver Area.***

- ***The date when will all former military sites statewide will be cleaned up.***
- ***The amount of time the Army is spending lobbying for cleanup money, vs. time spent trying to get money for new projects.***

What is the fair market value of the land the Army is currently using? Has the State of Hawaii carried out its trust obligations to the beneficiaries when the lease fee is \$1 for the entire 65 years? If the land is rendered useless and dangerous as a result of Army activity, does that reduce the fair market value, and is the State of Hawaii complicit in this degradation of the benefits of the trust?

The land in question is in a conservation district. The Hawaii Administrative Rules 13-5 list eight criteria which must be used to evaluate the proposed activities or construction in the district. Specify how the bombing, live fire, brigade maneuvers, movement of heavy equipment, and other past and planned actions comply with the eight criteria. See also comment re. 3.1.

Comments related to scoping of
Army Training Land Retention At Pōhakuloa Training Area
Environmental Impact Statement Preparation Notice
Pōhakuloa Training Area, Island Of Hawai'i, Hawai'i

Submitted by Lanny Sinkin
For the Temple of Lono

The “Proposal”

U.S. Army Garrison-Hawaii (USAG-HI), the entity responsible for management of PTA [Pōhakuloa Training Area], and U.S. Army Installation Management Command, [hereinafter referred to jointly as “Army”] propose retention of up to approximately 23,000 acres of the State-owned land at PTA in support of continued military training.

USAG-HI published its Notice of Intent to prepare an Environmental Impact Statement (EIS) addressing this proposal. Army Training Land Retention at Pōhakuloa Training Area, Environmental Impact Statement Preparation Notice, Pōhakuloa Training Area, Island Of Hawai'i, Hawai'i (EISPN).

The Notice provides an opportunity for community input as to the scope of the EIS. These comments are submitted in response to that opportunity by the Temple of Lono, a traditional faith of the indigenous Hawaiian people.

The Army states: “The Proposed Action is needed to enable access between major parcels of U.S. Government-owned land in PTA, retain substantial Army infrastructure investments, allow for future facility and infrastructure modernization, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of USARHAW-coordinated training.” EISPN at 1-2.

The Army further states: “Loss of this land would substantially impact the ability of the Army to meet training requirements and mission of readiness. EISPN 1-2.

“The Proposed Action does not involve new training, construction, or resource management activities at PTA. Instead, it is a real estate action that would enable continued military use of the land.” EISPN at 1-2.

The Army submitted its proposal to the State of Hawai'i Board of Land and Natural Resources (BLNR), Trustee of the lands being leased¹ by the Army.

¹ When extensive search of the Internet could not locate a copy of the Lease, the author sent an inquiry to DLNR requesting assistance in locating the document. The reply received from DLNR said: “The document you requested is not available online. We attach a copy for your reference. Thank you.” With the Lease being at the center of the discussion, it would seem like the Army would make an effort to ensure that a copy of that document is accessible on the Internet and particularly on the website set up for this Proposal.

The Proposal is Tautological or Premature

There are some contradictions and inconsistencies in the presentation of the Proposal, suggesting that at least part of the Proposal is tautological and the preparation of an EIS is premature.

The Army includes “**future facility and infrastructure modernization**” as continuing activities. Yet the Proposal also states that it “does not involve new training, **construction**, or resource management.” “Facility infrastructure modernization” certainly sounds like “construction.”

Future use also includes maximizing the use of the impact area, suggesting expansion of such use is being considered.

The proposal is “to retain up to 23,000 acres of State-owned land in support of continued military training.”

Under Alternative 1, “Army would retain all the State-owned land (approximately 23,000 acres) at PTA.” EISPN at 2-3. “Army would continue to manage and use the State-owned land **currently leased.**” *Id.* (emphasis added)

The Proposal seems to be that the Army be allowed to continue using lands that the Army currently leases from the State of Hawai‘i. The lease runs until 2029. In that Proposal, there is no discernible change in the *status quo*, let alone some proposal to alter the lease terms or duration. There is, therefore, no permission necessary for such use during the duration of the lease.

HRS Section 343-5(e), enacted by Act 172 (2012), allows **an applicant** to prepare an EIS rather than an environmental assessment if the accepting authority determines, through its judgment and experience, that an EIS is likely to be required. The preparation of such an EIS begins with the preparation of an EISPN, sometimes referred to as an “Act 172 EISPN.”

EISPN at 5-1

The Proposal refers to the Army as the “Applicant” without specifying what the application seeks. The Notice does include the following:

Once the EIS acceptability determination is made and the ROD is issued, the alternative selected in the ROD can be implemented.

Depending on the alternative selected, possible decisions that may need to be made by state agencies, following acceptance of the EIS, include:

- Whether to allow Army retention of the State-owned land.
- What method(s) would be used to allow Army retention of the State-owned land, and what terms would be associated with the selected method(s).
- If presented with a Conservation District Use Application to permit military use of lands in the state’s Conservation District (Resource Subzone), consider allowable uses and management actions to meet the purposes of the Conservation District.

EISPN at 1-6 (emphasis added).

It appears that the submission of a Conservation District Use Application (CDUP) is something that the Army may apply for at some later time. That leaves the question as to what the Army is applying for now that leads to the Army being termed “the applicant.”

Continued use of the lands in question by the Army for the duration of the existing lease does not require the preparation of an Environmental Impact Statement. All of the alternatives include this fact.

For example, under Alternative 2, the Army would terminate use of 3,000 acres and continue to use the rest of the 23,000.

Alternative 2 of the Notice says: “Army would continue to use all the State-owned land until a new real estate agreement is in place or **the current lease expires.**” EISPN at 2-6. (emphasis added).

Under Alternative 3, the permissible activities and land impacts by the Army would be reduced. Under that alternative: “Army would continue to use all the State-owned land until a new real estate agreement is in place or **the current lease expires, whichever occurs first.**” EISPN at 2-7. (emphasis added).

Under the No Action Alternative,: “Army would not retain any of the State-owned land at PTA after the current lease expiration.” EISPN at 2-9 – 10. The No Action Alternative includes the following Army actions and responsibilities: “**Army would continue to use all the State-owned land until the current lease expires.**” EISPN at 2-9

The No Action Alternative makes clear that the Army **can continue to use the lands leased** from the State until the lease expires without any further action by the State or The Trust.

The Army lease is due to expire is 2029.

The alternatives presented appear to address whether the lease will be renewed, modified, or terminated. Yet the Proposal does not overtly seek to renew, modify, or terminate the lease and whether an application for a CDUP will be filed is not yet determined.

Given that the Army already has permission to use the 23,000 acres until the lease expires, the proposal to retain the 23,000 acres appears to be a disguised proposal to renew the existing lease or agree to a new lease without acknowledging what is really being sought.

Addressing the question whether the lease should be allowed to expire or not is not the expressed intent of the Proposal. The Army discussion of the adverse effects on the Army of the various alternatives is not sufficient to implicitly be considered a proposal to change the lease terms.

If the lease were allowed to expire, there would obviously be no need for an EIS to have been prepared.

If the terms of any new lease were negotiated and agreed upon and the Army applied for a CDUP to implement the agreement, that new lease could be the appropriate subject for an EIS process.

The Real Issues

The Army proposal is upside down and backwards. There really is no need for an EIS to determine that the proposed activities, i.e. the continuation of intensive military use, will result in continued degradation of the land. That impact is obvious.

What the Proposal does not discuss is that permitting the degradation is in violation of the State of Hawai'i's responsibilities as Trustee of the lands at issue. ("The Trust") The Trust's fiduciary duties are to the beneficiaries, identified in law as Native Hawaiians and the General Public. The Army is **not** a beneficiary of The Trust.

The obligation of The Trust is to ensure any uses of trust land result in benefits to the beneficiaries and do not degrade the lands under the stewardship of The Trust.

An EIS should be prepared to assess the adverse impacts of continued military use of the lands **and** the benefits to The Trust of allowing the lease to expire. The issue is not the impacts on the Army of terminating that use when the current lease expires. The issue is the impact on The Trust, if the lease is not allowed to expire.

A sub-issue would be whether the BLNR should pursue termination of the lease prior to the expiration date based on the damages inflicted on the leased lands.

From this perspective, the Preparation Notice is fundamentally deficient as targeted on the impacts on the Army, not The Trust. The Army should be grateful for the use of lands belonging to The Trust for decades and respect any desire on the part of The Trust to terminate the destructive uses of The Trust's lands.

The proper framing of the issue should be:

Do the environmental impacts of the State of Hawai'i continuing to lease The Trust's lands to the United States Army for military training purposes benefit the beneficiaries of The Trust's lands or does allowing the Army to continue its activities on The Trust's lands violate the fiduciary duties of the State as Trustee?

That issue would not arise unless the Army sought a new lease or an extension of the existing lease. As the Proposal apparently does not apply for either option, it is not clear why the Army has issued the Notice of its intent to prepare an EIS.

Nor is it clear why the public should be called upon to spend time and money responding to a meaningless Notice.

Trust lands

The Army identifies one of the triggers for preparation of an EIS is a proposal that intends to make use of State Lands. EISPN at 5-1.

The lands in question were designated as held by the State in a trust to benefit Native Hawaiians and the general public. Section 5 of "the Admission Act" (Pub. L. 86-3, 73 Stat. 4)

"The 65-year lease of the 'State-owned land' expires on August 16, 2029." EISPN 1-2. The use of quotation marks around "State-owned land" is an indicator that the Army is well aware of the status of these lands as held in trust by the State, not owned by the State.

The "project" is a proposal to continue allowing the Army to engage in destructive actions impacting the environment of the lands now used by the PTA to the detriment of The Trust's beneficiaries.

The "project" at issue would seem to be the lease. From that perspective, there is no vested interest of any sort to be retained by the Army. The Army and the State signed a lease, that lease is going to expire, the State has no obligation to continue the lease, and the State has very clear trust duties that would bar renewal of the current lease or negotiation of a replacement lease. The decision is to be made by the State of Hawai'i Board of Land and Natural Resources (BLNR). EISPN 1-1.

The military has left the PTA landscape littered with the detritus of their war games. Their failure to show proper and legally-required respect for the land over a lengthy period of time should disqualify the Army from receiving a lease extension or new lease.

The proper project would be requiring the Army to clean up the entire training area and restore the lands as far as reasonably possible to their prior condition prior to the expiration of the lease. BLNR should take whatever action are necessary to compel the Army to fulfil the restoration clauses of the lease and then remove itself from The Trust's lands. The nonfeasance of the Army would be a basis for revoking the lease **now**, based on the breach of the contractual requirements to date. That possibility is not yet an issue.

The uses of PTA lands include intensive training by numerous federal, state, and county agencies. That intensive training includes live fire exercises, bombing, large vehicle maneuvering, and involvement of “larger than company-sized units (i.e., battalion and brigade)”. EISPN page 1-2

These activities have had substantial, significant, and adverse impacts on The Trust’s lands. The Proposal appears to be simply a request to continue such destructive behavior.

“State-owned land” with the quotes appears at the beginning of the notice and then the quotation marks immediately disappear. That rapid transition into an acceptance of the characterization that avoids acknowledging the trust nature of the lands disappears the history of how that land came to be in the hands of the State.

EISPN page 1-2

The Proposed Action does not involve new training, construction, or resource management activities at PTA. Instead, it is a real estate action that would enable continued military use of the State-owned land. EISPN 2-3

To diminish the nature of the Proposal to simply a real estate transaction ignores all the considerations compelled by the history.

“Prior to statehood, land in the Pōhakuloa area was held by the Kingdom of Hawai‘i. The lands were either Crown or Government lands until 1893, when the Hawaiian Kingdom was overthrown.”

EISPN page 3-7.

The EISPN somehow fails to mention that the United States Minister to Hawaii supported and enabled the overthrow of the Kingdom Government, including the landing of troops and weapons to threaten the Queen.

To acknowledge the United States role in that overthrow would be to acknowledge that the United States Government comes to this discussion with unclean hands, requesting permission to use the “fruits of the poisonous tree,” i.e. the stolen Kingdom lands.

“The successor government, the Republic of Hawai‘i, assumed ownership and control of these lands and continued public use.” EISPN 3-7.²

² Note: The EISPN omits the formation of the illegitimate Provisional Government after the overthrow of the legitimate Kingdom Government and prior to the creation of the Republic of Hawaii Government.

Whereas, on the afternoon of January 17,1893, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and

Whereas, the Republic of Hawaii also ceded 1,800,000 acres [7,280 km²] of crown, government and public lands of the Kingdom of Hawaii, **without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government**

Apology Resolution (emphasis added)

The EISPN makes no attempt to reconcile (1) how the illegitimate Republic of Hawaii could assume “ownership and control” of Kingdom lands, supposedly transferred to the Republic by the illegitimate Provisional Government, which then transferred those lands to the United States without permission or compensation with (2) the admission that the Republic was not a legitimate “successor” to the Kingdom Government and lacked the consent of the governed for its very existence.

Whereas, through the Newlands Resolution, the **self-declared** Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States.

Apology Resolution (emphasis added).

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

Apology Resolution (emphasis added).

When the Republic of Hawai'i was annexed as a territory of the U.S. under the 1898 **Joint Resolution** of Annexation (30 Stat. 750), the Republic ceded these lands to the U.S. The U.S. accepted ownership of the lands in fee simple (i.e., owned completely without limitations or conditions). These lands are referred to as ceded lands (emphasis added).

financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government;

Whereas, the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators **without the consent of the Native Hawaiian people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law**

Whereas, on July 4, 1894, the Provisional Government **declared itself** to be the Republic of Hawaii

United States Public Law 103-150 (known as The Apology Resolution (emphasis added)).

EISPN at 3-7

The EISPN acknowledges that the “annexation” of the Kingdom took place pursuant to a Joint Resolution of the United States Congress. The Republic of Hawaii had no authority to agree to any such annexation and the United States Senate would not ratify a treaty of annexation with the usurping entities (Provisional Government/Republic of Hawaii). Instead, the United States relied upon the internal joint resolution as the basis for seizing the Kingdom lands. Yet the idea that one country can annex another country by simply passing a resolution is patently absurd.

The bottom line is that the United States facilitated an illegal overthrow of the Kingdom Government, treated those who had engaged in sedition as legitimate “successor” governments to the Kingdom Government, accepted the cession of Kingdom lands from the hands of outlaws with no authority to make such an agreement, and never legitimately annexed the Kingdom.

The lease to the United States Government to further abuse the Kingdom lands would simply be a continuation of the United States injustices inflicted upon the Kingdom.

The Trust Relationship

A recent decision by the Hawai'i Supreme Court illuminates the trust obligations of the State that the Army ignores. *Ching v. Case*, SCAP-18-0000432. Given the importance of this ruling, a copy of that decision accompanies these comments.

The Hawai'i Supreme Court in the *Ching* case ruled that the State has failed to adequately monitor the damage being done to the trust lands by the PTA and documented evidence that supports a finding that the damage to those lands is extensive and has not been corrected, including unexploded ordinance and other environmentally damage.

The previous analysis of the “effects of current training activities at PTA” assumed that the Army would be in full compliance with its obligations under the lease and that the State would be in full compliance with its obligations to ensure that any permitted use of trust lands would benefit the beneficiaries of the 5(f) trust.

Neither condition has been met under the current lease.

These lands are held by the State in trust for the benefit of Native Hawaiians and the general public. Accordingly, our constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including an obligation to protect and preserve the resources however they are utilized.

Ching at 2

The Hawai'i Supreme Court ruled that the State of Hawai'i Department of Land and Natural Resources (DLNR) has breached its fiduciary duty to The Trust by failing to even monitor

or inspect the actions of the Army to ensure compliance with lease conditions. *Ching, supra.*

The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA),² was leased to the United States for a term of sixty-five years, to expire August 16, 2029. *Ibid.* at 2-3.

In exchange, the United States paid the DLNR one dollar as a lease fee for the entire 65 years. *Ibid.* at 3.

For the State to lease out tens of thousand of acres belonging to The Trust for a period of more than six decades without receiving any compensation to The Trust mirrors the original taking of the Kingdom lands by the United States without compensation.

For the Army to subject those lands to extensive and intensive military uses makes the one dollar lease even more ludicrous and offensive.

The Court did not address the actual damage being committed every day by the Army's use of the lands. There are, however, lease obligations to clean up.

And, in Paragraph 29 of the lease, the United States agrees that, if required by the State upon the surrender of the property at the termination of the lease, it will "remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that expenditures for removal of shells will not exceed the fair market value of the land."

Ching at 5.

This reference to the fair market value of the land is the only approach to quantifying the lost revenue resulting from the absence of rental fees. Here that value is used only to limit the ultimate liability of the Army for the removal of ordinance at the expiration of the lease.

Additionally, the lease provides in Paragraph 30 that any dispute over a question of fact regarding the lease must be decided by the "Division Engineer, U.S. Army Engineer Division," with a right of appeal to the Secretary of the Army. [footnote omitted] Paragraph 30 further provides that the decision of the Secretary or a duly authorized representative "shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence." The paragraph clarifies that questions of law may also be considered in connection with a dispute's resolution, but the decision of any administrative party on a question of law shall not be final. It further guarantees the State's right to be heard and to offer evidence in support of the appeal.

Ching 7-8.

The duty to monitor and inspect is a minimal requirement. The State abdicated that responsibility altogether. Absent such monitoring or inspection, the State and The Trust had no means of determining how much damage the Army was inflicting on The Trust's lands. Nor did the State or The Trust have a basis for requiring any corrective or restorative measures to be taken in response to such damage. Basically, the State and The Trust failed to perform their fiduciary duties to The Trust beneficiaries.

[T]he Plaintiffs asserted that they would be "deprived of their day in court if th[e] action were dismissed," which would be inconsistent with Hawaii Supreme Court decisions holding that beneficiaries must be able to keep government trustees accountable." Ching at 20. The right for The Trust and/or the beneficiaries to seek judicial remedies for stewardship failure by the Army and/or the State is now confirmed.

The public trust lands are state-owned lands held for the use and benefit of the people of the State of Hawai'i, and the State is the trustee of such lands. Accordingly, the State has "the highest duty to preserve and maintain the trust lands."

Ching at 31.

Throughout its findings of fact and conclusions of law, the circuit court referred to this obligation as the duty to *malama 'aina*, which the court translated as "to care for the land."

Ching at 31, n. 26

The conducting of intensive military operations on the land can hardly be characterized as "*malama 'aina*." To the contrary, the Army is at war with the *'aina*.

The United States prepared a report on conditions found at PTA.

"This report contained observations from cultural monitors who stated that "[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape." The report noted the cultural monitors feared that if the litter continued to remain on the land, "the land will be rendered **unusable forever**--one eighth of our island will become unavailable for use by any of our future generations."

Ching at 33 (emphasis added).

Allowing the Army's training and other activities to adversely affect the lands to the point of making them "unusable forever" is the ultimate failure on the part of the State and the Trust to protect and preserve the Trust's lands. Such malfeasance on the part of the Army should disqualify the Army from continuing to occupy and abuse The Trust's lands.

The State should move aggressively to compel the Army to restore the lands and allow the lease to expire.

Documented damage

The record of Army disrespect for the lands is ample evidence of a cavalier attitude towards protecting and preserving the lands. The *Ching* litigation unearthed a long history of neglect on the part of the Army and a failure on the part of the State to identify and take measures to correct the Army's failures. Some examples in addition to the report mentioned above expressing concern that the land might be "unusable forever" include:

Remnants of military trash are everywhere. *Ching* at 32

[A] bazooka range contained on the leased PTA land was "heavily contaminated on the surface with material potentially presenting an explosive hazard [] and munition debris []." *Ching* at 33.

A subsequent inspection of the bazooka range by military explosive ordnance disposal units found mortars, bazooka rounds, and white phosphorous on the land. *Ching* at 33.

The Army determined that the debris found at the bazooka range "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." *Ching* at 33

The Army had allowed the creation of conditions sufficiently hazardous to constitute a "significant danger to public health and welfare." *Ching* at 33.

[A] March 2013 Final EIS stated that "[d]ecades of using PTA as a training area have introduced a significant risk of encountering [munitions]/UXO. *Ching* at 34.

[Munitions]/UXO [are] known to exist in the impact area and [are] expected to be encountered during range construction activities; but there is also a medium risk of finding [munitions]/UXO outside the impact area. *Ching* at 34.

The EIS also stated that "[p]ast and current activities at PTA have resulted in contamination of soil by explosives and other chemicals." *Ching* at 34.

[T]he 2002 Integrated Natural Resources Management Plan noted in a section setting forth the "Adverse Effects" of the "Military Mission on Natural Resources" that 22.9% of the ground cover in the surveyed area consisted of litter and "[t] was virtually no evidence of maintenance activity." *Ching* at 89, n. 55.

The circuit court found that the State breached its trust duties: by failing to conduct regular monitoring and inspections that were reasonable in frequency and scope to examine the condition of the leased PTA land; by failing to ensure that the terms of the lease that impact the condition of the leased PTA land were being followed; and by failing to take prompt and appropriate follow-up steps when it was made aware of evidence that the lease may have been violated with respect to protecting the

condition of the leased PTA land. In light of the foregoing, the circuit court did not err in these findings.

Ching at 89

[T]he State was aware that military training activities on the leased PTA land “pose[d] a significant and substantial risk of harm or damage to [the PTA], and persons who may come upon” the land , and “to public health, safety, and welfare, as well as Plaintiffs ‘ cultural interests in the [land]. *Ching* at 34.

There is an “unrebutted presumption that the State had failed to conduct any inspections prior to December 2014 to monitor or confirm the United States’ compliance” with the lease requirements related to preventing waste of the land.” *Ching* 37, n. 31.

The court stated that the State would further breach its trust duties “if they were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the PTA if they were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled.

Ching at 38.

Because the lower court ordered some remedies not requested by the Plaintiffs, designated those remedies as recommendations, rather than orders.

For the State to consider any extension of the current lease or a new lease for The Trust’s lands prior to a completed cleanup would constitute a further failure on the part of the State to fulfill its fiduciary duties to The Trust.

“[T]he Plaintiffs here are connected to the PTA and the manner in which the State manages it because the PTA is held in trust by the State for the Plaintiffs’ benefit.” *Ching* at 65.

This is to say that the trust duty that the Plaintiffs allege the State has breached is a duty the State owes to the Plaintiffs, and a declaration regarding whether the State has breached that duty would terminate the controversy by clarifying the contours of that duty. *Ching* at 65 (emphasis in original).

Pele Def. Fund, 73 Haw. 578, 605, 837 P.2d 1247, 1264 (1992) (“We find that the actions of state officials, acting in their official capacities, should not be invulnerable to constitutional scrutiny. Article XII, § 4 imposes a fiduciary duty on Hawai‘i’s officials to hold ceded lands in accordance with the § 5(f) trust provisions, and the citizens of the state must have a means to mandate compliance. *Ching* at 71-72

Hopefully the characterization of the Army's request as upside down and backwards is now clear. The party with an interest to be protected in this instance is The Trust. There is no concomitant obligation on the part of The Trust or the State to the Army.

Conservation District

A second relevant trigger for the preparation of an EIS is that the proposed use is within a conservation district.

The lands in question are designated by the State as a conservation district. Overall, "Act 187 defined Conservation as meaning the protection of watersheds and water supplies; preserving scenic areas; providing park lands, wilderness and beach reserves; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; and other related activities." <https://dlnr.hawaii.gov/occl/conservation-district>. The central goal of the district is the conservation of natural resources.

In Hawai'i Administrative Rules section 13-5, there are eight criteria the Department of Land and Natural Resources must evaluate before allowing construction in a conservation district, such as Mauna Kea, with each of the eight being independently required.

Those eight criteria are as follows:

1. The proposed land use is consistent with the purpose of land conservation district;
2. The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
3. The proposed land use complies with provisions and guidelines contained in Chapter 205A, HRS, entitled "Coastal Zone Management," where applicable;
4. The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;
5. The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
6. The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
7. Subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and
8. The proposed land use will not be materially detrimental to the public health, safety and welfare."

There is hardly the need for a detailed examination of whether the Army Proposal complies with the requirements found in the eight criteria because the proposed Army actions are antithetical to the entire purpose of a conservation district. A sampling of the application of the criteria illustrates that conclusion.

As to Criterion 1, obviously, bombing, live fire, brigade size maneuvers, and extensive use of heavy equipment do not fit into the conservation district purposes.

As to Criterion 4, the proposed uses of the land will clearly “cause substantial adverse impact to existing natural resources within the surrounding area, community or region.”

As to Criterion 6, the natural beauty and open space characteristics will not be “preserved or improved upon.”

As to Criterion 8, the proposed land use will “be materially detrimental to the public health, safety and welfare.” The Army had allowed the creation of conditions sufficiently hazardous to constitute a “significant danger to public health and welfare.” *Ching* at 33.

Duties to the The Trust

As the State concedes, our case law and the common law of trusts make the State “subject to certain general trust duties, such as a general duty to preserve trust property.” See, e.g., *Zimring*, 58 Haw. at 121, 566 P.2d at 735 (“Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use.”); *Kaho’ohanohano v. State*, 114 Hawai’i 302, 325, 162 P.3d 696, 719 (2007) (“[It] is always the duty of a trustee to protect the trust property” (quoting *Brenizer v. Supreme Council, Royal Arcanum*, 53 S.E. 835, 838 (N.C. 1906))); *In re Estate of Dwight*, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) (“A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property.” (citing *Bishop v. Pittman*, 33 Haw. 647, 654 (Haw. Terr. 1935))); *Restatement (Second) of Trusts* § 176 (“The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property.”).

Ching at 75.

Giving permission for intensive and extensive military operations on The Trust’s lands does not “preserve trust property” or “protect and maintain the trust property.” The agency allowing such destructive use is not fulfilling its duty as trustee.

The State’s duty of care is especially heightened in the context of ceded land held in trust for the benefit of native Hawaiians and the general public under article XII, section 4 [of the Hawaiian Constitution]. This court has approvingly quoted the following in considering the ceded land trust:

The native Hawaiian people continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. The health and well-being of the native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. ‘Aina, or land, is of crucial importance to the native Hawaiian people--to their culture, their religion, their economic self-sufficiency and their sense of

personal and community well-being. ‘Aina is a living and vital part of the native Hawaiian cosmology, and is irreplaceable. The natural elements—land, air, water, ocean—are interconnected and interdependent. To native Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians. The ‘aina is part of their ‘ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.

Ching at 72, n. 49 citing *Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai‘i*, 121 Hawai‘i 324, 333, 219 P.3d 1111, 1120 (2009) (alterations omitted) (quoting *Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai‘i*, 117 Hawai‘i 174, 214, 177 P.3d 884, 924 (2008)).

[T]he implied constitutional right of action does not permit a court to “turn back the clock” to grant retrospective relief for “actions already taken by the State.” *Id.* at 601, 837 P.2d at 1262.

Ching 62, note 41.

The bar on retrospective relief surely does not bar current decisions based on prior performance. This case has documented some of the many open and obvious instances of damage to The Trust Lands. See *infra* at 10-11. There is no need for the BLNR to seek enforcement action for past actions in order to find sufficient damage to The Trust lands to preclude the Army getting a free pass to continue inflicting such damage. The BLNR can decline to extend the lease based on the **agency’s** failure to adequately protect The Trust’s lands.

Everyone now knows that DLNR simply failed to monitor or inspect the lands to determine if there was remediation needed to respond to Army malfeasance. The appropriate response now would be to conduct a full examination of the PTA and adjacent lands to determine how much cumulative damage the Army has inflicted and adopt the remediation of those damages as required prior to expiration of the lease.

While that approach could produce restoration of the lands, the guiding truth is that the continued use of the land for military purposes will only lead to new damages that will then need to be remediated. Obviously, the only way to truly protect the lands is to seek to invalidate the lease now based on the extensive breaches of the lease terms meant to protect the land with the additional remedy of requiring remediation or allow the lease to expire and insist on a full clean up prior to that expiration.

The Lease Requirements

The Lease does not contain a requirement for a complete restoration of damaged lands.

The lease includes the following paragraphs related to restoration of damaged lands:

Paragraph 9: Army is required to make every reasonable effort to remove or deactivate all live or blank ammunition when a training exercise is completed.

Paragraph 14: Army is required to avoid pollution or contamination of the leased lands and to dispose of trash and other waste materials resulting from Army use of the leased lands.

Paragraphs 18 and 19: Addresses the right of the State to enter upon the lands.

These requirements are far short of requiring the Army to fully restore the leased lands upon termination of the lease.

Given that decades have passed since the signing of the original lease, with the Army essentially operating without State oversight, the circumstances call for a broad reading of the Army's responsibilities now that the expiration date is approaching.

The impacts of discontinuing the Army use of The Trust's lands are **not** a matter that should guide the State's actions. The State signed a lease with the Army that has a termination date agreed to by both parties. Any inconvenience caused to the Army by expiration of the lease is not the concern of the State. To the contrary, the State focus should be on how to prevent any further damage to The Trust's lands and restore what has been damaged.

The Army's nonfeasance as a steward of The Trust lands cannot be ignored.

The obligation of the State is constitutionally required. Haw. Const. art XII §4. The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public

Article XII, §7: The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

While the Court found that the State did not have a duty to determine that the Army was in compliance with the existing lease prior to renewing the lease, the Army does have a duty to be in compliance that the BLNR can enforce. Based on evidence already in the record, there is probable cause for BLNR to initiate an investigation into the extent of Army malfeasance and nonfeasance in violation of the lease terms. Initiating such an investigation would appear to fall within the "nonbinding recommendations" suggested by the Supreme Court. Ching at 99.

Allowing the Army to continue with “business as usual” would be going in the opposite direction from the guidance provided by the Court.

The Army should be considering how to realign its thinking to focus on how to avoid any further damage to The Trust’s lands.

BLNR should realign its thinking to become the trustee required by the Constitution and laws, of the State, rather than making excuses for its failure to conduct adequate oversight of the Army.

Land Retention

2.4 Land Retention Methods. Army Regulation 405-10 authorizes various methods for Army retention of non-federal government-owned land including title (full ownership), lease, easement, and license. These land retention methods can be accomplished by a variety of ways, In general, it is assumed that title is the land retention method that would result in the greatest potential impact because the other land retention methods could include restrictions, such as restrictions on the quantity and type of training, and could require mitigation to lessen potential impacts. Therefore, to account for the range of potential impacts that could result from the Proposed Action, the EIS will analyze potential impacts associated with obtaining title. Where impacts would be greater under a different land retention method, the EIS will state which land retention method was analyzed and why the impacts would be greater than those associated with title. **If Army decides to proceed with the Proposed Action, then the Army would negotiate the most appropriate land retention method(s) for the selected alternative with the State.** One or multiple land retention methods might be negotiated to achieve the selected alternative. Negotiation options cannot be known prior to initiation of negotiation, and negotiation cannot formally start before the conclusion of the EIS process.

EISPN at 1-2. (emphasis added).

This discussion of land retention methods appears to be based on the assumption that the Army will decide the land retention methods that best meets the Army’s needs without considering the needs and obligations of the State, particularly the State’s obligation to The Trust beneficiaries.

The Army’s negotiation position is that letting the lease expire (No Action Alternative) with be highly detrimental to the military uses of the land, i.e. they would be terminated. EISPN at 2-9 – 10.

Any investments made by the Army into facilities or equipment was done with the full knowledge that the lease expires in 2029.

There is no obligation on the part of the State/The Trust to allow the Army to continue using the land. There is no obligation on the part of the State to consider the impact on the Army of a State decision to allow the lease to expire without a new lease being in place.

The impacts on the State/The Trust are the proper focus. The uncertainties of current conditions of the land, e.g. the location of unexploded ordinance (UXO), makes it unlikely that any entity other than Army will be interested in leasing the land until such time as the United States has completed its clean-up of those lands.

The Army intent to retain the PTA lands contains a veiled threat to the State of Hawai'i Board of Land and Natural Resources, The Trust, and Native Hawaiians. The Army identifies methods by which the Army could achieve its goals as "including purchase, negotiation, donation, exchange, and **eminent domain**." EISPN at 2-10 (emphasis added). The inclusion of "eminent domain" is basically the Army saying that, if the State will not agree with what the Army wants, the Army will simply take the lands.

In a painful irony, the Army may argue that the military uses of the lands have been so extensive and damaging that the fair market value required by eminent domain will be minimal. The more damage the Army does to the land, the lower the fair market value and the lower the expenditure cap on how much the Army is required to spend to remove ordinance.

Another painful irony is that the Kingdom of Hawai'i national policy was to be a neutral nation. The heavy United States investment in militarization of the Islands makes the Islands a more likely point of hostile attack. The continued military use of the Islands makes the beneficiaries a more likely victim of such an attack.

If this inclusion of eminent domain was not made as a threat, then the Army should explicitly state that eminent domain is not an option being considered by the Army.

Community Input

Is the Army really interested in public comment, particularly from community individuals and organizations?

"The Army is seeking public comments during the EIS scoping period from September 4, 2020 – October 14, 2020."

<https://home.army.mil/hawaii/index.php/ptaeis/project-announcements#2>

Providing only six weeks to prepare scoping comments on a 50+ page notice is insufficient time, particularly during this difficult time when people are struggling just to put food on the table and pay the rent.

Were organizations known to be interested in the further use of Mauna Kea for military purposes notified of the Notice that an EIS was going to be prepared for that continued use?

The EISPN states: List of “Community Institutions and Organizations” to be consulted:
Kamehameha Schools
Waiki’i Ranch Homeowners Association
Waikoloa Village Association”
EISPN at 7-3.

Those to be consulted are thus limited to contiguous land holders. That meager list of those to be consulted fails to include the many individuals and organizations that have been highly visible and vocal in opposing the continued military activities at PTA for many years.

The intent of the scoping process for this EISPN is to reach out early and engage a broad range of stakeholders with the purpose of informing, eliciting input, building relationships, and avoiding misunderstandings. EISPN at 6-1

Those noble goals can hardly be accomplished absent communication with those who have opposed the PTA for years. The Army has hosted or attended innumerable events and meetings at which the issue of Pōhakuloa was part of the agenda. Surely the Army can generate a list of potentially interested parties – either organizations or individuals – who participated in those meetings or other discussions relevant to the continued use of PTA.

The Future

The 65-year lease of the Trust’s lands expires on August 16, 2029.

Where in this process/timeline between now and the expiration date does wind down and clean up occur? As a minimum, the State should have the Army’s plan for clean-up and restoration of all State lands in hand before even entertaining a request for a new lease or extension of the prior lease is considered. The clean-up and restore obligation is fulfillment of the terms of the current lease. That fulfillment must occur prior to the expiration of the lease or BLNR must determine methods available to compel compliance.

Certainly, withholding consideration of any application for a CDUP until such time as a comprehensive clean-up is completed is one point of leverage. Even then, allowing the Army to continue its abuses should be foreclosed to protect The Trust’s lands.

The expiration of the lease for PTA comes at a time when the truth of the past is emerging to challenge the continuation of unacceptable behavior. That truth is immutable. The BLNR is either the Trustee for The Trust **OR** BLNR abandons its fiduciary trust duties to enable the Army to continue its destructive use of The Trust’s assets.

NOTE: These comments are filed on behalf of the Temple of Lono, a traditional Hawaiian faith, and are strictly intended to respond to the Notice of Intent to prepare an EIS. These comments are not to be considered as part of any consultation as required by Section 106 of the National Historic Preservation Act of 1966 (NHPA).

Post Script

Recently, Hawai'i County Civil Defense alerted the PTA that military ordinance is currently being dumped illegally.

<https://bigislandnow.com/2020/09/15/apparent-illegal-dumping-found-near-ookala/>

<https://www.bigislandvideonews.com/2020/09/16/dump-site-in-ookala-includes-discarded-military-waste/>

The Army apparently failed to select a qualified company to dispose of the military waste or failed to oversee that disposal. The State also failed.

Conclusion

The time has come for the United States to acknowledge the wrongs of the past, to take action to correct those wrongs, and to avoid committing further injustices against Native Hawaiians. The only honorable path is for the Army to prepare a comprehensive remediation plan and begin to transition off the Mauna as soon as possible, with a goal of completing the transition and remediation prior to the expiration of the lease.

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IN THE SUPREME COURT OF THE STATE OF HAWAII

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CLARENCE CHING and MARY MAXINE KAHAULELIO,
Plaintiffs-Appellees,

vs.

SUZANNE CASE, in her official capacity as Chairperson
of the Board of Land and Natural Resources and
State Historic Preservation Officer, BOARD OF LAND AND NATURAL
RESOURCES, and DEPARTMENT OF LAND AND NATURAL RESOURCES,
Defendants-Appellants.

SCAP-18-0000432

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CAAP-18-0000432; CIV. NO. 14-1-1085-04)

AUGUST 23, 2019

RECKTENWALD, C.J., NAKAYAMA, MCKENNA, POLLACK, AND WILSON, JJ.

OPINION OF THE COURT BY POLLACK, J.

I. INTRODUCTION

Under the Hawaii Constitution, all public natural resources are held in trust by the State for the common benefit of Hawaii's people and the generations to come. Additionally,

the constitution specifies that the public lands ceded to the United States following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under our law. These lands are held by the State in trust for the benefit of Native Hawaiians and the general public. Accordingly, our constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including an obligation to protect and preserve the resources however they are utilized.

Several parcels of ceded land on the island of Hawai'i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. This case concerns the degree to which the State must monitor the leased trust land and the United States' compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai'i's people.

We hold that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, and that this duty exists independent of whether the third party has in fact violated the terms of any agreement governing its use of

the land. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs. We therefore affirm the trial court's determination that the State breached its constitutional trust duties by failing to reasonably monitor or inspect the trust land at issue.

II. BACKGROUND

A. Lease No. S-3849

On August 17, 1964, the State of Hawai'i Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land situated at Ka'ohē, Hāmākua and Pu'uānāhulu, North Kona, Hawai'i to the United States for military purposes.¹ The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA),² was leased to the United States for a term of sixty-five years, to expire

¹ Hawaii's ceded lands are lands which were classified as government or crown lands prior to the overthrow of the Hawaiian monarchy in 1893. Upon annexation in 1898, the Republic of Hawaii ceded these lands to the United States. In 1959, when Hawaii was admitted into the Union, the ceded lands were transferred to the newly created state, subject to the trust provisions set forth in § 5(f) of the Admission Act.

Pele Def. Fund v. Paty, 73 Haw. 578, 585, 837 P.2d 1247, 1254 (1992).

² The PTA as a whole is approximately 134,000 acres and includes land ceded to the United States military by Presidential and Governor's Executive Orders, land purchased by the United States in fee simple from a private owner, and land that is leased from the State.

on August 16, 2029. In exchange, the United States paid the DLNR one dollar.

The lease gives the United States the right to "have unrestricted control and use of the demised premises." The lease also establishes several duties that the United States is obligated to fulfill during the course of the lease. Most notably for purposes of this appeal, Paragraph 9 of the lease requires that the United States "make every reasonable effort to . . . remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the [] public, whichever is sooner."³ In Paragraph 14 of the lease, the United States agrees to "take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources" and to "avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials

³ Paragraph 9 of the lease states the following:

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

resulting from [the United States'] use of the said premises."⁴
And, in Paragraph 29 of the lease, the United States agrees that, if required by the State upon the surrender of the property at the termination of the lease, it will "remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that expenditures for removal of shells will not exceed the fair market value of the land."⁵

⁴ Paragraph 14 provides the following:

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

⁵ Paragraph 29 provides the following:

The Government shall surrender possession of the premises upon the expiration or sooner termination of this lease and, if required by the Lessor, shall within sixty (60) days thereafter, or within such additional time as may be mutually agreed upon, remove its signs and other structures; provided that in lieu of removal of structures the Government abandon them in place. The Government shall also remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that expenditures for removal of shells will not exceed the fair market value of the land.

The lease also places a number of corresponding rights and duties on the DLNR. The most relevant to the present case is established in Paragraph 18, in which the DLNR agrees to "take reasonable action during the use of the said premises by the general public, to remove or bury trash, garbage and other waste materials resulting from use of the said premises by the general public."⁶ In Paragraph 19, the lease also grants the DLNR the "right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly interfere with activities of the [United States] under the terms of the lease," subject to "obtaining advance clearance" from the United States.⁷

Additionally, the lease provides in Paragraph 30 that any dispute over a question of fact regarding the lease must be

⁶ Paragraph 18 provides the following:

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

⁷ Paragraph 19 provides the following:

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

decided by the "Division Engineer, U.S. Army Engineer Division," with a right of appeal to the Secretary of the Army.⁸ Paragraph 30 further provides that the decision of the Secretary or a duly authorized representative "shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence." The paragraph clarifies that questions

⁸ Paragraph 30 provides the following:

(a) That, except as otherwise provided in this lease, any dispute concerning a question of fact arising under this lease which is not disposed of by agreement shall be decided by the Division Engineer, U.S. Army Engineer Division, Pacific Ocean, Honolulu, Hawaii, hereinafter referred to as said officer, who shall within a reasonable time reduce his decision and the reasons therefor to writing and mail or otherwise furnish a copy thereof to the Lessor. The decision of the said officer shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the Lessor mails or otherwise furnishes to the said officer a written appeal addressed to the Secretary of the Army. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this condition, the Lessor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal.

(b) This Condition does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, that nothing in this Condition shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) That all appeals under this provision shall be processed expeditiously.

of law may also be considered in connection with a dispute's resolution, but the decision of any administrative party on a question of law shall not be final. It further guarantees the State's right to be heard and to offer evidence in support of the appeal.

B. The Plaintiffs' Request to Access Government Records

In January 2014, Clarence Ching filed a request with the Chairperson of the Board of Land and Natural Resources (BLNR) to access government records. Ching requested the following government records:

1. Paragraph 9 of State General Lease No. S-3849 (with the U.S. Army relating to Pohakuloa) requires the United States Government to "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner." Please provide all government records that show (a) the U.S. Government's compliance or non-compliance with this lease term and (b) the Department of Land and Natural Resources or Board of Land and Natural Resources efforts at ensuring compliance with this term of the 1964 lease. This would include, but [is] not limited to, correspondence, inspection and monitoring reports, and meeting notes.

2. Paragraph 14 of the same lease requires the U.S. Government to "remove or bury all trash, garbage or other waste materials." Please provide all government records that show (a) the U.S. Government's compliance or non-compliance with this lease term and (b) the Department of Land and Natural Resources or Board of Land and Natural Resources efforts at ensuring compliance with this term of the 1964 lease. This would include, but [is] not limited to, correspondence, inspection and monitoring reports, and meeting notes.

The DLNR responded that the request would be granted in its entirety. The response stated that the DLNR was providing its

entire file on the lease (the lease file), which, based on its review, contained no records responsive to Ching's request.

C. The Circuit Court Action

1. Complaint

Three months later, Ching and Mary Maxine Kahalelio (collectively, "the Plaintiffs") filed a complaint in the Circuit Court of the First Circuit (circuit court) against the BLNR, DLNR, and William J. Aila, Jr., in his official capacity as Chairperson of the BLNR and State Historic Preservation Officer (collectively, "the State").⁹ In their complaint, the Plaintiffs alleged that the State, as trustee of the state's ceded lands, breached its trust duty "to protect and maintain the[] public trust lands" in the PTA. The complaint specified that it was not alleging that the United States had violated the terms of its lease, but rather that the State has reason to believe that the lease terms may have been violated and has a trust duty to investigate and take all necessary steps to ensure compliance with the terms of the lease.

According to the complaint, Ching is a descendant of the aboriginal people of Hawai'i and engages in native Hawaiian

⁹ Under Hawai'i Rules of Appellate Procedure Rule 43(c), a public officer named in a case is automatically substituted by his or her successor when the holder of the office ceases to hold office on appeal. Accordingly, Suzanne Case has been substituted for William J. Aila, Jr., whom she succeeded as Chairperson.

cultural practices, which includes walking in the footsteps of his ancestors on hiking trails located within the PTA. He also participates in other "traditional and customary services" within the PTA, the complaint explained. Kahalelio is also a descendant of the aboriginal people of Hawai'i, the complaint stated. She is at least 50% native Hawaiian and a beneficiary of the Hawaiian Home Lands Trust, the complaint continued, as well as a Hawaiian Home Lands lessee. The complaint further stated that both Ching and Kahalelio are beneficiaries of the ceded trust lands.

Citing a March 2013 letter by a DLNR staff member, the complaint alleged that the State was aware of the possibility that the land leased to the United States was littered with unexploded ordnance (UXO) and "munitions and explosives of concern."¹⁰ The Plaintiffs asserted that the State did not know whether the United States had complied with the lease because they had taken "no concrete steps to investigate, monitor or ensure compliance" with the lease. Because the State was obligated to protect, care for, and maintain trust property by investigating the United States' compliance with the lease and

¹⁰ The Plaintiffs' First Amended Complaint added four paragraphs citing a state-run website and several federal cases that allegedly demonstrated that the State was aware that the United States' military had failed to clean up ordnance on other land leased to the United States.

failed to do so, the Plaintiffs contended that the State "failed to fulfill [its] trust duties with respect to the ceded land leased" to the United States.

The Plaintiffs requested a declaration that the State breached its trust obligations, an order to require the State to fulfill its trust duties with respect to the leased land, and an injunction to bar the State from negotiating an extension of the lease or from entering into a new lease of the PTA until the State ensures that the terms of the existing lease have been fulfilled.¹¹

2. Motions for Summary Judgment

a. The Motions

After the State filed its answer, the Plaintiffs filed a Motion for Summary Judgment. In their motion, the Plaintiffs asserted that under article XII, section 4 and article XI, section 1 of the Hawai'i Constitution, the State is the trustee of the public ceded lands trust and of public natural resources, and it therefore has a trust duty to "monitor, inspect and investigate to ensure that public trust lands are not being

¹¹ Approximately one month after the Plaintiffs filed their complaint, the State filed a notice of removal from the circuit court to the United States District Court for the District of Hawai'i. The Plaintiffs subsequently filed a motion to remand the case back to circuit court. The federal district court granted the Plaintiffs' motion, concluding that "at issue is a purely state-law breach of trust claim raising numerous questions of fact and substantial questions of Hawaii law regarding the State's obligations as to ceded lands."

damaged--particularly if [it] has reason to believe that trust property is at risk." Despite the State's awareness of the possibility that the terms of the lease may have been violated, the Plaintiffs argued, the State took no steps to ensure compliance with the lease terms. Its failure to investigate the condition of the land, the Plaintiffs contended, fell well below its standard of care and constituted a breach of its trust duties. The Plaintiffs concluded that the equitable relief requested was warranted because they were entitled to prevail on the merits, there was a grave risk posed to the ceded land, and the public interest weighed in their favor.

In its Memorandum in Opposition, the State argued that the Plaintiffs' Motion for Summary Judgment should be denied because the Plaintiffs did not allege that any provision of the lease had been violated, and it asserted that the United States' obligation to clean the leased property will not arise until 2029. In the absence of an alleged breach, the State maintained that the Plaintiffs' claims amounted to "speculation or predictions about future harm" that did not present an "actual controversy" suitable for judicial resolution.

The State also contended that the Plaintiffs were seeking relief that was unavailable under Hawai'i Revised Statutes (HRS) § 632-1 (1993), as the relief requested would not bring an end to the controversy or resolve the dispute with

finality.¹² The State posited that "even if the injunctive relief sought by Plaintiffs is ordered by the Court, Plaintiffs will still dispute the extent of any cleanup efforts by the United States" because the requested relief would require "the State to engage in some undefined form of oversight of the United States military." Therefore, the State concluded, the Plaintiffs' concerns and the underlying controversy did not meet the statutory requirements for declaratory relief.

Additionally, the State argued that the Plaintiffs were not entitled to declaratory relief because the declaratory judgment statute limits declaratory actions to claims for which no alternative statutory relief is available. Here, the State concluded, HRS § 673-1 (1993) provides a cause of action for native Hawaiians' to bring a claim for breaches of relevant

¹² HRS § 632-1 provides the following in relevant part:

Relief by declaratory judgment may be granted in civil cases where an actual controversy exists between contending parties, or where the court is satisfied that antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation, or where in any such case the court is satisfied that a party asserts a legal relation, status, right, or privilege in which the party has a concrete interest and that there is a challenge or denial of the asserted relation, status, right, or privilege by an adversary party who also has or asserts a concrete interest therein, and the court is satisfied also that a declaratory judgment will serve to terminate the uncertainty or controversy giving rise to the proceeding. Where, however, a statute provides a special form of remedy for a specific type of case, that statutory remedy shall be followed[.]

constitutional trusts, and the Plaintiffs were thus obligated to proceed under that statutory framework.¹³

In reply, the Plaintiffs contended that the State was incorrect in asserting that the duty of the United States to clean the property did not arise until the lease expired because Paragraph 9 of the lease required the United States to clean the land during the lease--specifically, when it completed a training exercise. The Plaintiffs also argued that injunctive relief is appropriate "in a case involving a traditional equitable claim when a trustee breaches its fiduciary obligations," noting that HRS § 632-3 (1993)¹⁴ empowers courts to grant ancillary equitable relief. (Citing Food Pantry, Ltd. v. Waikiki Bus. Plaza, Inc., 58 Haw. 606, 613-14, 575 P.2d 869, 875-76 (1978); Natatorium Pres. Comm. v. Edelstein, 55 Haw. 55,

¹³ HRS § 673-1 provides in relevant part as follows:

(a) The State waives its immunity for any breach of trust or fiduciary duty resulting from the acts or omissions of its agents, officers and employees in the management and disposition of trust funds and resources of:

. . . .

(2) The native Hawaiian public trust under article XII, sections 4, 5, and 6 of the Constitution of the State of Hawaii implementing section 5(f) of the Admission Act[.]

¹⁴ HRS § 632-3 provides that "[f]urther relief based on a declaratory judgment may be granted whenever necessary or proper, after reasonable notice and hearing, against any adverse party whose rights have been adjudicated by the judgment."

515 P.2d 621 (1973); King v. Oahu Ry. & Land Co., 11 Haw. 717, 738 (Haw. Rep. 1899).)

The State filed its own Motion for Summary Judgment that restated the arguments from the State's Memorandum in Opposition to the Plaintiffs' Motion for Summary Judgment verbatim.¹⁵

b. Supplemental Briefing

After a hearing,¹⁶ the Plaintiffs submitted a Supplemental Memorandum in Support of their Motion for Summary Judgment, which argued that further discovered evidence demonstrated that the DLNR had not conducted an inspection of the PTA since 1984. For example, between 1984 and the start of the current litigation, there had been no communication between the State and the United States regarding compliance with the lease, the Plaintiffs asserted.¹⁷ This demonstrated that the

¹⁵ At a hearing regarding the motions, the State also argued that it should prevail on the merits because an internal memorandum attached to its Memorandum in Opposition showed that there were internal discussions at the DLNR regarding the monitoring of the United States' compliance with the lease. This memorandum was sent from the Acting Hawai'i Branch Manager of the Division of Forestry and Wildlife (DOFAW) to the DLNR regarding DOFAW's comments on cancellation and issuance of a new lease with the United States for the PTA. One concern noted by DOFAW was that the United States "should sweep the lands . . . for UXO and remove any UXO found at their expense to make the area safe for the public."

¹⁶ The Honorable Gary W.B. Chang presided.

¹⁷ On November 14, 2014, approximately one month after the hearing and one week before the Plaintiffs filed their supplemental memorandum, the DLNR sent a letter to a United States Army officer requesting the following:

(continued . . .)

State had not made a sufficient effort to protect the trust land, the Plaintiffs contended.

In the State's Supplemental Memorandum, it asserted that several records from the lease file showed that it had actively engaged in monitoring since the execution of the lease, including records of one formal inspection of the PTA, maps indicating locations where UXO may be located, reviews of the United States' compliance done in connection with amendments to the lease, and "informal communications" relating to the lease. The State also pointed to a written request it had sent to the United States for a description of its procedures to comply with the lease provisions at issue. The State asserted that the United States responded to the letter "with detailed information about their clean-up and post-training procedures." Because the letter demonstrated that the State had undertaken monitoring of the PTA, it concluded, there was no longer a justiciable controversy.

(. . . continued)

[A] description of the procedures utilized to comply with the[] provisions of Lease No. S-3849, including detailed information about any action taken by the United States following training exercises to remove or deactivate ordnance, as well as actions taken to remove trash or garbage resulting from Government use of the lease premises.

In the Plaintiffs' Reply, they contended that even if the 1984 inspection was "complete and thorough," it is not sufficient to show that the State is currently fulfilling its trust duties because there was no evidence of an inspection since 1984. Thus, the State failed to demonstrate that it had fulfilled its trust duties, the Plaintiffs concluded.

c. Orders Denying Summary Judgment

The circuit court denied the Plaintiffs' Motion for Summary Judgment, stating that there were genuine issues of material fact as to whether the State had discharged its trust duties. The court also denied the State's Motion for Summary Judgment because the court found, inter alia, that there was an "actual controversy regarding whether or not the State ha[d] discharged its responsibilities as a trustee of public lands."

3. Motions to Join the United States as a Party

After its Motion for Summary Judgment was denied, the State filed a Motion to Add the United States as a Party or, in the Alternative, for Dismissal in which it argued that under Hawai'i Rules of Civil Procedure (HRCP) Rule 21 (1980), adding the United States was appropriate because, as the lessee of the leased land within the PTA, the United States had a legal and beneficial interest in the subject matter of the Plaintiffs' complaint. The State also contended that the United States was a necessary party under HRCP Rule 19(a) (2000) because complete

relief could not be accorded in its absence. Resolution of the action would necessarily include an interpretation of the lease provisions, the State contended, and the United States would not be able to defend its interests under the lease if it were not added as a party. And, asserted the State, in the context of leases, Hawai'i courts have held that all parties to a lease are necessary parties in any equitable action that interprets or touches upon the lease. (Citing Foster v. Kaneohe Ranch Co., 12 Haw. 363, 365 (Haw. Rep. 1900).)

Finally, the State argued that the United States is an indispensable party under HRCF Rule 19(b) and therefore the suit should be dismissed if it cannot be joined.¹⁸ Under the first factor of HRCF Rule 19(b), a judgment rendered in the absence of the United States would be prejudicial to it because it "would be forced to accept factual findings that directly bear on whether the United States has breached the Lease," the State asserted. Under the rule's second factor, a court could not

¹⁸ HRCF Rule 19(b) provides that courts should weigh the following factors when determining whether a party is indispensable:

[F]irst, to what extent a judgment rendered in the person's absence might be prejudicial to the person or those already parties; second, the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence will be adequate; fourth, whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

shape the relief to ameliorate the prejudicial effect of the judgment because "[n]ew or different monitoring" or limitations on the United States' current use of the land were fundamental to the relief sought by the Plaintiffs, the State argued.

Applying the third factor, the State asserted that a judgment rendered in the absence of the United States would be inadequate because the United States was ultimately the party that the Plaintiffs sought to hold responsible for causing the waste of the trust property. And fourth, the State contended that the Plaintiffs had an alternate remedy for their breach of trust claims: an action in federal court that also names the United States or an action brought in state court pursuant to HRS § 673-1.

The Plaintiffs responded that the circuit court should deny the State's motion because, contrary to the State's argument that the Plaintiffs' complaint was based on a violation of the lease, they were asserting "a basic state-law breach of trust claim." The United States was not a necessary nor indispensable party to the case under HRCF Rule 19(a), the Plaintiffs argued, because any effect on federal interests was "purely speculative," and any relief that would require the State to increase its monitoring would not impinge on the United States' rights under the lease because the State already has a right of entry under the lease. And, even assuming the State

were to eventually take actions that affect the United States' interests as a result of a judicial ruling in this case, the United States was well protected because any dispute between it and the State would be decided by an agent of the United States under the lease, the Plaintiffs contended.

Next, the Plaintiffs contended that even if the United States was a party that should be joined if possible under HRCF Rule 19(a), it was not an indispensable party under HRCF Rule 19(b). The rule's first factor weighed against the State, the Plaintiffs argued, because a "judgment [would] not prejudice the interests of the U.S. whatsoever" as it would "not [be] bound by any findings made to a case in which it is not a party." Second, the Plaintiffs asserted that the court could fashion its relief to ensure that the United States does not suffer any prejudice by, for example, ordering the State to provide a report to the court thirty days prior to an annual evidentiary hearing to ensure the State's compliance with the lease. Third, the Plaintiffs stated that it would be able to obtain adequate relief in the absence of the United States. Fourth, the Plaintiffs asserted that they would be "deprived of their day in court if th[e] action were dismissed," which would be inconsistent with Hawai'i Supreme Court decisions holding that beneficiaries must be able to keep government trustees accountable.

The United States then filed a statement of interest in which it asserted that it "unquestionably has an interest" in the subject matter of the litigation that was "clearly sufficient" for joinder, if it were feasible.¹⁹ But joinder was not feasible, it explained, because "such a state action against the United States is barred by its sovereign immunity" and neither party had identified a congressional waiver of sovereign immunity.²⁰ The United States asserted that disposition of the action in its absence may impair its ability to protect its interest, making it a necessary party under HRCF Rule 19(a).²¹

¹⁹ Prior to this filing, the court denied without prejudice the State's Motion to Add the United States as a Party, or in the Alternative, for Dismissal "because of the possibility that the United States will make a determination that it has a sufficient interest to appear in this case." After the United States filed its Statement of Interest, the State filed a Motion to Dismiss for Failure to Join an Indispensable Party, or in the Alternative, for Summary Judgment in which it made substantially similar arguments to those made in its first motion as to why the United States was a necessary and indispensable party under HRCF Rule 19. The latter motion also argued that the action was nonjusticiable because, *inter alia*, it presented a political question falling within the discretion of the executive branch and the court could not resolve an "actual controversy" due to the vagueness of the requested relief. For the sake of clarity, this opinion addresses the two motions together with respect to the necessity and indispensability of the United States as a party.

²⁰ The United States noted that filing a statement of interest neither constitutes a formal intervention nor makes the United States a party to the proceedings and thus does not amount to a waiver of sovereign immunity. (Citing M.R. v. Dreyfus, 697 F.3d 706, 735 (9th Cir. 2012).)

²¹ The United States used the PTA, it stated, for "combined live-fire and maneuver training," which "is critical because military operations require significant coordination." Additionally, the United States explained that the PTA cannot operate as an effective training area without the land leased from the State, because, for safety purposes, the artillery firing ranges contained within the PTA must be situated so that the artillery lands in areas in which soldiers and the general public do not travel. The leased land provides such safety, the United States noted. The leased land was also

(continued . . .)

The United States contended that the court could not assess the Plaintiffs' breach of trust claim without "directly or indirectly interpreting the lease and determining factual issues regarding whether the United States has complied with the lease." The Plaintiffs were therefore improperly asking a state court to interpret the United States' obligations under the lease, the United States argued.

The United States also maintained that when a non-party cannot be joined due to sovereign immunity, the first factor--the "extent a judgment rendered in the [party's] absence might be prejudicial to the [party] or those already parties"--takes primary importance and "should weigh heavily in the Rule 19(b) analysis." The Plaintiffs' relief would cause "serious harm" to it, the United States contended, for several reasons. An injunction barring the State from renegotiating the lease would seriously harm the United States because the PTA "is essential for readiness of all the forces" in the Pacific region and there is no other location in the Pacific at which the

(. . . continued)

crucial to the United States training operations, it explained, because the land contains (1) a "Battle Area Complex," which "allows soldiers to train and test their ability to detect, identify, engage and defeat stationary and moving targets in both open and urban terrain environments," (2) a "Modular Military Operations in Urban Terrain," which "is designed to look like villages/towns and contains different types of buildings to practice military operations," and (3) the Cooper Airstrip, which "is used to practice launches and recovery of Shadow Unmanned Aircraft."

training done at the PTA could be accomplished, the United States asserted. Additionally, if the court instead ordered the State to conduct inspections of the leased land, such inspections could burden the United States, it contended, because it could disrupt critical training and raise safety issues.

As to the second factor in the HRCF Rule 19(b) analysis, the extent that prejudice can be avoided through the shaping of relief, the United States contended that the Plaintiffs' proffered shaping of relief would put the extension of the lease in doubt or disrupt the military's training.²² And as to the fourth factor in the HRCF Rule 19(b) analysis, the adequacy of available remedies should the suit be dismissed, the United States argued that "[c]ourts have recognized . . . that the lack of an alternative forum does not automatically prevent dismissal of a suit where the inability results from the non-party's sovereign immunity."²³

²² As stated, the Plaintiffs asserted that injunctive relief regarding the lease could be shaped by "enjoin[ing] the defendants from executing an agreement extending the lease or entering into a new lease until the defendants ensure that the terms of the existing lease have been fulfilled." They also contended that the court could shape relief in regards to monitoring by ordering that "the defendants provide a report to [the circuit] court thirty days prior to annual evidentiary hearings on defendants' efforts to ensure compliance with the lease."

²³ The United States did not address the third factor of HRCF Rule 19(b), the adequacy of a judgment rendered in the party's absence.

The United States further stated that, in the event the case were permitted to go forward and "relief were entered that impacted the interests of the United States," the United States "would at that time consider what action to take, including whether to file a motion to intervene as a party for the purpose of removing the case to United States District Court pursuant to 28 U.S.C. § 1442(a)."

The court denied the State's motion without prejudice, determining that "things may unfold as a matter of proof during the trial that may implicate some of the arguments being raised." Based on the pre-trial record, "the Court believe[d] it would be improvident to dismiss any of the claims."

4. Trial

A bench trial commenced, during which the Plaintiffs presented a series of witnesses who testified regarding the DLNR's management of the leased PTA lands.

The Plaintiffs first called Kevin Moore, the DLNR's custodian of records who responded to the request for government records that Ching filed before the start of litigation. Moore testified that although DLNR's normal practice is to attempt to inspect leased lands at least once every two years, the leased PTA land is more difficult to inspect and therefore inspections are conducted less frequently. Moore stated that the DLNR's lease file contained records of only three inspections of the

leased PTA land: one from 1984 that indicated the inspection lasted "no more than one day," which Moore acknowledged was not enough time for an inspector to inspect the 22,900-acre property on foot;²⁴ one from 1994 that was not signed and did not have anything written in the spaces denoted for the condition of the land or the findings of the inspection; and one from December 2014 that indicated that the premises were in unsatisfactory condition but did not contain any determination as to whether the United States was in compliance with the lease. Moore also testified that a 2013 memorandum circulated within the DLNR suggested the leased PTA land should be swept for UXO to be removed at the United States' expense, but DLNR did not ask the United States Army (Army) to clean up any ammunition as a result of the memorandum.

Moore related that the State had coordinated with the federal government and its various agencies to undertake a number of projects concerning the condition of the leased PTA land. Archeological surveys were done in 2001 as part of a Natural Resource Management Plan created by the United States, for instance, and a Programmatic Agreement between state and federal agencies permitted "cultural monitors" to be involved

²⁴ Moore stated that it would be difficult for an inspector to inspect the leased land in a motor vehicle due to the rugged terrain.

with inspections. According to Moore, these plans and programs ultimately demonstrated that the Army was the agency primarily responsible for environmental cleanup of the PTA leased land, but they also established that the Hawai'i Department of Health shared responsibility by providing support and regulatory oversight.

The Plaintiffs also called Kealoha Pisciotta, a former cultural monitor for the battle area complex (BAX) within the PTA. Pisciotta testified that during her inspections she observed and noted in her reports a range of debris left over from military exercises, including munitions and UXO, stationary targets, junk cars, an old tank, crudely built rock shelters, and other miscellaneous military rubbish. She testified that some of her reports recommended that the debris be cleaned up, but not all of the UXO that she observed was removed.

Next, the Plaintiffs called Suzanne Case, Chair of the BLNR and the Director of the DLNR. Plaintiffs' counsel showed Case a 2014 action memorandum from the Army addressed to the DLNR stating that a bazooka range within the PTA was heavily contaminated with explosive hazards, ammunitions, and debris that posed a significant danger to public health and welfare. Case testified that she did not remember receiving or having been shown the memorandum by DLNR staff and that she was not aware of any lease compliance issues that had been raised to the

BLNR regarding the PTA lease during her tenure as Chair. She also testified that the DLNR did not have a written policy regarding when inspections of leased premises were to be conducted and instead chose which leases to inspect based on available resources, the risks involved, and whether the public had drawn attention to a specific property.

The Plaintiffs then called Deputy Attorney General William Wynhoff, who had previously testified in a pretrial deposition on behalf of the DLNR. Wynhoff testified that to the best of his knowledge, the DLNR did not have a written procedure to ensure compliance with all terms of the PTA lease. DLNR's practice, Wynhoff stated, is to keep all records related to leases in the lease file. Wynhoff acknowledged that prior to the filing of this suit, there were no documents in the PTA lease file indicating that the DLNR had asked for or received assurances from the United States that it was in compliance with the lease.

Ching testified next. Ching, who is part Hawaiian, stated he was a member of the Pōhakuloa Cultural Advisory Committee, which advised the Army of cultural concerns related to its activities within the PTA. Ching testified that, during his bimonthly trips to the PTA as a member of the committee, he witnessed blank ammunition and other trash and military debris

"strewn around" that negatively affected his spiritual and traditional practices.

After Ching's testimony, the Plaintiffs called Kahaulelio. Kahaulelio testified that she was at least fifty percent Hawaiian and that, to her, caring for the land at Pōhakuloa was a cultural practice. She explained that she and other Hawaiian practitioners participate in cultural ceremonies at Pōhakuloa, which she compared to going to church. Kahaulelio testified that, during one such cultural trip to Pōhakuloa in November 2014, she observed debris and blank ammunition on the ground and that this destruction of the land made her feel "angry" and "hurt."

The Plaintiffs' final witness was Russell Tsuji, a former Deputy Attorney General, State Land Administrator at the DLNR, and Deputy Director of the DLNR. Tsuji stated that, while he was employed at the DLNR, he was in charge of managing state-owned lands and was a custodian of records contained in the PTA lease file. None of the files in the PTA lease file, Tsuji testified, mentioned paragraphs 9 and 14 of the lease. He was also unaware of any conversations that occurred during his employment at the DLNR regarding compliance with these lease provisions. Tsuji explained that his goal was to have land agents inspect leases at least once every two years while he was employed at the DLNR, but he stated that this target was

"aspirational" rather than a mandatory rule. Tsuji acknowledged that prior to the initiation of the lawsuit, the leased PTA land had not been inspected during his tenure at the DLNR, which spanned ten years.

Tsuji testified that the DLNR's PTA lease file contained a series of letters and reports from the United States Army that documented a need to clean up the leased PTA land, including a 2006 report indicating that there was debris in the BAX within the PTA; a 2008 report stating that there may have been munitions on PTA land; a 2013 final environmental impact statement (EIS) stating that UXO was "known to exist in impact area" and that "there [was] also a medium risk of finding [UXO] outside [the construction] area"; and a 2014 report stating that "[t]he military need[ed] to implement some kind of clean-up process as part of their training in PTA" because "[r]emnants of military trash [was] everywhere . . . including unexploded ordnance that [was] carelessly discarded." When asked about the DLNR's response to one of the reports, Tsuji testified that he did not know if anyone at the DLNR "actually read" the report and noted that there was no record on file that the DLNR ever responded to the report.

Tsuji testified that, after the lawsuit was filed, he sent a letter to the Army requesting its procedures for cleaning munitions after training exercises. Tsuji indicated that the

Army responded by sending a letter setting forth its cleanup procedures. Tsuji also testified that he conducted an inspection of the leased PTA land in December 2014, approximately one year after receiving the Army's response. One of the reasons for the inspection was the lawsuit, Tsuji acknowledged. During this inspection, he observed trash, "[s]pent shells," "shell debris," and "derelict vehicles" used as target practice at the bazooka range. According to Tsuji, a draft inspection report was created after the inspection, which was revised after he conducted another inspection in January 2015. Tsuji indicated that the final report stated that the land condition was "unsatisfactory," but he testified that the DLNR did not issue a default notice to the Army.²⁵

At the conclusion of Tsuji's testimony, the Plaintiffs rested. The State did not call any witnesses.

5. The Circuit Court Decision

On April 3, 2018, the circuit court issued its Findings of Fact, Conclusions of Law and Order.

a. Findings of Fact

The circuit court made the following relevant findings of fact.

²⁵ Tsuji testified that the report was written by a land agent and that he had no input in the report's conclusion that the land was "unsatisfactory."

In 1964, the State entered into a sixty-five year lease of three parcels of land in the Pōhakuloa area with the United States for military training purposes. These land parcels are ceded lands owned by the State that are part of the public lands trust. The public trust lands are state-owned lands held for the use and benefit of the people of the State of Hawai'i, and the State is the trustee of such lands. Accordingly, the State has "the highest duty to preserve and maintain the trust lands."²⁶

The Plaintiffs had in the past and continued to be actively engaged in cultural practices upon the leased PTA land. These cultural practices included song, dance, and chant about the PTA area, walking upon and celebrating the land and the flora and fauna that grow upon it, and honoring the current and historic cultural significance of the area.

The State was aware of the United States' failure to clean up other sites in the state²⁷ and of the possibility that

²⁶ Throughout its findings of fact and conclusions of law, the circuit court referred to this obligation as the duty to "malama 'aina," which the court translated as "to care for the land."

²⁷ Specifically, the court found that the previous Chair of the DLNR, William Aila, Jr., was aware of the United States' failure to clean up other sites in the state such as Kaho'olawe, Mākua, and the Waikāne Valley, and the court imputed this knowledge to the State in this case. The court noted that a website maintained by the State contained a history of the island of Kaho'olawe that explained that the United States Navy did not clear all UXO from 25 percent of the surface of the island. Additionally the court found that the United States' failure to properly clean the Mākua area was

(continued . . .)

UXO and munitions were present on the leased PTA land. Cultural monitors spent "extensive time" at the leased PTA land and observed military debris on the ground, including UXO and "spent shell casings, scattered across" the land. The concerns of the cultural monitors were documented in a number of federal reports. For example, the United States prepared a November 2010 report entitled "Final Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawaii Island, Hawaii" that included a recommendation from cultural monitors that "[t]he Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash are everywhere." (Emphasis omitted.) The report also stated that the cultural monitors voiced the following: "Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process."

(. . . continued)

documented in the federal court decisions in Makua v. Rumsfeld, 163 F. Supp. 2d 1202 (D. Haw. 2001), Makua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Makua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).

These concerns were reiterated four years later in a second, similarly titled report. This report contained observations from cultural monitors who stated that "[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape." The report noted the cultural monitors feared that if the litter continued to remain on the land, "the land will be rendered unusable forever--one eighth of our island will become unavailable for use by any of our future generations." The cultural monitors therefore "strongly recommend[ed] the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas." (Emphasis in report.)

Additionally, a March 2015 draft report stated that, based on a 2014 inspection by the DLNR and the Army, a bazooka range contained on the leased PTA land was "heavily contaminated on the surface with material potentially presenting an explosive hazard [] and munition debris []." A subsequent inspection of the bazooka range by military explosive ordnance disposal units found mortars, bazooka rounds, and white phosphorous on the land. The Army determined that the debris found at the bazooka range "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare."

The State's awareness of the potential contamination of the leased PTA land was also demonstrated by a March 2013 letter from the Acting Hawai'i Branch Manager for the DLNR to the State Lands Assistant Administrator. The Branch Manager recommended that "PTA should sweep the lands North of the saddle road for UXO and remove any UXO found at their expense to make the area safe for the public."²⁸ Additionally, a March 2013 Final EIS stated that "[d]ecades of using PTA as a training area have introduced a significant risk of encountering [munitions]/UXO. [Munitions]/UXO [are] known to exist in the impact area and [are] expected to be encountered during range construction activities; but there is also a medium risk of finding [munitions]/UXO outside the impact area." The EIS also stated that "[p]ast and current activities at PTA have resulted in contamination of soil by explosives and other chemicals." Therefore, the State was aware that military training activities on the leased PTA land "pose[d] a significant and substantial risk of harm or damage to [the PTA], and persons who may come upon" the land, and "to public health, safety, and welfare, as well as to the Plaintiffs' cultural interests in the [land]."

²⁸ Although the letter stated, "PTA should sweep," it appears that the Branch Manager was referring to the United States.

Proper stewardship of the leased land includes "periodic and meaningful inspection and monitoring of the military training activities and their aftermath upon the Subject Lands and reasonably accurate documentation of such activities and the effects of such activities to achieve transparency of [the State's] inspection and monitoring actions." Inspections must occur with "a reasonable frequency" for the State to satisfy its duty. The DLNR did not meet its informal goal of inspecting the leased PTA land once every two years, nor did it adequately document its inspection efforts "so as to provide rudimentary transparency into the DLNR's efforts." An inspection of the PTA occurred on December 19, 1984, for which a "sparse" report was generated that stated only the following: "Property being used for Military training purposes per lease terms." Another inspection "appear[ed] to have been conducted" in 1994, although the "findings" and "inspected by" sections of the inspection form were blank.

A third inspection occurred on December 23, 2014, after the litigation in this case had begun, and this inspection resulted in a report that "contained much more information" than those created from the two previous inspections. The 2014 Inspection Report stated that the condition of the land was "not

satisfactory.”²⁹ The report indicated that debris was “extensive” at the bazooka range, that there were “derelict vehicles” at one of the target ranges, and that an area was used for dumping spent artillery shells.

“The lack of regular, meaningful inspection and monitoring of the” leased PTA land contributed to the breach of the State’s trust duties, which in turn “harmed, impaired, diminished, or otherwise adversely affected Plaintiffs’ cultural interest in the” leased land.

b. Conclusions of Law

The circuit court rendered the following relevant conclusions of law.

The Plaintiffs had standing to enforce a breach of trust claim against the State, and the United States was not an indispensable party to the case because the Plaintiffs’ claim concerned only the State’s trust obligations. The State, as trustee of the ceded land, owed a “high standard of care when managing public trust ceded lands.” The State’s trust duties include but are not limited to using “reasonable efforts” to (1) preserve and protect trust property, and (2) take a proactive

²⁹ The court found that the Army’s assertion recorded in the report that it “regularly inspected and cleaned up after [an] exercise was complete” was contradicted by evidence that there was a significant amount of debris and ammunition on the land.

role in management and protection of the trust property. The State had a duty to consider the cumulative effects of the United States' use of the land upon the condition of the land and upon "the indigenous plants, animals, and insects, as well as the invasion to Plaintiffs' cultural interests in the Subject Land." Additionally, the State had a duty to determine whether the lessee was in compliance with the terms of the lease. And the Chair of the BLNR specifically had a duty to "[e]nforce contracts respecting . . . leases . . . or other disposition of public lands." (Quoting HRS § 171-7(5).³⁰)

As part of its trust duties, the State was required, to enforce paragraphs 9, 14, 18, and 19 of the PTA lease. The State's records regarding its efforts to inspect the leased land and report its findings "were spotty at best" and in some cases "grossly inadequate."³¹ Although there were studies and inspections completed regarding "other business" on the leased land, such as the EIS, these were not conducted to fulfill the State's trust duties.

³⁰ HRS § 171-7(5) (2011) provides, in relevant part, "Except as provided by law the board of land and natural resources through the chairperson shall: . . . (5) Enforce contracts respecting sales, leases, licenses, permits, or other disposition of public lands[.]"

³¹ The court found that, given "the virtual nonexistent nature of the 1994 inspection report" and "the sparse and incomplete nature of the 1984 inspection report," there was an un rebutted presumption that the State had failed to conduct any inspections prior to December 2014 to monitor or confirm the United States' compliance with paragraphs 9, 14, 18, and 19.

The State therefore breached its duties by failing to (1) conduct reasonable (in terms of frequency and scope) inspections of the condition of the leased PTA land or observations of the military training exercises, (2) ensure that the terms of the lease were being followed, (3) take prompt and appropriate follow-up steps with the United States when the State became aware of potential violations of the lease, (4) create detailed reports of the State's efforts to ensure compliance with the lease, and (5) initiate or assist with the appropriation of necessary funding to conduct cleanup or maintenance activities on the land. The court stated that the State would further breach its trust duties "if they were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled."

c. Order

The court explained that because the Plaintiffs prevailed on the merits, the appropriate remedy was for the court to issue an order directing the State to perform its trust duties with respect to the leased PTA land. The court concluded that the balance of harm favored the issuance of a mandatory injunction and that protection of the public trust lands was in the public interest. The court therefore ordered that the State

promptly initiate affirmative activity at the PTA in accordance with its trust duties by developing a written plan to fulfill such duties. The plan was required to include provisions for (1) on-site monitoring and inspections, (2) the creation of written inspection reports with recommendations, (3) a written protocol of appropriate action to be taken if the United States is to be found to be in breach of the lease, (4) a procedure to provide for "reasonable transparency" to the Plaintiffs and the general public with respect to compliance with the injunction, and (5) all steps that the State takes to "secur[e] adequate funding, from any and all appropriate funding sources, to plan, initiate, and conduct all appropriate comprehensive cleanup." The plan was required to be submitted to the court for approval. Additionally, the court ordered the State to create contested case procedures pursuant to HRS Chapter 91, if not already in existence, "for Plaintiffs or any member of the general public with standing to initiate such process in the event that Plaintiffs or other interested party may contest the decisions made by the [State] in the course of discharging" their trust duties.

The circuit court entered Final Judgment on April 24, 2018.

D. The Appeal and Motions to Dismiss

The Department of the Attorney General (AG) filed a timely Notice of Appeal. The Plaintiffs filed a Motion to Dismiss the Appeal and argued that the AG did not have the authority to file an appeal "on behalf of BLNR or DLNR without BLNR's consent."³² (Citing Chun v. Bd. of Trs. of the Emps.' Ret. Sys., 87 Hawai'i 152, 952 P.2d 1215 (1998).) The State replied that the AG was authorized to appeal the decision because the AG "has authority to manage and control all phases of litigation" in suits against state officials. (Citing Island-Gentry Joint Venture v. State, 57 Haw. 259, 554 P.2d 761 (1976).)

The Plaintiffs filed an application for transfer to this court, which the State did not oppose. This court granted the application on December 20, 2018.

IV. STANDARD OF REVIEW

Certain decisions regarding the orderly administration of trial and the selection of an appropriate remedy to redress an injury "rest[] with the sound discretion of the trial court[,] and the trial court's decision will be sustained absent

³² The Plaintiffs later filed a second motion to dismiss to "follow[] up" on the first, making substantially similar arguments with respect to the AG's authority to appeal on behalf of the Chair of BLNR without her express consent.

a showing of manifest abuse of discretion.” Hawaii Pub. Emp’t Relations Bd. v. United Pub. Workers, Local 646, 66 Haw. 461, 467, 667 P.2d 783, 788 (1983). For instance, this court applies an abuse of discretion standard when it reviews a trial court’s determination as to whether to dismiss a case pursuant to HRCF Rule 19(b) for a party’s failure to join an indispensable party. UFJ Bank Ltd. v. Ieda, 109 Hawai‘i 137, 142, 123 P.3d 1232, 1237 (2005) (citing Takabuki v. Ching, 67 Haw. 515, 529, 695 P.2d 319, 328 (1985)). Similarly, a trial court’s grant of equitable relief, including a declaratory judgment or a mandatory injunction, will be upheld unless an abuse of discretion is demonstrated. Kau v. City & Cty. of Honolulu, 104 Hawai‘i 468, 473, 92 P.3d 477, 482 (2004) (citing Shanghai Inv. Co. v. Alteka Co., 92 Hawai‘i 482, 492, 993 P.2d 516, 526 (2000)); United Pub. Workers, 66 Haw. at 467, 667 P.2d at 788.

By contrast, we review a trial court’s conclusions of law de novo. Narayan v. Ass’n of Apartment Owners of Kapalua Bay Condo., 140 Hawai‘i 75, 83, 398 P.3d 664, 672 (2017) (citing Nordic PCL Constr., Inc. v. LPIHGC, LLC, 136 Hawai‘i 29, 41, 358 P.3d 1, 13 (2015)). Thus, a trial court’s grant or denial of summary judgment is reviewable using our independent judgment under the right/wrong standard, as are the statutory and constitutional interpretations underlying the court’s

determinations. Id.; State v. March, 94 Hawai'i 250, 253, 11 P.3d 1094, 1097 (2000). But this court will uphold the findings of fact to which the trial court applies these interpretations unless they are clearly erroneous. Noel Madamba Contracting LLC v. Romero, 137 Hawai'i 1, 8, 364 P.3d 518, 525 (2015).

V. DISCUSSION

A. The Motions to Dismiss

Before addressing the merits of the State's appeal in this case, we must first consider the Plaintiffs' motions to dismiss asserting that the AG lacked authority to bring the appeal without the express authorization of the BLNR and, derivatively, the authorization of the Board's Chairperson and the DLNR, which the Board heads. This court first addressed the allocation of litigation authority between the AG and other government agencies in Island-Gentry Joint Venture v. State, 57 Haw. 259, 264, 554 P.2d 761, 765 (1976). In Island-Gentry, the BLNR agreed to a financial settlement with a landowner after it breached a purchase agreement to acquire the owner's property in order to build a school. Id. at 261, 554 P.2d at 763. Upon discovering that the landowner had thereafter sold the land to a third party for over twice the BLNR's agreed-upon purchase price, the AG declined to pay the agreed-upon settlement, reasoning that the landowner had "suffered no damage resulting from [the] State's failure to honor its agreement to purchase

the land.” Id. at 262, 554 P.2d at 764. The landowner brought suit to enforce the settlement.

This court held that under the general grant of authority contained in HRS § 26-7 (Supp. 1975),³³ the AG “has exclusive authority to control and manage for the State all phases of civil litigation in which the State has an interest, unless authority to do so in specific matters has been expressly or impliedly granted to another department or agency.” Id. at 264-65, 554 P.2d at 765-66. We held that this authority necessarily includes the authority to control the settlement of actions against the State. Id. at 265, 554 P.2d at 766. The same section also grants the AG “exclusive authority to approve as to the legality and form of all documents relating to the

³³ The portions of HRS § 26-7 cited in Island-Gentry have not been amended since this court’s decision in the case. The statute provides in relevant part as follows:

The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

acquisition of any land or interest in land by the State," we noted. Id. This court held that implicit in these express grants of authority was the "sole power to approve or to refuse to approve as to the legality and form of any compromise settlement effectuated by the [BLNR] in regards to the [BLNR]'s breach of a contract to purchase land for the State." Id. Because the record identified that "no other department or agency ha[d] been expressly or impliedly granted the authority to approve or to disapprove as to the legality and form of the settlement in question," we held that the BLNR was without authority to bind the State to the settlement. Id.

Chun v. Board of Trustees of the Employees' Retirement System, 87 Hawai'i 152, 952 P.2d 1215 (1998), on which the Plaintiffs rely, stands in tension with Island-Gentry. In Chun, the circuit court vacated a decision of the Board of Trustees of the Employees Retirement System concerning the retirement benefits of a group of teachers and school administrators, finding that the Board had miscalculated the benefits as a result of its misinterpretation of the applicable statute. Id. at 158, 952 P.2d at 1221. During the pendency of the case, the composition of the Board had changed, and the newly constituted Board deadlocked in a four-to-four vote on a motion to authorize an appeal of the circuit court's decision. Id. at 160, 952 P.2d at 1223. The Chairperson of the Board thus sent a letter

informing the AG that the "motion failed because it did not receive the necessary majority vote." Id. at 161, 952 P.2d at 1224. When the AG nevertheless filed a notice of appeal, the retirees filed a motion to dismiss the appeal, arguing that the AG had no independent authority to pursue it without the Board's consent. Id.

This court held that a distinction exists between, on the one hand, the AG's duty under HRS § 28-1 (1993)³⁴ and the common law to represent the State in furtherance of the public interest as the AG deems it to be, and on the other hand, the AG's duty under HRS § 26-7 to serve as legal counsel to the public officials and instrumentalities of the State, inter alia, when they are sued in their professional capacity. Id. at 170, 952 P.2d at 1233. Extensively quoting the Supreme Court of West Virginia, we stated,

When the Attorney General appears in a proceeding on behalf of the state in her name, she exercises her discretion as to the course and conduct of the litigation. She assumes the role of a litigant and she is entitled to represent what she perceives to be the interest of the state and the public at large.

. . . .

The Attorney General performs quite a different function when she appears to defend a state officer or

³⁴ HRS § 28-1, which has not been amended since this court's decision in Chun, provides as follows: "The attorney general shall appear for the State personally or by deputy, in all the courts of record, in all cases criminal or civil in which the State may be a party, or be interested, and may in like manner appear in the district courts in such cases."

instrumentality sued in their official capacity. In this circumstance the Attorney General does not appear as a party to the action. That role is filled by the state officer or instrumentality against whom the suit is brought. Rather, the Attorney General's function is to act as legal advisor and agent of the litigant and to prosecute or defend, within the bounds of the law, the decision or policy of such officer or instrumentality which is called into question by such lawsuit.

. . . .

The Legislature has designated the Attorney General as the legal representative of state officers and instrumentalities sued in their official capacities. In the absence of other statutory or constitutional provision to the contrary, she is their sole legal representative in the courts and they are her clients. When the Attorney General appears in litigation in this capacity, she does so as a lawyer and an officer of the court. Her primary responsibility is to provide proper representation and competent counsel to the officer or instrumentality on whose behalf she appears. The Attorney General's role in this capacity is not to make public policy in her own right on behalf of the state. It is presumed, in the absence of a contrary showing, that the officer made a party to the suit has, in the performance of his or her official duties, acted in contemplation of the relevant laws and in the best interests of the state. The Attorney General's role and duty is to exercise her skill as the state chief lawyer to zealously advocate and defend the policy position of the officer or agency in the litigation.

The Legislature has thus created a traditional attorney-client relationship between the Attorney General and the state officers or instrumentalities she is required to represent. It is well settled that in the control of litigation, the Attorney General has the duty to conform her conduct to that prescribed by the rules of professional ethics. As a lawyer and an officer of the courts of this State, the Attorney General is subject to the rules of this Court governing the practice of law and the conduct of lawyers, which have the force and effect of law.

Id. at 171-73, 952 P.2d at 1234-36 (quoting Manchin v. Browning, 296 S.E.2d 909, 918-20 (W. Va. 1982)) (alterations omitted) (emphases added). This court thus held that when the AG represents a state official or instrumentality in its official capacity, the official or instrumentality is the AG's client and

the allocation of authority in that relationship is governed by at least some provisions of the Hawai'i Rules of Professional Conduct (HRPC). Id. at 173-74, 952 P.2d at 1236-37.

Applying HRPC Rule 1.7, which governs conflicts, this court held that, once the AG has informed the state official or instrumentality of the different legal strategies and defenses available and provided a professional opinion as to their advisability, the AG "should then stand aside and allow [the] client to exercise [] independent judgment on which course to pursue." Id. at 174, 952 P.2d at 1237 (emphasis and alterations omitted) (quoting Manchin, 296 S.E.2d at 920). Because the AG's position in pursuing the appeal was at odds with the Board's wishes, this court held that the AG "was ethically obligated to recommend the retention of other counsel to represent the Board and to take such other action as, in her opinion, the circumstances required." Id. at 176, 952 P.2d at 1239. The AG lacked authority, however, to pursue the appeal without the Board's consent. Id. at 177, 952 P.2d at 1240.

In a footnote in Chun, the court asserted that its holding was consistent with Island-Gentry, focusing on the Island-Gentry court's statement that the AG has ultimate authority to make litigation decisions "unless authority to do so in specific matters has been expressly or impliedly granted to another department or agency." 87 Hawai'i at 171 n.21, 952

P.2d at 1234 n.21 (emphasis omitted) (quoting Island-Gentry, 57 Haw. at 264-65, 554 P.2d at 765-66). The court stated that, unlike with the BLNR in Island-Gentry, the legislature had enacted a series of laws that conferred upon the Board of Trustees of the Employees Retirement System "the powers and privileges of a corporation," including the powers to "sue or be sued and transact all of its business." Id. (citing HRS §§ 88-22, 88-23, 88-110). These statutes acted to divest the AG of the authority to control litigation with respect to the Board, the court reasoned. Id.

This distinction is problematic, however. Analogous statutes existed conferring substantially the same authority on the BLNR at the time Island-Gentry was decided. See, e.g., HRS § 171-7(8) (1968) ("Except as provided by law the board of land and natural resources through the chairman shall: . . . (8) Bring such actions and proceedings as may be necessary to carry out the powers and duties of the board in the name of the State and to defend such actions brought against the State as may be authorized[.]"). Moreover, the Chun court based its analysis not on the withdrawal of the general authority of the AG under HRS §§ 28-1 and 26-7 by another statute, but rather on the distinction between the different aspects of that authority. See 87 Hawai'i at 169-70, 952 P.2d at 1232-33 ("Thus, by [its] terms, HRS § 26-7 . . . designate[s] the attorney general as

legal counsel for 'public officers' and instrumentalities of the state[.] . . . At the same time, however, HRS § 28-1 mandates that the attorney general 'represent the State in all . . . civil matters where the State . . . may be an interested party.'" (some alterations original)).

The cases can be more logically reconciled in two ways. First, because Island-Gentry concerned the settlement of litigation arising directly from a breach of a contract to acquire public lands, approval of the settlement agreement fell within the AG's "exclusive authority" under HRS § 26-7 "to approve as to the legality and form of all documents relating to the acquisition of any land or interest in land by the State." And second, the settlement agreement essentially "commit[ed] the State to an obligation to pay a sum of money out of State funds"--which was authority that had not been granted to BLNR. Island-Gentry, 57 Haw. at 264, 554 P.2d at 765.

Thus, Chun should be read as limiting Island-Gentry to situations when the AG appears on behalf of the State generally (as opposed to on behalf of a specific State public official or instrumentality), when the action falls within the AG's exclusive statutory authority, or when the result of the action would commit the State to pay public funds that have not been appropriated to the represented State official or instrumentality. By contrast, when the AG appears on behalf of

a specific State official or instrumentality and the above exceptions do not apply, the AG has a duty to comply with the wishes of the represented party that is loosely analogous to the duty a private attorney owes a client under the HRPC and other professional standards.³⁵ Chun, 87 Hawai'i at 173, 952 P.2d at 1236.

The Plaintiffs argue that, in the absence of an affirmative vote by the BLNR, the AG was not authorized to bring an appeal in the present case. Yet our precedent and legal professional standards more generally permit--and in some cases require--an attorney to take the procedural steps necessary to protect a client's right to appeal. See Maddox v. State, 141 Hawai'i 196, 204, 407 P.3d 152, 160 (2017) ("Defense counsel should take 'whatever steps are necessary' to protect the client's right to appeal" (quoting ABA Standards for Criminal Justice: Prosecution and Defense Function, Standards 4-8.2(b), 4-8.3(c) (3d ed. 1993))). Unlike in Chun, in which the Chairperson of the Board sent a letter "informing [the AG] of

³⁵ By so holding, the autonomy of the various agencies that are headed by boards instead of a single executive is preserved, as the framers intended such boards to maintain a level of independence from the governor and officials like the AG who are directly answerable to the governor. See Stand. Comm. Rep. No. 67 in I Proceedings of the Constitutional Convention of Hawaii of 1950, at 217 (1960) ("Your committee has followed the principle that the Governor should be strong in his branch of the government but that he should be precluded from infringing upon the other branches, for example, the power to remove members of the boards and commissions.").

the Board's refusal to authorize an appeal of [the circuit court's] decisions," there is no indication in the record that the BLNR communicated to the AG a desire not to pursue the present appeal--nor is there any evidence that the appeal is at odds with the BLNR's wishes. 87 Hawai'i at 161, 952 P.2d at 1224 (second alteration original). "[W]here no conflict plainly appears . . . it is generally presumed 'that the actions and determinations of the Attorney General in . . . a lawsuit are made both as a representative of the public interest and as counsel for the state agency or officer.'" Id. at 170, 952 P.2d at 1233 (some alterations in original) (quoting D'Amico v. Bd. of Med. Exam'rs, 11 Cal.3d 1, 112 (1974)). Accordingly, we deny the Plaintiffs' two motions to dismiss the appeal.

B. The State's Appeal

The State argues that the circuit court erred by failing to dismiss the case or grant summary judgment to the State on the grounds that 1) the United States was a necessary and indispensable party under HRCF Rule 19 whose joinder was not feasible due to its sovereign immunity; 2) the case presented a nonjusticiable political question regarding how the State should manage the leased PTA land; and 3) the case did not present an "actual controversy" in which a declaration could "terminate the

uncertainty or controversy giving rise to the proceeding" as is required for declaratory relief under HRS § 632-1.³⁶ The State additionally challenges the circuit court's findings and conclusions insofar as the court found that the State breached its trust duties by failing to perform adequate inspections of the leased PTA land and declined to consider the State's cooperative activities with entities other than the State in determining whether the State had violated its trust obligations. Lastly, the State argues that the injunctive relief granted by the circuit court was improper because it was tantamount to an award of damages barred by the State's sovereign immunity and the order granting relief was vague, overbroad, and improperly intruded on legislative prerogatives.

This opinion will address the State's contentions alleging related errors together.

1. The United States Is Not a "Necessary" Party and Therefore Is Not "Indispensable"

The State contends that the United States is a necessary and indispensable party to the present case under HRCF Rule 19 and that the circuit court reversibly erred by failing

³⁶ Under Hawai'i law, the denial of a summary judgment motion can be appealed following a trial on the merits only if the appeal centers on a question of law rather than the existence of a disputed material fact. See Larsen v. Pacesetter Sys., Inc., 74 Haw. 1, 17-18, 837 P.2d 1273, 1282-83 (1992). Here, the State's contentions are rooted in questions of law, and we accordingly conclude that it is entitled to review of the circuit court's denial of its summary judgment motion on the challenged grounds.

to either join the United States or dismiss the case due to its absence. Under our precedents, an analysis under HRCP Rule 19 follows two steps. Kellberg v. Yuen, 135 Hawai'i 236, 250-51, 349 P.3d 343, 357-58 (2015). First, courts must determine if the party is a "necessary" party under part (a) of the rule, and if so, whether joinder of the party is feasible. Id. If the court finds that a party is necessary and joinder is not feasible, it then proceeds to part (b) of the rule, under which it analyzes whether "in equity and good conscience" the case can continue in the party's absence. Id. at 252, 349 P.3d at 359 (quoting HRCP Rule 19(b)). "If, under this second step, the court dismisses the action rather than moving forward without the absent party, the nonparty is described as 'indispensable.'" Id. (quoting Marvin v. Pflueger, 127 Hawai'i 490, 499, 280 P.3d 88, 97 (2012)).

HRCP Rule 19(a) sets forth a number of factors for courts to consider in evaluating whether an entity is a necessary party who should be joined if feasible. The rule provides, in relevant part, as follows:

(a) Persons to be joined if feasible. A person who is subject to service of process shall be joined as a party in the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may (A) as a practical matter impair or impede the person's ability to protect that interest or (B) leave any of the persons already parties subject to a substantial risk of incurring double,

multiple, or otherwise inconsistent obligations by reason of the claimed interest.

With respect to HRCP Rule 19(a)(2),³⁷ this court does not need to speculate as to the interest claimed by the United States in the subject matter of this case because the United States filed a statement of interest in the circuit court. Before this court, the State repeats the United States' assertion that "[t]he action here relates to the public land leased by the State to the United States for military purposes and puts directly at issue the United States' compliance with the terms of the lease." The State contends that the United States clearly has an interest in an action "forcing the State to initiate rigorous enforcement action against" the United States.

But determining whether the State fulfilled its duties as trustee in this case does not require determining whether the United States in fact complied with the lease, however, and if a breach of the State's trustee duties is found, the appropriate remedy would not be an order requiring the State to initiate an enforcement action. Article XI, section 1 of the Hawai'i Constitution places upon the State a fiduciary duty analogous to

³⁷ Neither the State nor the United States make any arguments with respect to HRCP Rule 19(a)(1), under which the court would consider whether the United States' absence would prevent complete relief from being afforded in this case.

the common law duty of a trustee with respect to lands held in public trust. See In re Conservation Dist. Use Application HA-3568 (In re TMT), 143 Hawai'i 379, 400, 431 P.3d 752, 773 (2018); State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 121, 566 P.2d 725, 735 (1977). Article XII, section 4 imposes a similar duty regarding lands ceded to the State under Section 5(b) of the Admission Act. It is undisputed that the leased PTA land at issue in this case is trust land within the meaning of these constitutional provisions.

The most basic aspect of the State's trust duties is the obligation "to protect and maintain the trust property and regulate its use." Zimring, 58 Haw. at 121, 566 P.2d at 735; accord Restatement (Second) of Trusts § 176 (1959) ("The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property."). Under the common law, this obligation includes an obligation to reasonably monitor the trust property. See Restatement (Third) of Trusts § 90 cmt. b (2007); Tibble v. Edison Int'l, 135 S.Ct. 1823, 1828 (2015). This duty exists regardless of whether the property is being used by a third party pursuant to a lease.

Reasonable monitoring ensures that a trustee fulfills the mandate of "elementary trust law" that trust property not be permitted to "fall into ruin on [the trustee's] watch." United States v. White Mt. Apache Tribe, 537 U.S. 465, 475 (2003). To

hold that the State does not have an independent trust obligation to reasonably monitor the trust property would be counter to our precedents and would allow the State to turn a blind eye to imminent damage, leaving beneficiaries powerless to prevent damage before it occurs. Cf. Kelly v. 1250 Oceanside Partners, 111 Hawai'i 205, 231, 140 P.3d 985, 1011 (2006) (holding that the Department of Health's article XI, section 1 public trust duty to protect coastal waters required it to "not only issue permits after prescribed measures appear to be in compliance with state regulation, but also to ensure that the prescribed measures are actually being implemented." (emphasis added)).

Thus, the State might breach its fiduciary duty by failing to reasonably monitor public ceded lands, including the public ceded lands within the PTA that the United States utilizes pursuant to its lease with the State. Such a breach would be complete upon the State's failure to reasonably monitor the ceded land--irrespective of whether the United States actually violated the lease. A determination of whether the State breached its duty by failing to monitor the United States' compliance with the lease therefore will not require a subsidiary determination that the United States breached the terms of the lease, and thus it will not impair the United States' ability to defend itself against any such speculative

future claim. And because the court would not be determining whether the United States violated the terms of the lease, the appropriate remedy for the alleged breach of the State's trust duties would be an order requiring the State to initiate appropriate monitoring--and not an order requiring the State to initiate an enforcement action.

The United States further asserted in its statement of interest that an order requiring the State to inspect or monitor the United States' use of the PTA "at specified times" has the potential to disrupt critical training exercises. In a similar vein, the State argues that the disposition of the case could put the State at risk of incurring inconsistent obligations because the United States may deem the required monitoring to be "[un]reasonable" or determine that it "unduly interfere[s]" with training operations, ultimately leading to a separate determination under the lease's dispute resolution mechanism. However, these concerns were speculative. Under paragraph 19 of the lease, the State "shall have the right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly interfere with activities of the [United States]." And while this right of entry is subject to advance clearance from the United States, the lease specifies "that such advance clearance shall not be unreasonably held." There was no indication at the time the State's motions were

determined that the extent of the monitoring the court might order would necessarily be inconsistent with the State's rights under the lease so as to prejudice the United States' interests or subject the State to conflicting obligations.³⁸

The United States also asserted in its statement of interest that courts have recognized that all parties to a contract are necessary parties in any equitable action that requires interpretation of the contract. As an initial matter, a reading of the unambiguous text on the face of the lease does not require "interpretation" of the contract. See Airgo, Inc. v. Horizon Cargo Transp., Inc., 66 Haw. 590, 594, 670 P.2d 1277, 1280 (1983) (stating that a contract is ambiguous "when the terms of the contract are reasonably susceptible to more than one meaning"). Further, the cases cited by the United States are inapposite and do not support its position. Each case involved an action that sought to invalidate, enforce, or

³⁸ Even if concerns that the State would be subject to inconsistent obligations resulting from the dispute resolution mechanism were sufficient to make the United States a necessary party, the United States correctly asserts that it is not feasible to join it as a party because Congress has not waived sovereign immunity to allow the United States to be involuntarily made a party to the case in Hawai'i state courts. See Minnesota v. United States, 305 U.S. 382, 388 (1939). In determining whether a case should be dismissed for failure to join an indispensable party under HRCF Rule 19(b), courts must consider "the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided." In this case, the remedy could be tailored to avoid subjecting the State to inconsistent obligations by simply ordering the State to engage in monitoring consistent with its rights under the lease. Thus, dismissal would not be warranted even if the United States were to be considered a necessary party.

establish a breach of the terms of the contract at issue.³⁹

These cases did not hold that parties to a contract must be joined in any action regarding a trustee's duty to reasonably monitor the property that is the subject of the contract.

Unlike the cited cases, this action seeks neither to invalidate the lease nor to directly enforce its terms but rather to require the State to monitor the leased PTA land and the United States' compliance with the lease. The cited cases thus do not apply.⁴⁰

The United States contended and the State similarly argues that an injunction barring the State from renegotiating the lease until any breach of its terms is cured would adversely impact the United States' interests directly by inhibiting its right to renew the lease and indirectly by undermining its ability to make future plans for the PTA. This presumes,

³⁹ See Dawavendewa v. Salt River Project Agr. Imp. & Power Dist., 276 F.3d 1150, 1157 (9th Cir. 2002) (holding that a Native American tribe was necessary and indispensable in a suit alleging that hiring preference for Native Americans in contract between the tribe and public power company violated civil rights laws); McClendon v. United States, 885 F.2d 627, 633 (9th Cir. 1989) (holding a Native American tribe indispensable in an action to enforce the terms of a rental lease to which the tribe was a party); Queen's Med. Ctr. v. Kaiser Found. Health Plan, Inc., 948 F.Supp.2d 1131, 1165 (D. Haw. 2013) (holding that a health management network was a necessary party in a suit that required demonstrating it had breached the contract to which it was a party).

⁴⁰ To be clear, this opinion does not find or conclude that the United States has breached the lease, nor does it enforce or invalidate any provision of the lease. To the extent any portion of the circuit court's judgment can be interpreted as rendering such a finding, conclusion, or order, we hold that this interpretation is incorrect, and the circuit court's judgment shall be construed consistent with this opinion.

however, that the court was required to provide all of the precise remedies that the Plaintiffs requested. It is well settled that in an equitable action, a court has "broad discretionary power to . . . craft remedies to preserve equity." Ito v. Inv'rs Equity Life Holding Co., 135 Hawai'i 49, 62, 346 P.3d 118, 131 (2015). Courts may use this discretion to devise remedies that avoid prejudicing the rights of an absent party, and this latitude should be considered in determining whether a party is necessary and should be joined if feasible. See Salt Lake Tribune Pub. Co. v. AT&T Corp., 320 F.3d 1081, 1097 (10th Cir. 2003) ("Tribune Publishing mistakenly assumes that the only remedy that will give it complete relief is an order compelling KTLIC to specifically perform under the Option Agreement with respect to every Tribune Asset it owns. An order of complete specific performance is one way in which Tribune Publishing can receive complete relief, but it is not the only way."). Thus, the fact that the Plaintiffs requested a remedy barring the renegotiation of the lease does not alter our determination that the circuit court did not abuse its discretion in concluding that the United States is not a necessary party to the action. (Indeed, the circuit court did not ultimately issue an injunction barring the State from renegotiating the lease until it determines that the United States has complied with its terms, notwithstanding the Plaintiffs' request for such relief.)

Lastly, it is noted that the United States stated in its filing that "if relief were entered that impacted the interests of the United States, the Government would at that time consider what action to take, including whether to file a motion to intervene as a party for the purpose of removing the case to United States District Court pursuant to 28 U.S.C. § 1442(a)." And, in denying the State's motion to add the United States as a party without prejudice, the circuit court stated that the United States would have an "automatic right to intervene" if it chose to. Nevertheless, the United States has not filed a motion to intervene in the present case, nor even requested permission to participate as amicus curiae--which would avoid any waiver of sovereign immunity. See Sch. Dist. of Pontiac v. Sec'y of U.S. Dept. of Educ., 584 F.3d 253, 266 (6th Cir. 2009). In determining whether the circuit court erred in permitting the case to proceed in the United States' absence, it is appropriate for this court to consider that, "even if the [United] States ha[d] a particular interest in this dispute, [it] had the opportunity to intervene to protect that interest but declined to participate." Id. "[I]t would turn Rule 19 analysis on its head to argue that the [United] States' interests are now impaired because [it] declined to participate in this much-publicized case." Id.

Based on the foregoing, we affirm the circuit court's denial of the State's motions to join the United States as a necessary party and to dismiss the case for failure to join an indispensable party.

2. The Case Presents a Justiciable Controversy

a. The Alleged Breach of Trust Is an Actual Controversy for Purposes of HRS § 632-1

The State argues that, because the Plaintiffs have not alleged that the United States actually violated the terms of the lease, there is no controversy between the parties of sufficient immediacy and reality to warrant declaratory judgment.⁴¹ The State relies on Asato v. Procurement Policy

⁴¹ In response, the Plaintiffs argue that the court's jurisdiction over their claims is not dependent on HRS § 632-1. This court has recognized that the beneficiaries of the article XII, section 4 ceded land trust possess a constitutional cause of action against state officials to prospectively enjoin violations of their trust duties. Pele Def. Fund v. Paty, 73 Haw. 578, 601-06, 837 P.2d 1247, 1261-64 (1992). Thus, the Plaintiffs' request for an order requiring the State to prospectively fulfill its trust duties and enjoining future trust violations is not dependent on HRS § 632-1.

We have clarified, however, that the implied constitutional right of action does not permit a court to "turn back the clock" to grant retrospective relief for "actions already taken by the State." Id. at 601, 837 P.2d at 1262. And we have indicated that suits seeking retrospective declaratory relief based on an alleged constitutional violation that has already occurred are governed by HRS § 632-1. See Nelson v. Hawaiian Homes Comm'n, 127 Hawai'i 185, 205, 277 P.3d 279, 299 (2012) (applying HRS § 632-1 in a suit seeking a declaration that the State had violated its duty to afford "sufficient sums" to the Office of Hawaiian Affairs under article XII, section 1 of the Hawai'i Constitution); Kaho'ohanohano v. State, 114 Hawai'i 302, 332, 162 P.3d 696, 726 (2007) (applying HRS § 632-1 in a suit seeking a declaration that the State had violated the article XVI, section 2 prohibition on the impairment of accrued retirement system benefits). Therefore, to the extent the Plaintiffs are seeking a declaration that the State has already violated its trust duties, this relief is dependent on satisfying the requirements of HRS § 632-1.

Board, 132 Hawai'i 333, 322 P.3d 228 (2014) and Kau v. City and County of Hawai'i, 104 Hawai'i 468, 92 P.3d 477 (2004), which it contends demonstrate that the Plaintiffs' claim is too speculative to qualify for declaratory relief under HRS § 632-1.

Recently, this court considered the requirements that must be met to demonstrate a controversy that is subject to a request for declaratory relief under HRS § 632-1(b). We held that

a party has standing to seek declaratory relief in a civil case brought pursuant to HRS § 632-1 (1) where antagonistic claims exist between the parties (a) that indicate imminent and inevitable litigation, or (b) where the party seeking declaratory relief has a concrete interest in a legal relation, status, right, or privilege that is challenged or denied by the other party, who has or asserts a concrete interest in the same legal relation, status, right, or privilege; and (2) a declaratory judgment will serve to terminate the uncertainty or controversy giving rise to the proceeding.

Tax Found. of Hawai'i v. State, 144 Hawai'i 175, 202, 439 P.3d 127, 154 (2019).⁴² It is clear that the Plaintiffs' assertion that the State breached the trust duty that it owes to them as beneficiaries meets these requirements, and additionally, the cases relied upon by the State are inapposite.

⁴² Hawai'i state courts are not subject to a constitutional "case or controversy" jurisdictional limitation. See Haw. Const. art. VI, § 1 ("The several courts shall have original and appellate jurisdiction as provided by law"); Trs. of Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 170 n.17, 737 P.2d 446, 456 n.17 (1987); Tax Found., 144 Hawai'i at 190, 439 P.3d at 142.

In Asato, the plaintiff brought suit seeking to invalidate an administrative rule relating to the State's contracting policies and to void every contract that the State had entered into under the regulation. 132 Hawai'i at 337, 322 P.3d at 232. Notably, the claim in Asato was brought under HRS § 91-7(a), which allows "any interested person" to challenge an agency rule.⁴³ Asato did not concern HRS § 632-1, and it thus does not provide guidance herein. See Tax Found., 144 Hawai'i at 194-95, 439 P.3d at 146-47 (discussing the requirements of HRS § 91-7 and HRS § 632-1 separately).

Further, even if Asato had been brought under HRS § 632-1, its holding is not helpful to the State. Although the Asato court invalidated the challenged administrative rule, it declined to declare that the contracts entered into under the regulation were void, noting that no connection had been alleged between the plaintiff and any of the individual contracts. Id. at 355, 322 P.3d at 250. The court determined that, without

⁴³ HRS § 91-7(a) provides as follows:

(a) Any interested person may obtain a judicial declaration as to the validity of an agency rule as provided in subsection (b) by bringing an action against the agency in the circuit court or, if applicable, the environmental court, of the county in which the petitioner resides or has its principal place of business. The action may be maintained whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

knowing the plaintiff's relation to each contract, it could not identify any controversy that could be ended by a declaration that the contracts were void. Id. ("Absent any rendition of the circumstances surrounding each contract, it cannot be determined from the allegations whether there is a substantial controversy as to a particular contract that is of sufficient immediacy and reality to warrant a declaratory judgment." (internal quotations omitted)).

By contrast, the Plaintiffs here are connected to the PTA and the manner in which the State manages it because the PTA is held in trust by the State for the Plaintiffs' benefit. This is to say that the trust duty that the Plaintiffs allege the State has breached is a duty the State owes to the Plaintiffs, and a declaration regarding whether the State has breached that duty would terminate the controversy by clarifying the contours of that duty.

The State also relies on Kau, in which this court considered a Honolulu ordinance that permitted the lessees of condominium units to purchase fee simple interests through a condemnation proceeding. 104 Hawai'i at 472, 92 P.3d at 481. The case began when the fee simple owners of a condominium project brought an action seeking a declaration that the subdivision of the property into individual units would end upon the expiration of the developer's master lease in 2014, and thus

the sublessees of the individual units would not acquire fee simple interests in their individual units if they were condemned under the ordinance. Id. The Kau court held that, because the fee simple owners were "requesting a judgment based on the expiration of the Master Lease, an event that [would] occur at some time in the future; there [wa]s no actual controversy in existence at th[at] time." Id. at 475, 92 P.3d at 484. Specifically, the court noted that the declaration would require speculation as to the conditions that would exist when the master lease expired. Id. During the interim, the court reasoned, the city could condemn the fee owner's interest or the fee owners could make the appropriate filings to make the subdivision permanent, thereby avoiding the situation that the fee simple owners wished the court to rule on. Id.

Unlike in Kau, the Plaintiffs' breach of trust claim based on a failure to reasonably monitor the United States' compliance with the lease does not require the court to speculate about future conditions--nor even the present likelihood that the United States is currently in breach of the lease.⁴⁴ Rather, the Plaintiffs alleged that the State has

⁴⁴ The circuit court additionally determined that the State would further breach [its] trust duties if [it] were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the

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already breached its duty as a trustee by failing to monitor compliance with the provisions of the lease, irrespective of whether the United States actually complied with the lease terms. This case thus presents the type of controversy that is necessary to qualify for relief under HRS § 632-1(b).

b. The Alleged Breach of Trust Does Not Present a Political Question

Under the political question doctrine, courts refrain from deciding certain matters that are committed to the discretion of the other branches of government, reasoning that government action in these areas is properly addressed through democratic processes. See Trs. of Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 171, 737 P.2d 446, 456 (1987). This court has adopted the test for identifying a political question articulated by the United States Supreme Court in Baker v. Carr, 369 U.S. 186, 217 (1962). Under the Carr formulation, a political question may be found when "on the surface of [a] case" there is 1) "a textually demonstrable constitutional

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PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled, particularly with respect to any lease provision that has an impact upon the condition of the [PTA] leased lands.

As discussed in more detail infra, Part V.B.4, any breach of trust claim regarding the State's renewal of the lease is speculative and not ripe for review, and thus this aspect of the Plaintiffs' claim does not present a controversy susceptible to declaratory relief under HRS § 632-1.

commitment of the issue to a coordinate political department;" 2) "a lack of judicially discoverable and manageable standards for resolving it;" 3) "the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion;" 4) "an unusual need for unquestioning adherence to a political decision already made;" or 5) "the potentiality of embarrassment from multifarious pronouncements by various departments on one question." Yamasaki, 69 Haw. at 169-70, 737 P.2d at 455 (quoting Carr, 369 U.S. at 217).

The State contends that Plaintiffs' claim that it violated its constitutional public trust duties is a nonjusticiable political question under Yamasaki and Nelson v. Hawaiian Homes Commission. In Yamasaki, the Trustees of the Office of Hawaiian Affairs brought suit seeking 20% of the proceeds derived by the State as damages from an illegal sand mining operation taking place on ceded lands. 69 Haw. at 165-67, 737 P.2d at 452-54. Although HRS § 10-13.5 provided that "[t]wenty per cent of all funds derived from the public land trust . . . shall be expended by the [O]ffice of Hawaiian Affairs," the court held that the case presented a political question because no judicially discoverable and manageable standards existed for determining whether the damages amounted to "funds derived from the public land trust." Id. at 174, 737 P.2d at 458. Resolving the case would require an initial policy

determination that was typically reserved for nonjudicial discretion, the court held. Id. at 174-75, 737 P.2d at 458. In Nelson, the court held that determining what constitutes "sufficient funds" for three of the four purposes set forth in article XII, section 1 of the Hawai'i Constitution⁴⁵ was a political question not suited for judicial resolution. 127 Hawai'i at 188, 277 P.3d at 282. The court held that, even were it to declare that the amount of funds currently dedicated to three of the four purposes was insufficient, there were no discoverable standards in the text or constitutional history of the provision for a court to affirmatively determine the amount that would be sufficient. Id. at 206, 277 P.3d at 300.

These cited cases are plainly distinguishable. Unlike in Yamasaki and Nelson, this court's precedents interpreting the State's constitutional trust obligations and the widely developed common law of trusts provide many judicially

⁴⁵ Article XII, section 1 of the Hawai'i Constitution provides in relevant part as follows:

The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

discoverable and manageable standards for determining whether the State breached its trust duties. "It is well settled that the determination of whether or not a particular proposed action, by the trustee of a charitable trust, would constitute a breach of that trust, is a matter to be determined by the courts, as a part of their inherent jurisdiction." Kapiolani Park Pres. Soc. v. City & Cty. of Honolulu, 69 Haw. 569, 571, 751 P.2d 1022, 1024 (1988) (citing 15 Am.Jur.2d Charities § 135 (1976); 14 C.J.S. Charities § 49 (1939)).

The State points to the Ninth Circuit decision in Price v. Hawaii, in which the court held that as a matter of federal law, section 5(f) of the Admission Act⁴⁶ did not incorporate "all provisions of the common law of trusts" because to do so "would manacle the State as it attempted to deal with the vast quantity of land conveyed to it." 921 F.2d 950, 954-56 (9th Cir. 1990). While this court has approvingly quoted this passage when examining the State's obligations when administering a different, statutorily created trust, see

⁴⁶ "Article XII, § 4 was added to the Hawaii Constitution to expressly recognize the trust purposes and trust beneficiaries of the § 5(f) trust, clarifying that the State's trust obligations extend beyond the Hawaiian Homes Land Trust." Pele Def. Fund, 73 Haw. at 603, 837 P.2d at 1263 (citing Stand. Comm. Rep. No. 59 in I Proceedings of the Constitutional Convention of Hawai'i of 1978, 643-44 (1980)). "In article XVI, [section] 7, referred to by article XII, [section] 4, the State affirmatively assumes the [section] 5(f) trust responsibilities." Id. at 586 n.2, 837 P.2d at 1254 n.2.

Awakuni v. Awana, 115 Hawai'i 126, 133, 165 P.3d 1027, 1034 (2007), this does not establish that the common law of trusts is wholly inapplicable. This is to say that a ruling that not all provisions of the common law apply does not equate to a ruling that none of the provisions of the common law apply. Indeed, the same year that the Ninth Circuit decided Price v. Hawaii, it relied in part on the common law of trusts when it held in a related case that the same plaintiff stated a claim against the Office of Hawaiian Affairs based on an alleged breach of its section 5(f) trust duties. See Price v. Akaka, 928 F.2d 824, 826-27 (9th Cir. 1990) ("In addition, allowing Price to enforce § 5(f) is consistent with the common law of trusts, in which one whose status as a beneficiary depends upon the discretion of the trustee nevertheless may sue to compel the trustee to abide by the terms of the trust." (citing Restatement (Second) of Trusts §§ 214(1) cmt. a, 391)).

Further, this court may draw upon its own case law interpreting the State's constitutional trust obligations for administrable standards, including instances in which we have explicitly stated that beneficiaries of the ceded land trust may bring actions to determine whether executive branch agencies have breached their constitutional trust duties. See, e.g., Pele Def. Fund, 73 Haw. 578, 605, 837 P.2d 1247, 1264 (1992) ("We find that the actions of state officials, acting in their

official capacities, should not be invulnerable to constitutional scrutiny. Article XII, § 4 imposes a fiduciary duty on Hawai'i's officials to hold ceded lands in accordance with the § 5(f) trust provisions, and the citizens of the state must have a means to mandate compliance."). The State's contention that this case presents a nonjusticiable political question is thus without merit.

3. The Circuit Court Did Not Err in Concluding the State Breached Its Trust Duties

a. The Circuit Court Correctly Determined that the State has a Trust Duty To Reasonably Monitor the Trust Property, Including the United States' Compliance with the Terms of the Lease that Protect the Trust Property

In its conclusions of law, the circuit court determined that the State's trust duties include using "reasonable efforts" to preserve trust property and to take a proactive role in the management and protection of the leased PTA land. The court ruled that one aspect of this duty is an obligation "to use reasonable efforts to ensure that Said Lease provisions that affect or impact the condition of ceded lands and all living things thereon are being followed and discharged." Further, the court concluded that the State has a duty to consider the cumulative effects of the United States' use of the land upon the condition of the land and upon "the indigenous plants, animals, and insects, as well as the invasion to Plaintiffs' cultural interests in the Subject Land."

Although the State blends its arguments regarding the nature of its legal trustee duties with those regarding the underlying justiciability of the case, the State appears to dispute these rulings and to argue that its trustee duties do not include an obligation to reasonably monitor the leased PTA land.

The State's duties with respect to the leased PTA land are derived in part from the properties' status as "ceded land"--which are lands that were held by the civil government or the monarchy of the Hawaiian Kingdom at the time of the 1893 overthrow of the Hawaiian monarchy. See Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254. When the United States annexed Hawai'i by a joint resolution of Congress in 1898, real property that had been classified as government lands or crown lands was ceded to the federal government. Id. Recognizing their special character, the Joint Resolution of Annexation exempted these lands from the general laws of the United States that governed federal land. State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 124, 566 P.2d 725, 736 (1977) (citing Joint Resolution of July 7, 1898, 30 Stat. 750). Instead, the resolution specified that these lands should be held in a "special trust" for the benefit of the people of Hawai'i. Id. When Hawai'i was admitted into the Union as a state in 1959, these ceded lands were transferred back to the newly established state, subject to the trust provisions set forth in section 5(f) of the Admission Act. Pele

Def. Fund, 73 Haw. at 585, 837 P.2d at 1254 (citing Hawaii Admission Act, Pub. L. No. 86-3, 73 Stat. 4, 6 (1959)). Article XII, section 4 was later added to the Hawai'i Constitution to formally recognize these responsibilities, specifying that the land "shall be held by the State as a public trust for native Hawaiians and the general public."⁴⁷ Id. at 586, 837 P.2d at 1254 (quoting Haw. Const. art. XII, § 4). At that same time, the framers and the people of Hawai'i adopted article XI, section 1, which created a public trust consisting of "all public natural resources" to be administered by the State for the benefit of the people.⁴⁸ Haw. Const. art. XI, § 1.

⁴⁷ Article XII, section 4 of the Hawai'i Constitution provides in full as follows:

The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public.

⁴⁸ Article XI, section 1 of the Hawai'i Constitution provides in full as follows:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

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

As the State concedes, our case law and the common law of trusts make the State "subject to certain general trust duties, such as a general duty to preserve trust property." See, e.g., Zimring, 58 Haw. at 121, 566 P.2d at 735 ("Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use."); Kaho'ohanohano v. State, 114 Hawai'i 302, 325, 162 P.3d 696, 719 (2007) ("[It] is always the duty of a trustee to protect the trust property" (quoting Brenizer v. Supreme Council, Royal Arcanum, 53 S.E. 835, 838 (N.C. 1906))); In re Estate of Dwight, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) ("A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property." (citing Bishop v. Pittman, 33 Haw. 647, 654 (Haw. Terr. 1935))); Restatement (Second) of Trusts § 176 ("The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property.").⁴⁹ As trustee, the State must

⁴⁹ The State's duty of care is especially heightened in the context of ceded land held in trust for the benefit of native Hawaiians and the general public under article XII, section 4. This court has approvingly quoted the following in considering the ceded land trust:

The native Hawaiian people continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. The health and well-being of the native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. 'Aina, or land, is of crucial importance to the native Hawaiian people--to their

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take an active role in preserving trust property and may not passively allow it to fall into ruin. United States v. White Mt. Apache Tribe, 537 U.S. 465, 475 (2003) ("[E]lementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on [the fiduciary's] watch."). It is self-evident that an obligation to reasonably monitor trust property to ensure it is not harmed is a necessary component of this general duty, as is a duty to investigate upon being made aware of evidence of possible damage. This obligation inherently includes a duty to make reasonable efforts to monitor third-parties' compliance with the terms of agreements designed to protect trust property.

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culture, their religion, their economic self-sufficiency and their sense of personal and community well-being. 'Aina is a living and vital part of the native Hawaiian cosmology, and is irreplaceable. The natural elements—land, air, water, ocean—are interconnected and interdependent. To native Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians. The 'aina is part of their 'ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.

Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai'i, 121 Hawai'i 324, 333, 219 P.3d 1111, 1120 (2009) (alterations omitted) (quoting Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai'i, 117 Hawai'i 174, 214, 177 P.3d 884, 924 (2008)).

This court held as much in Kelly v. 1250 Oceanside Partners, in which it considered the article XI, section 1 public trust duties of the Hawai'i Department of Health (DOH) with respect to a private development abutting coastal waters that the State had classified as "AA," meaning the waters were legally required to be kept as nearly as possible in their natural, pristine condition. 111 Hawai'i 205, 227-29, 140 P.3d 985, 1007-09 (2006). Although DOH had issued a permit to the developer that included provisions requiring the developer to abide by State regulations prohibiting the pollution of AA waters, this court held that including the provisions in the permit was not the end of DOH's duties as trustee. Id. Under public trust principles, we held, DOH was required to "not only issue permits after prescribed measures appear to be in compliance with state regulation, but also to ensure that the prescribed measures are actually being implemented after a thorough assessment of the possible adverse impacts the development would have on the State's natural resources." Id. at 231, 140 P.3d at 1011 (emphasis added). We thus effectively held that the State had a continuing public trust duty to reasonably monitor the developer to ensure it was complying with the permit. See id.

The present case presents close parallels to Oceanside Partners. As in Oceanside Partners, the State entered into an

agreement to allow a third party to use land for a particular purpose provided the third party complied with certain conditions intended to protect trust property. And as in Oceanside Partners, the State has a continuing trust duty to make reasonable efforts to ensure that the third party actually complies with those conditions. Thus, the State has a constitutional trust obligation to reasonably monitor the United States' compliance with the lease.

The State's attempts to distinguish Oceanside Partners are unavailing. As a threshold matter, the State is incorrect that no statute exists setting forth the State's obligations with respect to ensuring the United States' compliance with the lease; HRS § 171-7(5) provides that, "[e]xcept as provided by law the board of land and natural resources through the chairperson shall: . . . [e]nforce contracts respecting sales, leases, licenses, permits, or other disposition of public lands[.]" Moreover, this court has made clear that while overlap may occur, the State's constitutional public trust obligations exist independent of any statutory mandate and must be fulfilled regardless of whether they coincide with any other legal duty. Kauai Springs, Inc. v. Planning Comm'n of Kauai, 133 Hawai'i 141, 172, 324 P.3d 951, 982 (2014) ("As the public trust arises out of a constitutional mandate, the duty and authority of the state and its subdivisions to weigh competing

public and private uses on a case-by-case basis is independent of statutory duties and authorities created by the legislature.”); see also In re TMT, 143 Hawai‘i 379, 416, 431 P.3d 752, 789 (2018) (Pollack, J., concurring) (“Thus, although some congruence exists, BLNR’s and the University of Hawai‘i at Hilo’s public trust obligations are distinct from their obligations under [Hawai‘i Administrative Rules] § 13-5-30(c).”).

Additionally, the fact that Paragraph 9 of the lease only requires the United States to “make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” does not render the State powerless to respond to a breach of this provision as the State contends. It is well settled that an agreement by one party to use “reasonable” or “best efforts” generally creates an enforceable obligation as a matter of contract law. See, e.g., Sorooof Trading Dev. Co. v. GE Fuel Cell Sys., LLC, 842 F.Supp.2d 502, 511 (S.D.N.Y. 2012) (“New York courts use the term ‘reasonable efforts’ interchangeably with ‘best efforts’ . . . [and] a ‘best efforts’ clause imposes an obligation to act with good faith in light of one’s own capabilities.” (quoting Monex Fin. Serv. Ltd. v. Nova Info.

Sys., Inc., 657 F.Supp.2d 447, 454 (S.D.N.Y. 2009)); Allview Acres, Inc. v. Howard Inv. Corp., 182 A.2d 793, 796 (Md. 1962) ("What will constitute reasonable efforts under a contract expressly or impliedly calling for them is largely a question of fact in each particular case and entails a showing by the party required to make them of 'activity reasonably calculated to obtain the approval by action or expenditure not disproportionate in the circumstances.'" (quoting Stabile v. McCarthy, 145 N.E.2d 821, 824 (Mass. 1957))). And, while the lease may not contain a provision expressly allowing the State to terminate the lease, it does contain a dispute resolution mechanism in Paragraph 30. This mechanism appears to specifically contemplate the possibility of judicial enforcement, setting forth the conditions under which "a court of competent jurisdiction" may set aside the administrative factual findings and specifying that administrative decisions on questions of law shall not be final.

Moreover, the State errs by presuming that initiating a formal action to enforce the lease is the only possible response it could undertake to preserve and protect the PTA land if it discovers the United States is in noncompliance with the relevant provisions of the lease. A range of other options may be available that could satisfy its public trust obligations under the circumstances, including seeking to

obtain the United States' voluntary cooperation. As the Plaintiffs argued during the summary judgment hearing, how the State responds if reasonable monitoring and investigation lead to a discovery that the United States is not in compliance with the lease could potentially be a separate breach of the State's public trust duties, and this court need not speculate about what hypothetical future actions are reasonable in order to resolve this case.

The State is therefore wrong to suggest that reasonably monitoring the United States' compliance with the lease is a futile or pointless endeavor, and Oceanside Partners' holding that the State has an ongoing trust obligation to ensure third-party compliance with provisions designed to protect trust property is dispositive as to the existence of this obligation.

b. The Circuit Court Did Not Err in Determining that the State Did Not Reasonably Monitor the Trust Property, Including the United States' Compliance with the Lease Terms that Protect Trust Property

The State appears to argue next that, even if it does have a trust duty to reasonably monitor the United States' compliance with the lease, the circuit court erred in finding that it breached that duty by failing to conduct regular inspections of the PTA and by failing to investigate when it was made aware of evidence that the United States may have violated

provisions of the lease designed to protect the leased PTA land. "Typically, whether a fiduciary acted prudently--or in other words, as a reasonably prudent fiduciary--is a question of fact." Harley v. Minn. Mining & Mfg. Co., 42 F.Supp.2d 898, 907 (D. Minn. 1999); see also Knodle v. Waikiki Gateway Hotel, Inc., 69 Haw. 376, 385, 742 P.2d 377, 383 (1987) ("Whether there was a breach of duty or not, i.e. whether there was a failure on the defendant's part to exercise reasonable care, is a question for the trier of fact."). Accordingly, the circuit court's determination that the State did not reasonably monitor the United States' compliance with the lease terms must be upheld if it is not clearly erroneous.

The circuit court specifically found that the State had breached its trust duties by failing to, inter alia:

- (a) conduct regular reasonable (in terms of frequency and scope), periodic monitoring and inspection of the condition of subject public trust lands . . . ;
- (b) ensure that the terms of the lease that impact the condition of the leased lands or preserving Plaintiffs' cultural interests are being followed;
- (c) take prompt and appropriate follow up steps with military or other federal government officials when [the State] obtain[s] or [is] made aware of evidence or information that the lease may have been violated with respect to protecting the condition of the [PTA] leased lands[.⁵⁰]

⁵⁰ The circuit court additionally found that the State had breached its trust duties by failing to consistently make reasonably detailed and complete records of its actions to ensure compliance with the lease and by failing to initiate or assist with the appropriation of necessary funding to

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(Line breaks added.) In making this determination, the court relied on the fact that "[o]nly three [inspection] reports of any significance, for 1984, 1994, and 2014, were introduced into evidence." Of these, "[t]he 1984 and 1994 reports were grossly inadequate and, in the case of the 1994 report, virtually nonexistent because of its lack of information pertaining to the 1994 inspection." The court stated that it was not considering "other studies or site visits in connection with other business regarding the [PTA], such as environmental impact statements, [because] the court did not view these events as being undertaken as part of [the State's] effort to discharge" its trust duties.

The State argues that the circuit court's determination was clearly erroneous because it explicitly disregarded the State's reliance on cooperative agreements, environmental reports, and archeological surveys to supervise

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undertake cleanup of the PTA. And the court held that the State would breach its trust duties if it were to extend or renew the lease "without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled, particularly with respect to any lease provision that has an impact upon the condition of the" PTA. The State does not appear to challenge these conclusions on appeal, raising in their point of error regarding the breach only that "[t]he circuit court erred in finding that the State breached its trust duties by failing to perform adequate inspections of the Subject Land." Nevertheless, as discussed below, the circuit court's order regarding the securing of funding for cleanup was not suited to remedy the breach alleged by the Plaintiffs, and any holding regarding a future breach of the State's trust duties is speculative.

the United States' use of the PTA.⁵¹ Under the circumstances, the State contends, it was reasonable for the State to delegate its duties⁵² and rely on its review of ancillary documents to monitor the PTA.

⁵¹ These documents included a copy of the United States training regulations and procedures from 1970, an environmental assessment for a training exercise in 1982, a 1984 archeological survey report, a 2002 Integrated Natural Resources Management Plan, a 2004 environmental impact statement, and a 2004-2010 "Programmatic Agreement" to provide additional protection to cultural sites.

⁵² The State cites Restatement (Second) of Trusts § 171 for the proposition that a trustee has authority to cooperate, consult, and delegate to others tasks relating to trust administration when it is reasonable to do so. However, this is not an accurate description of Restatement (Second) of Trusts § 171, which is entitled "Duty Not to Delegate." (Emphasis added.) Under the approach taken by the First and Second Restatement, "[t]he trustee is under a duty to the beneficiary not to delegate to others the doing of acts which the trustee can reasonably be required personally to perform." Id.; Restatement (First) of Trusts § 171. However, "[t]he position of The American Law Institute was fundamentally changed in 1992," and Restatement (Third) of Trusts § 80, "Duty with Respect to Delegation," provides as follows:

(1) A trustee has a duty to perform the responsibilities of the trusteeship personally, except as a prudent person of comparable skill might delegate those responsibilities to others.

(2) In deciding whether, to whom, and in what manner to delegate fiduciary authority in the administration of a trust, and thereafter in supervising or monitoring agents, the trustee has a duty to exercise fiduciary discretion and to act as a prudent person of comparable skill would act in similar circumstances.

Restatement (Third) of Trusts § 80 and Reporter's Notes on § 80. Hawai'i courts have not explicitly adopted either the Restatement's original position or the new position set forth in the Third Restatement, though many older cases make clear that at least some of a trustee's duties are non-delegable. See Hartmann v. Bertelmann, 39 Haw. 619, 627 (Haw. Terr. 1952) ("[T]he primary responsibility of administering the trust is the trustee's, which he cannot delegate"); In re Banning's Estate, 9 Haw. 453, 463 (Haw. Rep. 1894) ("The duties and powers of trustees cannot be delegated.").

To the extent the State argues that it can delegate its public trust duty to reasonably monitor the PTA to protect and preserve trust property, this contention is squarely counter to our precedent indicating that the State may not delegate its constitutional duties to third-parties. See Ka Pa'akai O Ka'Aina v. Land Use Comm'n, 94 Hawai'i 31, 50-51, 7 P.3d 1068, 1087-88 (2000) (holding that the Land Use Commission improperly delegated its article XII, section 7 "responsibility for the preservation and protection of native Hawaiian rights" by authorizing a land reclassification on the promise that the developer would later create a program to accommodate native practitioners, as the "balancing of the developer's interests with the needs of native Hawaiians should have been performed, in the first instance, by the" State agency). The Ka Pa'akai court held that the Hawai'i Constitution places "an affirmative duty on the State and its agencies to preserve and protect traditional and customary native Hawaiian rights." Id. at 45, 7 P.3d at 1082 (emphasis added). At the core of this affirmative duty, as explained by the Ka Pa'akai court, is the responsibility of the State and its constituent agencies to act only after "independently considering the effect of their actions on Hawaiian traditions and practices." Id. at 46, 7 P.3d at 1083.

An affirmative duty of the State to protect and preserve constitutional rights is by its very nature non-delegable.

Even if such a delegation were not inherently invalid under the Hawai'i Constitution and permitted under our common law of trusts, that delegation would itself have to be reasonable under the prudent person standard, and the State would maintain a trust duty to reasonably supervise the agent in its performance of the monitoring. See supra note 52. It is self-evident that, as a general matter, it is not reasonable for a trustee to delegate the supervision of a lessee's compliance with the terms of a lease of trust property to the lessee. Cf. Halderman v. Pennhurst State Sch. & Hosp., 526 F. Supp. 428, 433 (E.D. Pa. 1981) ("The Commonwealth defendants appear to take the position that they should be able to monitor their own compliance with the Court's Orders. This would be somewhat akin to requesting the fox to guard the henhouse."). This is especially true given the circuit court's findings that the State was aware of the United States' history of failing to prevent environmental damage and clean up the remnants of military exercises on other State-owned land that it leases, including Mākua and the Waikāne Valley.

Nevertheless, it is generally not considered a breach of duty for a fiduciary to rely in part on reports prepared by a person as to matters that the fiduciary reasonably believes to

be within that person's expertise. Cf. HRS § 414D-155(b) (2) (Supp. 2018);⁵³ HRS § 414D-149(b) (2) (Supp. 2018).⁵⁴ Democratic principles and the checks and balances of government may arguably serve to make a governmental entity like the United States more accountable than the average lessee, and some of the documents authored on behalf of the United States included observations by independent third parties. If the State took appropriate action to verify the content, it may have reasonably concluded that the reports were reliable, and it could have validly considered them in the course of fulfilling its non-delegable trust duties. The circuit court therefore appears to have erred in disregarding the State's review of these ancillary documents in assessing whether the State had fulfilled its trust duty to reasonably monitor the PTA solely on the basis that these other reports were not "undertaken as part of [the State's] effort to discharge" its trust duties.

But the State's efforts were clearly inadequate in any event. The ancillary reports occurred very infrequently and in

⁵³ HRS § 414D-155(b) (2) provides that, in the course of discharging the officer's duties, an officer of a nonprofit corporation may "rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by . . . [l]egal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence."

⁵⁴ HRS § 414D-149(b) (2) provides the same right to rely on information from professionals regarding matters within their expertise to directors of a non-profit corporation.

some cases cited evidence of damage and suggested that the United States may not have been in compliance with the lease. Indeed, the circuit court made specific findings regarding adverse environmental information included in two of the United States' reports. It noted that a 2010 archaeological and cultural monitoring report stated,

The Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash is everywhere.

. . . .

Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process.

(Emphasis omitted.) The court also found that a second archaeological and cultural monitoring report made four years later expressed many of the same concerns with specific regard to the United States' obligations under the lease:

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

. . . .

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

Therefore, in order for the Army to meet the lease termination deadline, we strongly recommend the Army begin now to seek funding to initiate a serious cleanup effort

throughout the leased training areas bounding the impact areas: that major impact/UXO areas be subjected to thorough cleanup[.]

(Emphasis and some alterations in original.)⁵⁵ There was no indication the State ever followed up on these reports.

The circuit court found that the State breached its trust duties: by failing to conduct regular monitoring and inspections that were reasonable in frequency and scope to examine the condition of the leased PTA land; by failing to ensure that the terms of the lease that impact the condition of the leased PTA land were being followed; and by failing to take prompt and appropriate follow-up steps when it was made aware of evidence that the lease may have been violated with respect to protecting the condition of the leased PTA land. In light of the foregoing, the circuit court did not err in these findings.

4. The Injunctive Relief Ordered by the Circuit Court Was Not Entirely Suited To Remedy the Demonstrated Breach

The circuit court ordered the State to rectify its breach of its constitutional public trust duties by "promptly initiat[ing] and undertak[ing] affirmative activity to malama

⁵⁵ Although the court did not make any specific findings regarding the other reports on which the State claims it relied, several of these also documented substantial environmental problems with the leased PTA land. For example, the 2002 Integrated Natural Resources Management Plan noted in a section setting forth the "Adverse Effects" of the "Military Mission on Natural Resources" that 22.9% of the ground cover in the surveyed area consisted of litter and "[t]here was virtually no evidence of maintenance activity."

'aina the" PTA. According to the court, this includes but is not limited to developing a written plan to care for the land. The court stated that the plan must include the following:

- regular, periodic on-site monitoring and inspection;
- the making of inspection reports that at minimum include a set of specified information, recommendations for appropriate action, and a nonbinding estimated timeline for when such action should be undertaken;
- a protocol of appropriate action that will be undertaken if the State discovers an "actual, apparent, or probable breach of any provision" of the lease by the United States, [UXO] or debris deposited during training exercises, any other foreign or non-natural item or contaminate connected with the lease, or any other condition adversely affecting the PTA;
- a protocol or other assurance to bring any nonconforming condition found that is likely caused by the United States under the lease into pre-lease condition on a reasonable timetable;
- a set of steps the State will take to obtain or assist in securing adequate funding for a comprehensive cleanup of the PTA; and
- a procedure to provide reasonable transparency to the Plaintiffs and the general public with regard to the State's progress in fulfilling the court's order.

The court also ordered the State to initiate HRS Chapter 91 rulemaking to establish a contested case procedure, if not already in existence, through which the Plaintiffs or any member of the general public with standing could challenge the State's decisions in the course of discharging its trust duty to care

for the leased PTA lands. Lastly, the court ordered that the State submit its plan to care for the land to the court for approval prior to executing it.

The form and scope of injunctions issued by Hawai'i courts are governed by HRCF Rule 65(d), which provides as follows:

Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(Emphases added). We have stated that, when granting an injunction, a court should adopt relief and "mold[] its decree to satisfy the requirement[s] of th[e] particular case and thereby conserve the equities of all of the parties." Fleming v. Napili Kai, Ltd., 50 Haw. 66, 70, 430 P.2d 316, 319 (1967); see also Moffat v. Speidel, 2 Haw. App. 334, 335, 631 P.2d 1205, 1206 (1981) (holding that a court's failure to "mold its decree and the relief granted to satisfy the requirements of the case" violates HRCF Rule 65(d)). In interpreting the substantively identical federal rule, federal courts have consistently held that injunctions must "remedy only the specific harms shown by the plaintiffs." Price v. City of Stockton, 390 F.3d 1105, 1117 (9th Cir. 2004) (internal quotes and citations omitted). An

overbroad injunction is an abuse of discretion. Kohl v. Legoullan, 936 P.2d 514, 519 (Alaska 1997).

As discussed supra, the circuit court correctly determined that the State breached its constitutional trust duties by failing to reasonably monitor the PTA, including by failing to inspect the land to ensure the United States' compliance with the lease terms intended to protect and preserve trust property. Much of the circuit court's order was appropriately tailored to address this breach. By requiring the State to develop and execute a plan to conduct regular, periodic monitoring and inspection, the court's order ensured that the State would fulfill its trust duty to inform itself of the present condition of the leased PTA land and whether the United States was in compliance with the relevant terms of the lease so that it might take further action if needed to protect and preserve trust property.⁵⁶ By requiring these inspections to be

⁵⁶ The circuit court's order included several specific details as to how the inspections should be carried out, including that

the monitoring should involve direct (in person) or indirect (via videographic or live remote viewing) observation of actual military training exercises (including live fire exercises of all types using live and/or explosive munitions, as well as the use of heavy vehicles or equipment above and upon the land) so that the monitors and/or inspectors can observe and appreciate the destructive effects, if any, of all such training and use of equipment[.]

While these measures may represent the quality of monitoring that the State should aspire to, we hold that the circuit court's order should be

(continued . . .)

documented in detailed inspection reports, the order assures that the inspections are meaningful and allows trust beneficiaries to evaluate the State's response to what it discovers, enabling the bringing of a future action to enforce the State's trust duties if it fails to fulfill them. And by requiring the State to establish a procedure to ensure reasonable transparency to the Plaintiffs and general public regarding the State's progress with complying with the court's order, the order ensures its own effectiveness through public oversight.

The State contends that because the circuit court's order does not specify how often the periodic inspections must take place, it is impermissibly vague.⁵⁷ But it is not uncommon for courts to issue generally-stated orders requiring government agencies to submit plans to remedy constitutional violations and then evaluate the adequacy of the plans prior to their

(. . . continued)

interpreted to require monitoring to the fullest extent consistent with the State's right of reasonable entry under the lease and no more.

⁵⁷ The State argues that this requirement ensures further litigation and indicates the relief does not "terminate the uncertainty or controversy giving rise to the proceeding" as required by HRS § 632-1. As stated, however, the Plaintiffs have a constitutional cause of action for prospective injunctive relief that exists independently of HRS § 632-1. See *supra* note 41.

implementation.⁵⁸ And this court has prescribed substantially more intensive monitoring to ensure specific compliance with terms of a broadly phrased order. See Konno v. Cty. of Hawai'i, 85 Hawai'i 61, 79, 937 P.2d 397, 415 (1997) ("We further instruct the circuit court to fashion injunctive relief requiring the landfill to be transferred from private operation to County operation as rapidly as possible but consistent with practical and public interest concerns. The circuit court shall also monitor the transition and may impose sanctions for non-compliance."); see also Tugaeff v. Tugaeff, 42 Haw. 455, 459 (Haw. Terr. 1958) ("A court of equity, having once assumed jurisdiction of a case, will retain the case to afford complete relief.") The State's objections are thus without merit. Under the circumstances of this case, the court did not abuse its discretion in ordering these remedies.

Many other portions of the circuit court's order, however, appear designed to remedy breaches of the State's trust duties that the Plaintiffs did not allege, including some that have not and may not occur. Foremost among these is the circuit

⁵⁸ See, e.g., Sanchez v. McDaniel, 615 F.2d 1023, 1024 (5th Cir. 1980) ("The district court determined that the 1968 Kleberg County, Texas, apportionment plan violated the constitutional principle of one man, one vote. It directed the appellees to submit a proposed reapportionment plan by November 13, 1979."); Bd. of Pub. Instruction of Duval Cty. v. Braxton, 326 F.2d 616, 619-21 (5th Cir. 1964) (affirming court order requiring school board "to submit to the Court for its consideration a detailed and comprehensive plan" for ending school segregation).

court's statement that its order to care for the land "includes, but is not necessarily limited to" the measures specifically described therein. Courts have generally held that injunctions cannot be "so vague that they have no reasonably specific meaning." E. & J. Gallo Winery v. Gallo Cattle Co., 967 F.2d 1280, 1297 (9th Cir. 1992). "The aims of Rule 65(d) are to minimize the occasion for follow-on proceedings to the issuance of an injunction and to protect defendants from being held in contempt for failure to follow a directive that was a trap because of its ambiguity." United States v. Apex Oil Co., 579 F.3d 734, 739 (7th Cir. 2009). The circuit court's order did not give the State any notice of what other, unstated measures the State was required to comply with, and the order thus must be limited to those remedies it expressly described.

Additionally, a number of the remedies ordered by the circuit court were unconnected with the State's breach of its duty to monitor and inspect the leased PTA land. The court ordered the State to develop and potentially execute a protocol to obtain, or assist in securing, adequate funding for a comprehensive cleanup of the leased PTA land. And the circuit court ordered the State to initiate rulemaking to establish a contested case procedure through which the public could challenge the State's decisions in generally caring for the leased PTA land, if such a procedure did not already exist. Yet

the Plaintiffs in this case did not allege that the State had violated its trust duties by allowing or failing to rectify damage to the leased PTA land. Nor did the Plaintiffs contend that the State was constitutionally required to allow the public a voice in its general decisions regarding its care for the leased PTA land. Rather, the Plaintiffs argued only that the State breached its duty to inspect and monitor the leased PTA land. The State may very well have a public trust obligation to rectify damage to the leased PTA land, and the public may have some right to be heard on decisions that implicate the State's trust obligations with respect to the leased PTA land. But these are not the claims that were brought in this case, and the remedies ordered by the circuit court are thus not "tailored to eliminate only the specific harm alleged."⁵⁹ Quiksilver, Inc. v. Kymsta Corp., 360 F. App'x 886, 889 (9th Cir. 2009) (quoting E. & J. Gallo, 967 F.2d at 1297).

The circuit court also ordered a range of injunctive relief concerning the State's duties upon discovering damage or noncompliance during its inspections. The court required the State to set forth a binding plan of action that it would

⁵⁹ Because these remedies are not tailored to address the specific breaches identified by the circuit court, we need not address the State's contention that the circuit court's cleanup orders violated sovereign immunity or that the order to initiate rulemaking impinged on the legislatures exclusive authority.

undertake if it were to discover unexploded ordnance, debris, or any other foreign or non-natural item or contaminate connected with the lease, as well as a plan to bring any "nonconforming" condition likely caused by the United States into pre-lease condition. And the circuit court ordered the State to set forth in a binding plan the actions that it would take upon specifically discovering a breach of the lease terms by the United States. However, as stated, the Plaintiffs have not alleged any breach of trustee duties related to the State's allowance or failure to rectify actual damage, and the Plaintiffs have adamantly maintained throughout these proceedings that they are not alleging that the United States has actually breached the lease. Rather, the Plaintiffs argued only that the State had a trust duty to "determine for itself whether the terms of the lease are being fulfilled."

As the Plaintiffs acknowledged during the hearing on their motion for summary judgment, how the State responds if it does later determine that the United States is not in compliance with the lease may result in a separate breach of the State's trust duties. The same holds true for any other damage to the leased PTA land the State may discover during its monitoring and inspections. Evaluating this hypothetical separate breach would require the circuit court to speculate about various questions that it cannot currently resolve, including whether the State's

monitoring will lead to the discovery of damage or noncompliance of lease terms by the United States, whether the United States will cure the damage or noncompliance on its own accord, and whether any further action by the State will be reasonable given the circumstances at that time. As this court has held, courts are not at liberty to grant relief based on "an event that [may] occur at some time in the future" because "there is no actual controversy in existence at this time." Kau v. City & Cty. of Honolulu, 104 Hawai'i 468, 472, 92 P.3d 477, 481 (2004). For the same reason, the circuit court's conclusion that the State would breach its trust duties if it were to renew the lease without first determining that the United States was in compliance with the existing lease was impermissibly speculative.

Thus, to the extent the circuit court made the provisions of its order that were not tailored to address the established breach binding upon the State, it strayed beyond its valid discretion in fashioning the injunction. Nevertheless, given the circumstances, including the length of time during which the State has failed to fulfill its trust duties and the State's claim to having near total discretion in its management of the public ceded land at issue in this case, it was not inappropriate for the circuit court to provide guidance as to how the State may fulfill its trust obligations in the future. See Beneficial Hawaii, Inc. v. Kida, 96 Hawai'i 289, 312, 30 P.3d

895, 918 (2001) ("Equity jurisprudence is not bound by strict rules of law, but can mold its decree 'to do justice[.]'" (quoting Bank of Hawaii v. Davis Radio Sales & Serv., Inc., 6 Haw. App. 469, 481, 727 P.2d 419, 427 (1986))). We therefore hold that the portions of the court's order directing the State to undertake specific actions that were not tailored to remedy the established breach of the State's trust duties are nonbinding recommendations to be considered by the State going forward in its management of the leased PTA lands.

VI. CONCLUSION

Based on the foregoing, the Plaintiffs' motions to dismiss the appeal respectively filed on July 27, 2018, and August 10, 2018, are denied. The circuit court's January 14, 2015 Order Denying Defendants' Motion for Judgment on the Pleadings, or in the Alternative, for Summary Judgment, Filed October 7, 2014 is affirmed. The circuit court's April 24, 2015 Order Denying Defendants' Motion to Add United States as a Party, or in the Alternative, for Dismissal Filed February 26, 2015 is also affirmed. This court rules as follows regarding the circuit court's April 3, 2018 Findings of Fact, Conclusion of Law and Order and the circuit court's April 24, 2018 Final Judgment:

- Denial of the State's motion to add the United States as a party: **Affirmed**

- Denial of the State's motion to dismiss the case for failing to join an indispensable party: **Affirmed**
- Denial of the State's motion for summary judgment: **Affirmed**
- Finding that the State had breached its trust duties: **Affirmed**
- Order requiring the State to undertake any activities not expressly stated therein: **Vacated**
- Order requiring the State to submit a plan that must include the following:
 - o Regular, periodic on-site monitoring and inspection of the leased PTA land and the United States' compliance with relevant lease provisions: **Affirmed**
 - o The making of detailed reports for each such monitoring or inspection event: **Affirmed**
 - o A protocol of appropriate action in the event the State discovers an actual or apparent breach of lease terms, any condition or situation adversely affecting the PTA, unexploded ordnance or debris, or any other foreign or non-natural item or contaminant: **Vacated with Instructions to Render as a Non-binding Recommendation**
 - o A plan or other assurance that any nonconforming condition likely caused by the United States be reasonably brought to pre-lease condition: **Vacated with Instructions to Render as a Non-binding Recommendation**
 - o A procedure to provide reasonable transparency to the Plaintiffs and the general public with respect to the requirements of the order: **Affirmed**
 - o If not already in existence, the institution of a contested case procedure adopted pursuant to HRS Chapter 91 for Plaintiffs or other members of the public to contest the State's decisions in

managing the PTA: **Vacated with Instructions to
Render as a Non-binding Recommendation**

o The steps the State shall take to explore, evaluate, make application for, or secure adequate funding to conduct a comprehensive cleanup of the PTA: **Vacated with Instructions to
Render as a Non-binding Recommendation**

- Order requiring the State to execute the plan once it is approved by the circuit court: **Affirmed**

This case is accordingly remanded to the circuit court for further proceedings consistent with this opinion.

Ewan C. Rayner
(Daniel A. Morris, Clyde J.
Wadsworth, and William J.
Wynhoff with him on the briefs)
for appellants

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

David Kimo Frankel
(Summer L.H. Sylva with him on
the briefs)
for appellees

/s/ Richard W. Pollack

/s/ Michael D. Wilson



From: Melissa Matsuura <mmatsuur@hawaii.edu>
Sent: Thursday, October 8, 2020 2:49 PM
To: dlnr.land@hawaii.gov
Cc: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments; ATLR-PTA-EIS@g70.design; Robert McLaren; David Lonborg; Richard Wainscoat
Subject: [Non-DoD Source] Comments on the EISPN for the Army Training Land Retention at Pōhakuloa Training Area
Attachments: 10-08-2020_BLNR_Comments on Pohakuloa Training Area EIS.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Aloha,

Attached are comments from Robert McLaren, Interim Director of the University of Hawaii Institute for Astronomy regarding the Environmental Impact Statement Preparation Notice (EISPN) for the Army Training Land Retention at Pōhakuloa Training Area; TMK: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013; 3-8-001:022, Hāmākua and North Kona districts, Island of Hawai'i.

Melissa A. Matsuura

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October 8, 2020

Via email:

Board of Land and Natural Resources, State of Hawai'i
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

Attention: Mr. Russell Tsuji, Administrator, DLNR Land Division (dlnr.land@hawaii.gov)

Re: Environmental Impact Statement Preparation Notice (EISPN)
Army Training Land Retention at Pōhakuloa Training Area
TMK: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013; 3-8-001:022, Hāmākua
and North Kona districts, Island of Hawai'i

Dear Mr. Tsuji:

Thank you for the opportunity to comment on the EISPN for the proposed Army Training land Retention at Pōhakuloa Training Area (PTA) Project referenced above (published September 8, 2020), specifically with respect to issues and concerns regarding light pollution.

The University of Hawai'i Institute for Astronomy (IfA) conducts research in astronomy using telescopes located on Haleakalā and Maunakea and operated by IfA and our partner institutions. Both Haleakalā and Maunakea are among the best sites in the world for astronomical facilities because of their elevation, clear skies, favorable atmospheric conditions, and low levels of light pollution. Hawai'i-based observatories have played major roles in the advancement of astronomy and astrophysics for over 50 years and are well positioned to remain at the forefront of astronomical research for decades to come.

Because of the outstanding quality and productivity of these facilities, IfA is acutely concerned about negative impacts on astronomy from increased light pollution. Our work to combat light pollution has also brought us into contact with others concerned about light pollution for other reasons, including impacts on wildlife (particularly seabirds) and on human health. While IfA's comments focus on the impacts of light pollution on astronomy, appropriate mitigation measures also help to reduce non-astronomy impacts.

With that background, we offer the following comments:

Any new or additional artificial light at night has an adverse effect on astronomical observations by increasing the night sky brightness. Nearly all observations performed by the telescopes on Maunakea are sky-background limited. This means that there is a natural sky brightness coming from airflow and zodiacal light. Artificial light increases the sky brightness, thereby decreasing the sensitivity of the telescopes.

Lights can have an adverse effect on astronomical observations by incrementally increasing the night sky brightness, effectively making the telescope smaller and less sensitive.

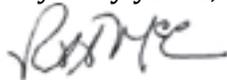
IfA greatly appreciates the longstanding working relationship between PTA and the Maunakea astronomy community, including first responder support for emergencies on the mountain. We also value the opportunity to offer input on minimizing light pollution at PTA, both through the EIS process and on an ongoing, informal basis. Because of the close proximity between PTA and the observatories, lights at PTA have approximately 40 times the impact of equivalent lights in Hilo, and are also less frequently shielded from the observatories by clouds. While this EISPN concerns continuation of existing land uses, not establishment of new uses, we offer the following general comments regarding best practices to minimize lighting impacts on the observatories:

1. Lighting should conform to standards established by the Hawai'i County lighting ordinance (including any future updates). All lighting should be fully shielded. This means that all lighting fixtures must emit zero light above the horizontal plane.
2. The minimum possible amount of outdoor lighting should be used. Motion sensor activated lighting is strongly preferred wherever feasible. Blue light is most harmful to the observatories, so blue-deficient lighting should be exclusively selected. The best choices are filtered LED lights, or amber LED lights. Under no circumstances should high-intensity discharge lamps such as metal halide be used; fluorescent lights also must be avoided. Both of these types of lamps use mercury and emit light at wavelengths that is very damaging to astronomy.
3. White light should be avoided because the blue component of white light is very damaging to astronomy. White light should always have a Correlated Color Temperature of 2700 K or below.

Because of PTA's close proximity to the Maunakea observatories, we would appreciate the opportunity to consult further as the EIS is prepared.

Thank you for your consideration of these comments and attention to IfA's concerns. If you have questions or need further detail regarding these comments, please do not hesitate to contact the undersigned or Richard Wainscoat (rjw@hawaii.edu).

Very truly yours,



Robert McLaren
Interim Director

cc: Mr. Gregory Wahl, U.S. Army Garrison Hawaii Directorate of Public Works
(usarmy.hawaii.nepa@mail.mil)
Mr. Jeff Overton, G70 (ATLR-PTA-EIS@g70.design)

Individuals

Contact information was redacted for privacy.

Individuals

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Kimi ABBOTT-JACKSON

I am a 25 yr resident of Waikoloa. For the past 10 years Ive begun to have severe migraines and neurological problems which I never had before. Doctors are clueless as to the reason. Ive cleaned my diet up to only organic and exercise regularly. I've been told the military has been bombing for years and that all the chemicals blow down on us in the village. If this is true why haven't you stopped? Is it really necessary? These islands are special to me and I plan to live out my life here. I agree with the indigenous people that this is stolen land and the military is here illegally. I hope you will do what is right for the people of Hawaii and vacate immediately.

Douglass Adams

Thank you for allowing me to comment on the Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area. I fully support the retention of the PTA land by the United States Army for the purposes of training American men and women to defend our nation, her people and the ideals that it stands for. In addition, the US Army has been largely responsible for maintaining the cultural and biological attributes of PTA, using federal funds and regulatory guidelines to protect the historical legacy of the PTA lands and the native flora and fauna that populate the lands. In many ways, the actions of the US Army and the US Department of Defense in support of the National Environmental Policy Act (NEPA) throughout the nation's defense properties reflect great support for the priorities of NEPA, both as a matter of national security and as a moral activity. There is every reason to expect that the US Army will continue to properly exercise its responsibilities under NEPA and the Hawaii Environmental Policy Act during its retention of the PTA training lands. From the perspective of providing a place to support training activities for the purposes of developing small-unit cohesion and exercising large-unit coordination and collaboration, whether to serve as a deterrent against adversarial violence against our people, as a vehicle for quick, decisive action in both manmade and natural emergency situations, or as the structure for international cooperation in humanitarian relief operations, PTA is vital to the readiness of the US Indo-Pacific Command's successful fulfillment of its missions of protecting and defending the United States, her people and interests, and of enhancing stability in the Asia-Pacific region.

Shelly Aina

In the interest of full disclosure, I'm an Army veteran, but also keenly aware of the mistreatment of the native people of Hawai'i. As such, I am in favor of the "No Action Alternative" of the current lease. It should be allowed to expire.

From the 9/6/20 West Hawai'i Today article, "The acreage is 'ceded land,' which are lands that were held by the civil government or the monarchy of the Hawaiian Kingdom at the time of the 1893 overthrow of the Hawaiian monarchy. State laws mandate the lands be held in trust by the state Department of Land and Natural Resources for the benefit of Native Hawaiians and the general public."

The current 65-year lease cost to the Army was \$1. IF the Army wishes to retain these ceded lands, they should negotiate a new lease and pay market value for the leased acreage. They should not be treated as though they are a Hawaiian family seeing homestead land. IF the new lease is fair, it should also include other conditional clauses, like the removal of all UXO and debris from both the state and federal lands. The Army should also be mandated as first responders to fire events within a pre-defined radius of the leased and federal lands. Going a bit further (in the name of community or public benefit), the Army and DoD should work with the State to develop a plan for controlled burns to prevent wildfires on and near the mountain. This could be a "feather in the cap" for the Army. The Army could be the premier training organization for fire management - learning how to prevent fires like those that are engulfing the West Coast.

As a vet, I know that there are large installations on the mainland that could accommodate the training that's being done at PTA. Those mainland installations would also have the infrastructure to recycle many of the materials that cannot be recycled in Hawai'i - leading to additional issues of waste management. Not only can we not recycle much, it seems the Army doesn't take full responsibility for its own waste management. I read that PTA contracted an apparently disreputable hauler to do their recycling and those materials ended up being dumped on the Hamakua Coast. Shameful. The Army agreed to investigate, but that doesn't alleviate the issue. The Army needs to be responsible for the entire lifecycle of its materials, especially since they are brought here from other locations.

The convoys of trucks and heavy equipment that traverse the roads from Kawaihae to PTA are adding to the wear and tear of these roads. Resources also should be included in the new lease to maintain these roads.

In closing, I am 100% against renewing the current lease. I could possibly be persuaded to support a NEW lease, if it's fair and includes measurable and definable benefits to the County and State, like those I've state above.

Jim Albertini

1. How many live rounds are fired annually at PTA? List all the various kind of rounds fired. List other type of rounds used at PTA besides live rounds. What kind of rounds do the B-2 bombers drop? Is that training for nuclear war? As I recall the last figures released during the Stryker EIS stated 14.8 million live rounds were fired annually at PTA.

2. Besides DU from Davy Crockett spotting rounds fired at PTA, list all other DU rounds used at PTA. In addition, I have received reports that at least 6 Davy Crockett type nuclear weapons were exploded at PTA. Testing needs to be done for Cesium 137, etc. in the soil to confirm or deny such possible exploding of nuclear weapons at PTA.

3. A water well was drilled in the main PTA base area in 2013 by Dr. Don Thomas. Water was hit at a shallow depth of only 700 feet. Yet PTA is not using that water source and PTA continues to spend \$1-2 million /year to haul water. What contaminants are in that water well at PTA? List all test data, especially if perchlorate is present. Perchlorate from munitions and rockets have been found in ground water around a number of military bases in the US where rockets and munitions are used.

4. Testing for DU oxide particles not simply DU metal needs to be done at PTA and at Mauna Kea Park (Gil Kahele Park) across Saddle Rd. from PTA. DU oxide particles can be carried long distances in the wind and can cause cancer and other health problems when inhaled. The internal hazards of DU oxide need to be addressed not simply the external hazard of DU metal.

5. What is the cultural significance of the Pohakuloa general area. Has the area been referred to as "the land of the night of long prayer?"

6. Is the 84,000 acres of land, including the 51,000 acres of the PTA impact area really "owned" by the Federal government or simply seized by Presidential executive order in 1964 by President L. B. Johnson? What compensation was paid for that 84,000 acres of seized lands? My understanding it is ZERO.

Jim Albertini

These are additional comments to ones I have submitted earlier.

1. The Army, Specifically Pohakuloa Training Area (PTA) has often boasted about its stewardship of the land. This is bogus. There can be no greater desecration of the land than to BOMB it and contaminate it with a wide range of long-lasting military toxins. The scoping EIS document needs to list in detail ALL the various weapons ever used at Pohakuloa, including all the nuclear, chemical, and biological agents. I specifically call for all of the above not simply used on the "leased" lands but all the lands at PTA which are connected. The contamination from one area can be spread by wind, rain, fire, etc. Pohakuloa has been turned into a military toxic waste dump. The lease lands at PTA are downwind of DU spotting round firing and impact ranges. The military needs to "Malama Aina" --take care of the land, not desecrate the land.
2. Why hasn't the military complied with Hawaii County council resolution 639-08 passed in July 2008 by a vote of 8-1 that called for a wide range of actions including stopping all live fire at PTA until a comprehensive, independent assessment of the Depleted Uranium (DU) present at PTA and the clean up of the DU. The numerous other actions called for in this resolution should also be addressed in the EIS Scoping document.
3. The importance of the Hawaiian cultural significance of the land at PTA and the surrounding area needs to be fully researched. To my knowledge only about 1/3 of PTA's 133,000 acres have been researched for cultural sites. I have been told Pohakuloa means "the land of the night of long prayer." Nearby is King Umi's temple and Pu'u Kole.
4. Have the frequent brush fires at PTA spread DU oxide particles and other contaminants including PFAS used in fire fighting foam?
5. The military has a record of walking away from cleaning up its mess. Our Malu Aina organization has documented 57 present or former sites on Hawaii Island totaling hundreds of thousands of acres of land just on Hawaii Island in need of military clean up. The same story over and over -- no funds available. Plenty of money to make mess after mess but too little funds available to clean up after yourself. See attached uploaded file.
6. The cumulative impacts of all the toxins used at PTA needs to be addressed. And how these toxins in air, ground, and water can be spread around all of PTA and off site.
7. Citizens have a right to see a comprehensive view of all the types of specific training done at PTA not just generalizations. All the weapon systems involved, number and content of rounds, etc.
8. And what is all this military training really for? We are told to "defend freedom and democracy" but the reality of US military operations over the last 50 years has been wars of aggression and the attempted overthrow of more than 50 countries for political and economic interests. Please explain how training for nuclear war at PTA is in the interest of "freedom and democracy." There will be no winners in a nuclear war. No freedom and democracy either.

Sites NOT for Tourists or Locals! Military Hazard Areas on Hawai'i Island



Military Clean-Up NOT Build-Up!

contact: Māhū Aina Center For Non-violent Education & Action
P.O. Box A8 Kāhala, Hawai'i 96760. Phone (808) 966-7622. email ja@interpac.net
<http://www.mahu-aina.org> <http://mahuaina.pitas.com>

Carol Ann Alina

I believe that the military should give up all rights of usage and occupancy to the Pohakuloa Training area on Hawaii Island. Native Hawaiians deserve to preserve this area for future generations for cultural and historical value. This is the right thing to do:
"Malama Aina" Protect the Land!

Kelsey Amos

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the Former Bazooka Range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pohakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

Deb Anderson

Please consider downsizing military activity and protect our Mauna better!

James Anthony

STATE SHOULD TERMINATE ARMY'S LEASE ON LAND AT POHAKULOLOA

As a concerned Native Hawaiian, I call on the governor of the state of Hawaii and on the chairperson and board of the state Department of Land and Natural Resources (DLNR) to terminate the lease of 23,000 acres of Hawaii public trust land at Pohakuloa Training Area to the U.S. Army. This land was leased for \$1 to the Army in 1964 for a term of 65-years. In violation of the terms of the lease, the Army has damaged native ecosystems, left unexploded ordnance, depleted uranium and other contaminants, and harmed Native Hawaiian cultural sites.

Although the lease expires in 2029, the U.S. military is seeking to renew the lease as quickly as possible.

The U.S. military wants to extend the lease on the 23,000 acres of state of Hawaii property at Pohakuloa Training Area (PTA) as it provides access to the 110,000 acres of adjacent U.S. federal government-owned land at the largest U.S. military firing range. The Army calls the 132,000-acre range on Hawaii island the "Pacific's premier training area."

PTA, with a 51,000-acre "impact area," is used heavily by Hawaii-based and visiting international military forces. It is the largest live-fire range in Hawaii and supports full-scale combined arms field training from the squad to brigade (approximately 3,500 soldiers) level.

Hawaiian cultural practitioners Clarence Ku Ching and Mary Maxine Kahaulelio filed suit against the state DLNR in 2014, claiming the state breached its trust duties by failing to enforce the lease.

Four years later, state Circuit Judge Gary Chang ruled in 2018 in Ching and Kahaulelio's lawsuit that the DLNR failed to care for the Big Island property, lacking inspections over the first nearly 50 years of the lease. The judge said that the state has a duty to "malama 'aina," called two DLNR inspection reports "grossly inadequate," and ordered the state to develop and potentially execute a plan to obtain adequate funding for a comprehensive cleanup of the land.

After Judge Chang's order, DLNR said that as the landlord of the property, it would work with the Army to develop a formal inspection, monitoring and reporting process, which has been virtually nonexistent. However, the Hawaii Supreme Court later overturned part of the order.

Kelsea Armstrong

I support and echo the indigenous voices in liberating this land from its post-colonial possession and returning it to the people who intimately and authentically exhibit mālama ‘āina because of their ancestral husbandry to this place. I also want to emphasize that liberation and restoration must be defined by kanaka maoli. Neither the military nor the DLNR alone are to be trusted with self-monitoring, and exclusionary barriers such as quick deadlines, legal jargon, and conventional Western alternatives as they are equally vehicles towards inaccessibility on the terms of a haole government. I hope that the outcome of this case will set a precedent that moves the state forward in privileging the autonomy of Native Hawaiians. Aunty Maxine and Uncle Ku have my full support in their mission to restore what has been so violently stolen.

Further, this has been a crucial time for examining the role of law enforcement in the United States. In the national conversation about defunding the police, we see a desperate call to shift funding to programs related to education, mental health, and housing. In a New York Times article by Dionne Searcey, he describes 'defunding' the police as, "...seeking spending cuts to police forces that have consumed ever larger shares of city budgets in many cities and towns." This concept is relevant and essential to the one at hand because the police, military, I.C.E., and agencies alike are sisters conceptualized on systemic racism and constantly reorganized around white supremacy. Therefore, this case will determine either the proliferation of or resistance to a more sustainable future where indigenous governance, ethic, and voices are put first. Free Pōhakuloa.

Andrew Ashburn

This land was leased for \$1 to the Army in 1964 for a term of 65-years. In violation of the terms of the lease the Army has damaged native ecosystems and left unexploded ordnance, depleted uranium, and other contaminants; they have also harmed Native Hawaiian cultural sites.

The Hawai'i State Circuit Court has ruled that the Hawai'i State Department of Land and Natural Resources failed to care for the property, lacking inspections over the first nearly 50 years of the lease and called two of their inspection reports "grossly inadequate" and ordered the state to develop and potentially execute a plan to obtain adequate funding for a comprehensive cleanup of the land.

In a time of global catastrophe due to climate change compounded by the Coronavirus it is essential that we preserve and restore all lands with potential for viable ecosystem recovery. The Colonization of Hawai'i and the exploitation of it's peoples and lands has gone unchecked for far too long. The harm the largest U.S. military firing range has caused to the inseparable culture and lands of Hawai'i are clear. Please allow for the remediation of these lands.

Nalu Awai

Please seize all bombing at Pohakuloa. It's destroying the homes of thousands of pandemic plants and animals. Let's preserve our beautiful home in any way we can.

BRENDA BAILEY-WHITE

As a former Sandia National Laboratories NEPA Specialist, I have a few questions. I submit the following scoping comments in reference to the proposal to retain up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) to support continued military training.

1. (a) Having used the land since 1943 (77 years), and leased it since 1964 (56 years), what NEPA process and summary NEPA documents regarding federal operations have previously been created by the Army? (b) Has any comprehensive site description, with or without environmental conditions and changes, been made available for public review? (c) As you are aware, any proposed federal action or changes to an existing project are subject to NEPA review. What site changes have occurred on the leased land since the NEPA regulations became applicable, in 1970? With the additional COVID-19 burden inhibiting interactions, please ensure the EIS thoroughly details these documents, individually, and provides them to the public in easily accessible and manageable electronic format. A history of existing NEPA documentation will be crucial for the public in providing comments regarding the proposed action and in ascertaining due diligence by the Army in its stewardship of the leased land. (d) If there are no NEPA documents, what real estate documents that give adequate description of the facilities, their use, and utilities that support them, are available for public release, or redaction and public release? (e) Prior to this EIS, has the Army prepared any description of environmental impacts at this site for public dissemination?

2. (a) The total area of PTA is 132,810 acres (~207 square miles). Please clarify in detail how the Army cannot function in the remaining 109,810 ac (~172 sq mi) without the state-leased area (23,000 ac, or 36 sq mi). Has a matter of convenience become mislabeled as mission critical? (b) I have too often identified further encroachment by the military upon sensitive areas, claiming it was a "life or death" difference for the warfighter, when in fact, it was poor planning, impatience, and disrespect for the NEPA process. The "no action alternative" would be to renew the Army's lease and for operations to continue. What is needed, for transparency and thoroughness, is one or more "reduced action alternatives" that provide the public with the desired information, which is an exhaustive and fact-based analysis of what it would look like for the state not to renew the lease, for the Army to make adjustments to activities without the 36 sq mi of maneuver within the 172 sq mi, and what exactly comprises key training facilities. (c) If the key training facilities can be updated/relocated, or replaced through new construction, what would that entail and cost? If it is a few transportainer offices and jungle gyms, that's one thing. In my experience with reviewing the Kauai Test Facility, many structures were derelict and in need of demolition and decommissioning. Is this an opportunity for the Army to improve the existing configuration and efficiency of its operations at PTA? Are there structures at PTA that await D&D, and, if so, is there potential for the Army to repurpose unusable areas, as an alternative to maintaining the lease? Too often, the funding is easily available for the training and weaponry flavor of the day. However, when it is time to pay the real cost, life-cycle planning and long-term stewardship of responsibilities, particularly regarding environmental cleanup and D&D funding, the military just can't seem to find any money. This is negligence of the worst sort, because the people who have to live in the areas surrounding the site deserve much better, and the federal requirements are there to protect them.

3. Not only do reduced action alternatives need to be developed, but annual environmental monitoring needs to be conducted, and summary results provided to the public in a reliable, timely manner. Funding for contamination (explosives, fuel, sewage, all of it) cleanup and stewardship

needs to be provided in a recurring budget until the work is completed. Unexploded ordnance needs to be identified and removed. D&D assessments, and the planned follow-through, need to be part of the EIS. Public outreach needs to be established or improved.

4. (a) What are the military's and the Army's cumulative impacts to all the islands of Hawai'i, including the Navy's Hawai'i Range Complex activities, the Pacific Missile Range Facility (PMRF) activities on Kauai, the base at Oahu, reserve activities, etc.? (b) What are the Army's connected actions in relation to the leased site and the island as a whole? (c) Is there no potential for incorporating shared use of existing military sites to meet the operational needs of PTA, including, or not including, the leased area? (If not, why not?) (d) The EIS needs to be detailed and thorough in identifying and characterizing cumulative impacts and connected actions.

Thank you for the opportunity to contribute.

Carla Baker

Copied from PDF

It is un acceptable to be bombing our mountain. Serves no real,purpose but to scatter the wild life
and
disturb our piece of mind and sleep!

Please stop , thank you
C. Baker

From: Carla Baker
Sent: Saturday, September 26, 2020 4:11 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Mauna Loa

It is un acceptable to be bombing our mountain. Serves no real,purpose but to scatter the wild life and disturb our piece of mind and sleep!

Please stop , thank you

C. Baker

Sent from my iPad

Christopher Baker

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
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5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

Bruce Banick

I have no issues with noise or training on the mountain. Thank you for your service and be safe.

Lorrie Beggs

What are your plans to clean up ordinances and other dangers such as uranium?

Jana Bennett

PLEASE STOP.

Our Aina is the source of well being. You messed up Ko'olawe. It may not appear this way to you, but we are on a fragile environment.

You can go back to your home, this is our home.

Again PLEASE STOP.

Jared Bernard

As a biologist who has studied and worked on various islands of Hawaii since 2003, I would expect the EIS to recommend that the State does not renew the US military's lease on PTA. Quite simply, there are numerous rare and/or endangered species located at PTA. So far the military has permitted conservation action of these species on PTA, but I believe the Endangered Species Act technically does not have jurisdiction on federal property. Therefore, the military is within its rights to allow its missions to take precedence over conservation work on these endangered species, or even destroy said species, if need be. The scope of the EIS, however, is to evaluate the effect PTA may have of the environment; in other words, the EIS is meant to advocate for the environment in spite of the limitations of the Endangered Species Act. That being the case, the EIS must recognize that in order for the protection of these threatened species to take priority, the land cannot remain in the possession of the military.

One of the endangered species on PTA is an endemic mint species called honohono (*Haplostachys haplostachya*), which do not produce mint chemicals. This species was thought to be extinct back in the 1970s, but since then sporadic populations have been found in PTA.

As the PTA sort of bleeds partially up maunas Loa and Kea, there are also more `aheahea, `ohi`a, pukiawe, `a`ali`i, and especially on the higher elevations mamane (*Sophora chrysophylla*) and nai`o (*Myoporum sandwicense*). The mamane habitat here is part of the range of the critically endangered palila honeycreeper (*Loxioides bailleui*). This endemic bird's habitat once extended over to Hualala`i, but is now confined to only the east flank of Mauna Kea between roughly 1830 and 2740 meters elevation where the depleted mamane-nai`o forests are located. Because PTA extends partially over this region in the upper elevations, it contains this critical habitat.

Alexandra Bernstein

It's been a bad week of bombing. Sometimes my windows shake. And sometimes the helicopters fly quite low, and I wonder if that is really necessary. Why can't they fly low over uninhabited spaces? Does living in Waikoloa Village give tacit permission to be buzzed by military aircraft? If so, we should be informed of this. The bombing at night is quite disturbing. Are the training designers ABSOLUTELY SURE that practicing bombing under peaceful conditions truly prepares bombing personnel for real bombing situations? Wouldn't they learn better doing the bomb training in an apprentice-type situation? It is so wasteful and expensive the way you do it now.

And are you sure that it is necessary to use actual explosives instead of ones that are simulated for the trajectory? Do you really need to destroy whatever it is you are bombing and make a lot of noise?

Unlike at other training areas on the mainland USA, here you need to remember that there is a sensitive volcano underneath the area you are bombing. Since there is no way to anticipate how it will respond to these explosions, you are gambling with the homes and lives of people who reside near the future lava flows.

From: someone nice at yhoo
Sent: Thursday, October 8, 2020 10:01 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] PTA lease extension comment

I am writing as part of community input in the EIS for Pohakuloa Training Area.

The noise at night during trainings is significant, and therefore disturbing. I can only imagine how disturbing it is for veterans and others with PTSD. Have you researched the effectiveness of training in which targets are hit with indicators of success other than explosions? Have you researched what effect the explosions have on the active volcano beneath PTA land? Is it possible to effect trainings that do not blow things up with explosions so strong that my windows shake in Waikoloa Village?

What can you do going forward to ensure that pilots stop flying over inhabited areas? Is there a value to you in flights going over our homes as opposed to over uninhabited areas? If that is not your intent, can you modify your orientation for visiting pilots so that they understand that it is a priority NOT to fly over homes?

Should the lease area be expanded, how can you ensure that explosions will not impact equipment on Mauna Kea, and will not rattle my windows more than they already do?

Should the lease be extended past 2020, are you willing to negotiate compensation to Hawaii County, in addition to payments to the state? The building pf Daniel K Inouye highway was great, but you should be compensating the County on a yearly basis for using this land and disrupting our lives.

Best wishes,
Alexandra Bernstein,
Waikoloa, HI

AziaLynne Bird

As a community member with genealogical ties to Hawai'i island, I am deeply opposed to the Army acquiring a lease extension for the approximately 23,000 acres of land known as Pōhakuloa. The Army is currently nearing the conclusion of a 65-year lease that began in 1964 for these lands. During this period of time, the Army has mismanaged and abused the lands and resources of Pōhakuloa. Exercises including but not limited to bombings, missile tests and live fire artillery trainings have all caused severe damage to the lands and resources. In addition, the presence of depleted uranium ammunition, military debris such as unexploded ordinances and spend shell casings degrade the environment and put the health, safety and wellbeing of the island and her residents in jeopardy. It is known that military exercises lead to the release of harmful and toxic pollutants causing soil contamination and negatively impacting air quality. In 2006, a citizen's group uncovered evidence of the presence of depleted uranium at Pōhakuloa despite the fact that the Army had previously denied the use of such chemicals at the training area. Depleted uranium is a toxic chemical and radiation health hazard. It has no place being in our islands. In 2016, the Army was fined by the Environmental Protection Agency (EPA) for operating illegal cesspools at various facilities around Hawai'i, including 6 at Pōhakuloa Training Area. Such cesspools have been banned under the Federal Safe Drinking Water Act's Underground Injection Control program since 2005. According to the EPA "cesspools collect and discharge untreated raw sewage into the ground, where disease-causing pathogens and harmful chemicals can contaminate groundwater, streams and the ocean." In a 2018 Circuit Court ruling by Judge Gary Chang, the Army was found to have provided inadequate care of the environment of Pōhakuloa. The Hawai'i Department of Land and Natural Resources was found to have breached its trust duty to care for these lands in regards to its lease with the Army. Judge Chang further emphasized that any extension or renewal of the lease without first determining that the existing lease obligations have been satisfactorily fulfilled would continue to breach the trust duties of the Department of Land and Natural Resources. It is my belief that the army has never satisfactorily protected, managed and cared for the lands and resources of Pōhakuloa. The Army instead has used these lands for its personal gains and exploits at the great expense of Hawai'i island and her people. The Army has been dishonest in regards to activities, infrastructure and chemicals being conducted and released at Pōhakuloa. It is therefore my belief that the army is incapable of property stewarding these lands and should not be allowed to extend or renew the existing lease agreement. Instead of applying to renew this lease, the army should invest in community building by removing all harmful debris from the training area and graciously returning these lands to as close a state as possible as to when they were first acquired for use in 1964. Such activities would truly be in the best interest of all.

Patricia Blair

Shut down military training at Pohakuloa. Enough environmental and cultural damage! It's a crime!

From: Jeff Bond
Sent: Monday, September 21, 2020 12:07 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] PTA EIS

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Aloha,

Are any of the 23,000 acres of land currently leased to the Army by the state of Hawaii farmable? Does the Army let contracts to farm on any of these lands? Would the Army consider leasing any of these lands for farming purpose?

Jeff

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<https://home.army.mil/hawaii/index.php/ptaeis/public-involvement> >

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Jeff Bond

Dennis Boyd

Pohakuloa Training Area is a vital component of Hawaii Island's economy and has been a good neighbor to island residents. I strongly support continuing the land lease for PTA. PTA has unfortunately become a lightning rod for activists who are using it as a symbol, much like Mauna Kea, for a history of other discontents of the native Hawaiian community, which extend far beyond a land lease. With TMT development sitting in a precarious place, successful concurrent action to uproot the military from HI Island truly would relegate us, as an economy, to third world status. Keep PTA on HI Island!

Jody Brissette

As a retiree from the United States Army and current Big Island Resident I would like to add my opinion. I have trained at PTA multiple times throughout my career in order to prepare for multiple deployments. I attribute my training at PTA to my overall ability to be successful during these deployments. Many don't realize that PTA offers and almost identical environment that I encountered on my deployments to Afghanistan. The ability to train in an environment that PTA provides is vital to our military's ability to meet the threats found in this world. Not only does PTA play a vital role with the military but it also plays a large role in the economy and to the natural environment. There are those who say training is detrimental to the land, however PTA protects 27 different endangered species of plants and animals. PTA's recycling program is also a leader in this area on this island and arguably in this state. It is also worthy to note to state officials that in Germany the two largest successful conservation areas are the United States Army bases of Hohenfels which is used for large scale force on force training / maneuver area / airborne operations area and Grafenwoer Training Area which is similar to PTA as a live fire and maneuver area. So both the Army has proven that conservation and military training can and does exist. PTA contributes to the Food Bank, Boys Scouts of America, just a short time ago service members donated time to tear down and reconstruct a playground in Waimea. A simple drive around the island also lends examples on how PTA contributes as the county spends allot of time and resources towing abandoned cars, illegal dump sites and other trash discarded by the residents of the Big Island. At PTA, the military cleans the land at no cost to the county.

As for the economy; as the exact amounts of how much money the military contributes to the local economy on the Big Island is not truly clear, however; the cost of the water used at PTA is somewhere around the \$3 million dollar a year mark. However the economic impact the military in Hawaii is easily found. It has been announced that the Army will spend \$1 billion in infrastructure upgrade over the next 10 yrs. Evidence of this is the ongoing upgrades at PTA. Other notable contributions to the state of Hawaii is the approx. \$1 Billion dollar a year the Peral Harbor Shipyard, the \$75 million dollar, 4 yr contract with University of Hawaii for the Maui High Performance Computing Center, the \$54 million dollar construction contract with Hensel Phelps Construction of Honolulu.

I mentioned all of this as to help support the decision to extend the State Lease Land Agreement with PTA as in the end; the environment benefits, the people of the county and state benefit, and most importantly the service members benefit from the training they are able to conduct "here" that one day could save their life or the lives of others "over there".

Mark Brouwer

Please do not renew the lease to the army. Unexploded munitions, occupation of historical cultural sites and destruction of the native habitat over the past decades shows the army is not able or willing to protect the land. Please do not renew the lease.

Maryann Broyles

This is sacred land please stop using it for bombing and military war games

Cheryl Burghardt

The military has not been cognizant of anyone or anything to this date other than their plans and goals. We have seen the public and even the Hawai'i Supreme Court rulings ignored. This comment is to remind the folks reading this that the land, water and people of Hawai'i are all related. The system of US govt. and military can not and choose not to honor the ways of these islands. Thus this like so many other requests for comment is just a box check off. Our house says no expansion, no new leases and remove all military from Pohakuloa.

Kesslyn Carlos

To be honest I dont want the army or anyone training. Cause if I remember you they never clean up there mess if you clean up then its fine but other then that I aginst it for the fact its sacred land and we will go and put up a fight.My Uncle faught for his land to be clean with no nuclear weapons or bombs and they never clean up the mess but Ill be fine if its clean up after done training.

From: Kinion Carroll
Sent: Saturday, October 3, 2020 3:01 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Aloha
Attachments: Dr_deZayas_Memo_2_25_2018.pdf; Screen Shot 2020-10-03 at 8.55.45 PM.png; Screen Shot 2020-10-03 at 8.55.45 PM.png; Screen Shot 2020-10-03 at 8.55.38 PM.png; Screen Shot 2020-10-03 at 8.39.29 PM.png; Screen Shot 2020-10-03 at 8.39.13 PM.png

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Aloha,

I am contacting you to add my voice to what I believe is the right thing to do in regards to Pohakuloa. Pohakuloa can be translated from Hawaiian as “long rock”.

A second interpretation is “night of the long prayer”.

No matter how it is translated, there is a fundamental misunderstanding behind using the area for war training, says Lakea Trask, who identifies as a kiai mauna or mountain guardian.

“The importance of Pohakuloa culturally and ecologically cannot be overstated,” Trask tells Al Jazeera.

This is not just a remote, barren wasteland, he says. This is wao akua (realm of the gods), and the volcanic rock is the vessel that carries and preserves fresh water. In the Hawaiian language, fresh water is “wai” and wealth is “wai wai”.

The watersheds and all the life they sustain – every forest, every stream, and the ‘wao kanaka’ (human communities) below are fed by waters flowing from Pohakuloa, says Trask. “Our kupuna are telling you that’s where the water is being stored and protected.” (Caution-
<https://www.google.com/amp/s/Caution-www.aljazeera.com/amp/news/2018/04/native-hawaiians-resist-bombing-sacred-lands-180430121142340.html> < Caution-

<https://www.google.com/amp/s/Caution-www.aljazeera.com/amp/news/2018/04/native-hawaiians-resist-bombing-sacred-lands-180430121142340.html> >)

I have also learned that there are many depleted uranium and sarin nerve agents that were tested on Pohakuloa.

Pohakuloa is sacred to Hawai'i and is on Hawaiian Kingdom Crown lands. This is wao akua, realm of the gods in Hawaiian culture. The wao akua is sacred ground bombing sacred ground in any religion or culture is not right. Please stop the continuation of damaging Pohakuloa and this sacred wao akua.

It has been declared by many U.S. presidents such as President Cleveland, U.S. senators, which I have attached their words below, as well by the UN and dozens of international countries that Hawai'i is not and never was a part of the U.S. Hawai'i is an independent country under illegal occupation. This is not a political statement but rather educational as the NEA (National Education Association) has published three articles on the illegal occupation of Hawai'i by the U.S. and is now being taught in over 3,000 U.S. public schools. This is also being taught internationally and countries such as Italy, England, Australia, and many more are teaching this fact of the illegal occupation of Hawai'i. The UN declared this many times such as the International Court of Arbitration Larsen VS. Hawaiian Kingdom (1999) Dr. Alfred Dezayas, UN High Commissioner of Human Rights (25 Feb. 2018), the National Lawyers Guild, and many more. For more information please study HawaiiKingdom.org. Hawai'i is an independent country under illegal occupation. This is the true fact of Hawai'i. In 1893 President Cleveland declared the illegal overthrow of Queen Lili'uokalani by insurgents of America was illegally and not ordered by him as the president. Years later President McKinley attempted to annex Hawai'i twice and both treaties were declined. The U.S. passed a Joint Resolution of Congress in 1898 and claimed they "annexed" Hawai'i by a Joint Resolution. This is not legal and is impossible as only a treaty of Annexation is a legal way to annex a country. A Joint Resolution has no jurisdiction outside of the U.S. and Hawai'i is a foreign country. If this logic were true then the Hawaiian Kingdom could annex the U.S. by their own country's law or England could pass a parliamentary bill to annex France but this is illegal and impossible. So a Congressional Joint Resolution cannot annex another country, this is the claim the U.S. has that they annexed Hawai'i but this has been declared illegal and impossible. This is why Hawai'i was never annexed

into the U.S. and is not the 50th state but is a foreign country, the Hawaiian Kingdom under illegal occupation. I have attached photos below, links, and a pdf of the resources I have learned from Professor, Dr. Keanu Sai, and many more who are now teaching this across the U.S. and the world.

I have recently learned this and would like to share this as educational resources and references. Informed people make informed decisions. Many people still need to be made aware of this and it is my duty as a citizen and a Hawaiian to educate and share information so that people can make right and informed decisions.

Thank you for taking the time to hear and listen to i ko'u ku'e a me mana'o (my protest/objection, thoughts). Ke Akua pū (God bless) mālama pono. (Take good care).

Hawaiiankingdom.org

Caution-<https://www.nea.org/advocating-for-change/new-from-nea/us-occupation-hawaiian-kingdom> < Caution-<https://www.nea.org/advocating-for-change/new-from-nea/us-occupation-hawaiian-kingdom> >

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Me ke aloha,

Kinion Wahineali'i C.



Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland

MEMORANDUM

Date: 25 February 2018

From: Dr. Alfred M. deZayas
United Nations Independent Expert
Office of the High Commissioner for Human Rights

To: Honorable Gary W. B. Chang, and
Honorable Jeannette H. Castagnetti, and
Members of the Judiciary for the State of Hawaii

Re: The case of Mme Routh Bolomet

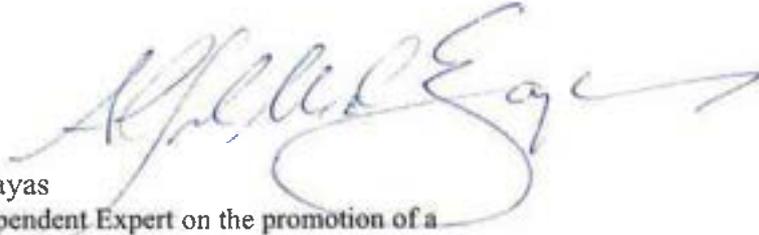
As a professor of international law, the former Secretary of the UN Human Rights Committee, co-author of book, *The United Nations Human Rights Committee Case Law 1977-2008*, and currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order, I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).

Based on that understanding, in paragraph 69(n) of my 2013 report (A/68/284) to the United Nations General Assembly I recommended that the people of the Hawaiian Islands — and other peoples and nations in similar situations — be provided access to UN procedures and mechanisms in order to exercise their rights protected under international law. The adjudication of land transactions in the Hawaiian Islands would likewise be a matter of Hawaiian Kingdom law and international law, not domestic U.S. law.

I have reviewed the complaint submitted in 2017 by Mme Routh Bolomet to the United Nations Office of the High Commissioner for Human Rights, pointing out historical and ongoing plundering of the Hawaiians' lands, particularly of those heirs and descendants with land titles that originate from the distributions of lands under the authority of the Hawaiian Kingdom. Pursuant to the U.S. Supreme Court judgment in the *Paquete Habana* Case (1900),

U.S. courts have to take international law and customary international law into account in property disputes. The state of Hawaii courts should not lend themselves to a flagrant violation of the rights of the land title holders and in consequence of pertinent international norms. Therefore, the courts of the State of Hawaii must not enable or collude in the wrongful taking of private lands, bearing in mind that the right to property is recognized not only in U.S. law but also in Article 17 of the Universal Declaration of Human Rights, adopted under the leadership of Eleanor Roosevelt.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Alfred M. deZayas', with a long, sweeping horizontal stroke extending to the right.

Dr. Alfred M. deZayas
United Nations **Independent Expert on the promotion of a
democratic and equitable international order**
Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland

A NOTE ON THE SECOND EDITION

I am as pleased as any writer with a second edition and grateful to my new publisher, Arnold Kotler, for his commitment and interest.

I am compelled to add that the continued relevance of this book reflects a far-reaching political, moral and intellectual failure of the United States to recognize and deal with its takeover of Hawai'i. In the book's subtitle, the word *Annexation* has been replaced by the word *Occupation*, referring to America's occupation of Hawai'i. Where annexation connotes legality by mutual agreement, the act was not mutual and therefore not legal. Since by definition of international law there was no annexation, we are left then with the word *occupation*.

In making this change, I have embraced the logical conclusion of my research into the events of 1893 to 1898 in Honolulu and Washington, D.C. I am prompted to take this step by a growing body of historical work by a new generation of Native Hawaiian scholars. Dr. Keanu Sai writes, "The challenge for ... the fields of political science, history, and law is to distinguish between the rule of law and the politics of power." In the history of Hawai'i, the might of the United States does not make it right.

DOJ Unclear On Hawai'i Annexation

- Ninety years later in 1988, the U.S. Department of Justice concluded in a legal opinion:
 - "[Despite] constitutional objections, Congress approved the joint resolution and President McKinley signed the measure in 1898"
 - "Nevertheless, whether this action demonstrates the constitutional power of Congress to acquire territory is certainly questionable"
 - "It is therefore unclear which constitutional power Congress exercised when it acquired Hawaii by joint resolution"

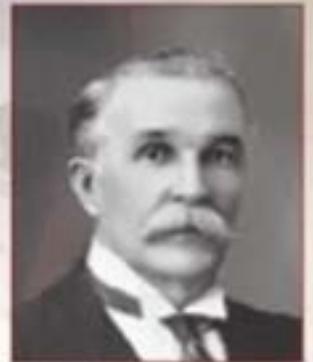
State of War

- On January 17, 1893 the Hawaiian Kingdom came under belligerent occupation
- The law of occupation mandates the occupying State (United States) to administer the laws of the occupied State (Hawaiian Kingdom)
- According to Judge Crawford of the International Court of Justice:
 - “belligerent occupation does not affect the continuity of the State, even where there exists no government claiming to represent the occupied State”



Congressional Records

- Representative Thomas Ball (Texas): “The annexation of Hawaii by joint resolution is unconstitutional, unnecessary, and unwise... that territory could only be constitutionally acquired by treaty”
- Senator Augustus Bacon (Georgia): “the annexation of foreign territory was necessarily and essentially the subject-matter of a treaty, and that it could not be accomplished legally and constitutionally by a statute or joint resolution”



Alana Carvalho

Aloha. My name is Alana Carvalho, born and raised here on the Big Island. I live roughly 40 miles from PTA. The bombing needs to stop! My house has been shaking and the rumbles of the bombs exploding is unnerving. Our animals are scared and confused. Having to explain what these sounds are to our keiki, no it's not thunder... the military is bombing our aina. It needs to stop!



Jared Char

I do not support the renewal of the Pohakuloa Training Area lease to the US Army, for cultural as well as environmental reasons.

Carl Christensen

Comments regarding EIS for potential lease of public land at Pohakuloa, Island of Hawaii

To ensure that the State of Hawaii, as prospective lessor, will comply with its legal obligations relating to any disposition of public lands the HEPA (Chapter 343, Hawaii Revised Statutes) EIS should address the following items. Any lease agreement must ensure that the State of Hawaii, as landowner and trustee of the public land trusts established under Section 5 of the Hawaii Admission Act and Article XII, Section 4, of the Constitution of the State of Hawaii, can bring suit in an appropriate judicial forum to enforce the terms of the lease and all applicable laws of the State of Hawaii against its lessee to the same extent it could do so against any private lessee, as the State has no power to waive its police powers against any lessee, public or private. The HEPA EIS should fully address these matters, as any failure to provide for such enforcement would have serious environmental implications. There is evidence that the United States has allowed the leased lands to be contaminated with unexploded ordnance and other waste, and the EIS must address methods by which the United States will remove these contaminants. The State, as trustee, has an obligation to prevent waste of trust lands, and it must have the legal means to protect its lands from further deterioration. Furthermore, the HEPA EIS and any other documents relating to a prospective lease must ensure that the State, as landowner and trustee, fully complies with all applicable Federal and State laws, including but not limited to the Hawaii Admission Act, the Hawaiian Homes Commission Act, Article XII, Sections -4 and -7 of the Constitution of the State of Hawaii, and the provisions of Chapter 171, Hawaii Revised Statutes, relating to dispositions of public lands. In particular, compliance with Sections 171-7, -17, 27, -32, -33, -35, -36, and 36.1, Hawaii Revised Statutes, is essential. The United States has had essentially rent-free use of public lands of the State of Hawaii for the term of the present lease, and it is essential that the State be compensated for any continued use of such lands in the same manner and to the same extent that a private landowner would be compensated.

Aurora Cole

I spent several years working at Pōhakuloa Training Area. Not a single day went by when my heart did not feel heavy for the mistreatment of this land. I explore my greatest points of concern below.

First: Rubbish. Trash exists all throughout the Pōhakuloa region. Some has sat in situ for years, decades even. Some is far more recent. Too often, our team came across MRE packets, Gatorade bottles, pizza boxes, etc shoved into natural overhangs or sitting right on the surface of ridges, ready to blow downwind. We found massive amounts of litter just outside of a known archaeological cave. In another cave, we spotted 20mm shells.

The concept of trash goes well beyond cardboard boxes and plastic wrappers. The hoards of bullet shells that decompose across the landscape all contain lead. No amount of lead is safe in the human body, particularly in developing children. Over time, this lead accumulates in plants, which are eaten and absorbed by animals such as mouflon sheep -- who in turn are hunted and eaten by many of us, myself included. We should not fear consuming locally, sustainably harvested animals, yet this is the grim reality we face. Similarly, lead could pose a threat to native species in the area such as pueo. Residents downwind from Pōhakuloa in communities such as Pu‘u Anahulu and Waikōloa Village are at threat of breathing in contaminated soils.

The Army has not proven itself competent at cleaning up existing rubbish, OR preventing littering by modern-day troops. Why should an organization continue to manage an additional 23,000 acres of land when they appear incapable of managing even the few hundred acres I have had the privilege to explore? Will these leased lands be thoroughly cleaned prior to reallocation to the Army? If the land returns to the State, will the Army clean their mess prior to relinquishment?

Second: Overall environmental stewardship. I have a great amount of respect for the contracted Natural Resources team; I feel they are doing a phenomenal job overall. Yet they cannot fix all the ills inflicted on this land. Several years ago, an accidental but extremely foolish training error resulted in a fire that swallowed nearly 1,000 acres of land between Training Areas 18 and 22. The fact that this fire took place *within* a fenced-in endangered plant habitat is an important point. Fences may keep out hungry ungulates, but they do nothing to stymie military incompetence. Huge ‘ōhi‘a trees, countless māmane and naio, thousands of ‘a‘ali‘i, went up in flames, never to regenerate.

In the Infantry Platoon Battle Course (IPBC), I personally observed and documented several dozen ‘ōhi‘a trees that had clearly been purposefully shot by troops. ‘Ōhi‘a are especially threatened right now due to Rapid ‘Ōhi‘a Death, a deadly fungus of the genus *Ceratocystis*. Wounded trees are particularly susceptible to infection. There are zero excuses for troops to be shooting trees. The entire purpose of the multi-million dollar IPBC is to train with provided props. Mistakes like this cannot be seen as “isolated incidents.” All it takes is one time for a tree to be wounded for ROD to become rampant at Pōhakuloa.

Third: Cultural significance of the area. I could write a novel on the historic (and present-day) importance of Pōhakuloa. This land stands as testimony of na po‘e kahiko, the people of old, who relied on riches found only in this unique region. Resources such as ‘ua‘u birds and sturdy basalt; trails necessary for crossing from one moku to another, accessible to all; places of religious import such as Mauna Kea. Memories of the past decorate this landscape in the form of artifacts, structures, and petroglyphs. All of this is threatened by military activity.

The 23,000 acres of state leased land have yet to be thoroughly investigated by archaeologists. Will the Army be capable of funding teams to survey these tracts by 2029? Will the military take into account the fact that cultural significance is not always something we can observe in human-made items, but also a broader concept applied to pu‘u, plants, streams, and so on? Knocking down a rock wall is an obvious

display of disrespect. What about the gradual degradation of places once teeming with endemic species? Are they destined to become nothing more than fables, while the military continues to make uninhabitable these lands that they consider lifeless?

In conclusion: I support the No Action Alternative in regards to the 23,000 acres of land currently leased by the State of Hawai'i to the United States Army. The Army has had over half a century to prove itself a capable tenant on this land, and it has failed. The loss of 23,000 acres would still leave the Army with 109,000 acres of land on which to train troops. I have no doubt that this is more than enough space to conduct routine exercises, especially considering the reality that the current 132,000 acres of land at PTA is not all being utilized consistently or simultaneously. The state-owned land includes tracts of endangered plant and animal habitat which have recently and repeatedly come under threat due to training negligence. It is time for the state to reinvest in protecting these 23,000 acres for the health of our environment and our community.

Barbara Cooney

Please do not renew the lease. It should be terminated ASAP, and the Army should be responsible for removing all ordinance & restoring all ecosystems and cultural sites. There are only 9 years left in the current lease to accomplish this restoration and abide by the conditions specified in this lease. Let's make the world a better place by ending the destruction of our sacred Mother Earth.
Thank you.

Andrew Cooper

As a nearby resident and frequent user of the area immediately adjacent to the Pōhakuloa facility I do have a few observations...

Personally the impact from training operations is minimal to insignificant. From our house in Waikoloa Village we occasionally hear the impact of munitions, a modest rumbling that is noted and forgotten. Local village noise from construction, yard care, barking dogs, kids playing, vehicles, etc., is vastly more intrusive.

When in the immediate area of the facility you can watch the activities from Saddle Road or nearby DLNR lands. There is no impact other than the distraction. If is interesting to stop and watch for a bit, the tracer fire or artillery flares can be quite pretty in the night.

Other than the occasional slow military convoy on local roads there is really no impact on our personal lives.

Alexis Cox

Please do not use Pohakuloa as a training center anymore. It is not in the best interest of the people or the land and it is a huge waste of money. Please consider the long-term environmental hazards of this and choose not to retain this land. Mahalo

Dizia Crisostomo

It is in my heart and belief that Pōhakuloa must be protected and respected as it will always be an ancestral site to Kanaka Maoli people. Ancestral land should never be occupied for violence, nor extracted from for the mere practices of militant training. On a global scale, there are already so many lands and waters that the U.S. military continues to occupy, and it saddens me that up until this day, many of our Kanaka brothers and sisters still continue to be at the face of displacement and dispossession due to the violences that militarism continues to push upon their communities—along with many Indigenous communities around the world. Similar to my home island of Guåhan, I see, hear, and experience first hand what it means to have ancestral lands occupied for training—the sounds of bombs, gunfire, and bodies move upon the surface of the island as if people aren't within proximity of military violence.

Therefore, I wholeheartedly believe that enough is enough. No more military build up. No more occupation for the sake of training facilities, and no more violences done to the people of Hawai'i, 'āina, Mauna Kea, and the very relationships that we share with one another as people. This is the home of Kanaka Maoli people, the Indigenous peoples of this very much sovereign land, and it is an absolute right for Pōhakuloa to be protected by the many voices at the forefront of advocating for justice. As a supporter for the protect Pōhakuloa movement, and as a dear friend, youth, and advocate, I stand in solidarity with the Kanaka Maoli community for the betterment of Indigenous health and wellness at the height of military occupation.

Alexander Cyran

I am strongly in favor of the "No Action Alternative" for Pōhakuloa Military Training Area on Hawai'i Island. There are sites in other states that the military can use for training that would have a much less impact on the endangered species found in the Pōhakuloa training camp area, as well as the native Hawaiian cultural sites there. The aina (land) is sacred to the Hawaiian people and must not be used for training that ruins the land with explosives and dangerous substances that don't show respect an pūlama (caring) for the land.

Sasha Davis

It is critical that Army return this land to the people of the State of Hawai'i at the termination of the lease in 2029, and that the land be restored to its prior condition. The taking of this state land at a fraction of its actual value – and its use over the past decades for activities that are known to be ecologically damaging – has long been justified because those activities were deemed to be temporary and because promises were made to one day clean it and return it to the people of Hawai'i. Ending training exercises on this land cannot continue to be put off indefinitely to the point where military live fire exercises become a de facto permanent use of this leased land. Any EIS process that follows this Letter of Intent should also clearly state that a valid alternative is the ending the lease, moving training to other sites off-island, and returning the land to the state. Furthermore, the impacts of training on this leased land must be evaluated in the context of the cumulative environmental and cultural impacts of training on adjacent parcels as well as other sites across the archipelago.

Stella Dee

PLEASE STOP BOMBING OUR BEAUTIFUL ISLAND! STOP ALL THIS UNNESSACESSARY DESTRUCTION OF THE PLANET! START CARING ABOUT YOUR FAMILY, MY FAMILY, ALL THE FAMILIES AND ANIMALS. We all just want to live peacefully on the planet! Stop the BOMBING!

Kahu: Richard Maele DeLeon

As a Kahu a spiritual leader of Hawaiian cultural practitioner demanding a hāule to the contiune destruction and desecration to a living culture and STOP BOMBING PARADISE

Amanda Dillon

Army Training Land Retention at Pōhakuloa Training Area Environmental Impact Statement – Public Comment

I am a resident living in Waimea and I have worked in the fields of environmental science and conservation for the past 12 years.

I am concerned about the environmental impacts of excessive noise pollution, invasive species, unexploded ordnance, and contamination from the Pōhakuloa Training Area on biological and cultural resources, native and endangered wildlife, and our island community.

Our home is 45 miles away from PTA and we can hear live-fire and bombing clearly here and all the way down to the coast. The noise of bombs detonating repeatedly throughout the day and into the night is alarming and distressing.

The EIS should include a survey of residents across the island to collect information on noise pollution and its impact on their lives and families. The EIS should provide information on the extent of the noise pollution from PTA and public health impacts.

The high-elevation, tropical, sub-alpine environment of the Pōhakuloa area, between volcanic mountains, is one of the rarest ecosystems in the world (U.S. Army). This rare ecosystem, with critical habitats and endemic species, that exist nowhere else in the world, is exactly why this land should be protected and preserved—not bombed.

Pōhakuloa provides habitat for rare, native, and endemic plants, insects, and birds including 27 endangered species such as the nēnē (Hawaiian goose) and ‘ōpe‘ape‘a (Hawaiian hoary bat), the only native terrestrial mammal in the state. Military installations in the State of Hawai‘i, including Pōhakuloa Training Area, have the highest number of species listed under the Endangered Species Act in the country (Stein, B.A., Scott, C., Benton, N., 2008. Federal lands and endangered species: the role of military and other federal lands in sustaining biodiversity. *Bioscience* 58 (4), 339–347).

The EIS should provide the current status and a complete inventory for all rare, native, endemic, endangered, and threatened plant, animal, and insect species in the area, along with all efforts to protect, preserve, and restore their habitats. The EIS should also provide an inventory of invasive species and methods used to prevent and control their spread.

There is no evidence that the U.S. military needs the 23,000 acres of leased land or any of the land that comprises the Pōhakuloa Training Area. With modern military and

technological capabilities, military bases abroad, and large installations on the mainland, it is no longer accurate that the state of Hawai'i, or Hawai'i Island specifically, is "strategically vital for national defense as a logistics hub and for rapid troop deployment in response to emergent world events."

The EIS should provide specific evidence and examples of how the leased area and entire PTA is currently "strategically vital for national defense."

The high-elevation, tropical, sub-alpine ecosystems of Pōhakuloa are unlike any other environment, or possible warzone, in the world. It is inaccurate to claim that the unique environment at PTA is "critical to prepare our troops to 'fight as they train' in similar conditions to which they may be deployed."

The EIS should explain why PTA and the leased area are necessary for training when the U.S. military has large installations on the mainland, in remote areas with mountainous and desert conditions.

If the Army insists on listing financial benefits in EIS documentation and lease negotiations, it should be noted that the U.S. military claims to contribute "a significant number of jobs and money" to the County of Hawai'i, but employs only "240 personnel on the Island of Hawai'i." Therefore, the military provides employment for approximately 0.1% of Hawai'i Island residents, yet controls 132,000 acres that is the "largest contiguous live-fire range and maneuver training area in Hawai'i." Per the online documentation, this is also "the only training area in Hawai'i able to support larger unit (i.e., battalion and brigade) collective live-fire and maneuver training." PTA has the largest land area and the greatest environmental impact with smallest economic benefit for the community.

The EIS should explain how PTA, and specifically the leased land, provides economic benefits for residents and provide specific details for the "jobs and money" contributed to Hawai'i County.

If the U.S. military is going to claim financial benefits to the County of Hawai'i as part of lease negotiations, the EIS should include a socioeconomic survey of residents. As part of the EIS, the Army should ask residents if the economic benefits outweigh the cost to the environment, public health impacts, and the importance of biological and cultural resources in the area.

As stated in the EIS Scoping Presentations, "PTA is the only training area in Hawai'i where military units can use weapon systems at **maximum capabilities.**" It is

unacceptable for the military to deploy weapons near our homes, fragile critical habitats, and endangered species—especially at “**maximum capabilities.**”

The EIS should fully disclose the extent to which the U.S. Army has fulfilled lease requirements and legal obligations to remove ammunition and waste materials. The EIS should provide an inventory of the entire lease area to determine if there is ammunition, unexploded ordnance, depleted uranium, lead, toxins, or other military debris.

The U.S. military has not proven that the leased land or entire Pōhakuloa Training Area—a rare, fragile ecosystem with endemic species and cultural resources—is necessary for national defense or the safety of our country.

I fully support the “No Action Alternative” wherein the Army would not retain any of the State-owned land at Pōhakuloa Training Area. The environment should be restored to its natural condition and returned to the Department of Land and Natural Resources when the lease expires in 2029.

From: Stephany Dinnan-Kaolulo
Sent: Friday, October 2, 2020 11:31 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Regarding the Environmental Impact Statement for U.S. Army's Lease of Pōhakuloa

Aloha,

I am Stephany Dinnan-Kaolulo. I'm 15 from Waimānalo O'ahu. I am here to state my support to the U.S. Army's attempt to seek a continuation of their lease for Pōhakuloa for military use. I support this issue because of the suggestion that was brought up during the opening statements during trial the interagency cooperation. I think it is perfect for both sides getting what they want. I care about this issue because I believe that the U.S. troops deserve a place to train while they fight for our freedom. I also believe that the land should be taken care of. I am asking the U.S. Army to push for interagency cooperation. So that the troops get a place to train and the land is cared for. I appreciate you taking time and reading this.

Mahalo,

Stephany Dinnan-Kaolulo

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From: Alyce Dodge
Sent: Wednesday, October 14, 2020 7:20 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] PUBLIC TESTIMONY RE: Pohakuloa Training Area

PUBLIC TESTIMONY RE: Pohakuloa Training Area

September 14, 2020

To Whom It May Concern,

I am against the continued lease of state lands for Army Training at Pohakuloa for environmental and moral reasons.

Over the years the Army has used this land, many concerns have risen with the awareness of the presence of Depleted Uranium and other toxic waste left behind from training. These toxins are hazards to all life in the area, and must be cleaned up from the land, ground water and air. We are in the midst of the sixth great extinction due to human caused climate change and loss of wilderness. I believe the bulk of our resources needed to be used to address this existential threat of climate change and species extinction. We cannot afford any more time and energy and land and resources on war and preparing for war.

Furthermore, during this ongoing pandemic our focus needs to be on the wellbeing of those most affected. We simply cannot afford to be deliberately targeting our own precious and limited land. This site has Hawaiian cultural significance. The pono action is to respect the native people and culture and to practice aloha 'aina.

For these reasons I am against the continued lease of state lands for Army Training at Pohakuloa.

Sincerely,

Alyce Dodge

Honolulu, HI. 96839

Blake Doll

At a time when folks are struggling to make ends meet whether a "mom and pops" store or restaurant we need this Training Area and the dollars it pumps into the "local" economy. For decades we've relied on "tourist" dollars and now with this Covid-19 virus that money is now gone. If the military can't train at PTA then the bases will close and all the jobs it provides and the monies to the local economy will go away too. This Training Area provides a place where our military can hone their skills to better prepare them for battle.

Candy Doogle

As a member of the Waimea community, I am deeply concerned about the environmental impact on native Hawaiian plants and ceremonial land that are located on Pohakuloa. It has been demonstrated to me in social settings the inappropriate nature of the commander of the base and I believe that he is not knowledgeable about the Hawaiian culture even though he has stated he is on many occasions and has spoken wrong phrases and not pronounced Hawaiian words correctly. It is my hope that this study will shed light on the truth that is behind that gates of Pohakuloa. It is time that a portion of land be given back to the indigenous people of Hawaii. And the word on the street is that the commander will be long gone before this is finalized and I believe that due to that fact that the base will be a better place and maybe the army and the people of Hawaii Island can work side by side and make our island a better place without secrets.

Susan Douglas

COPIED FROM PDF

Say NO to Army PTA Lease Extension!

From: Susan Douglas
Sent: Wednesday, October 14, 2020 10:15 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Say NO to Army PTA Lease Extension!

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Warmest Mahalo and Aloha!

Susan Douglas
Writer & Healthy Life Coach
Temple of the Spirit (Our Body Is the Temple of our Spirit)
Kihei, Maui, HI 96753

(You can call 24/7, if you get my machine leave a long message.
NO texts please.)



Robert Duerr

CLEAN UP AND PUT UP

Dear PTA US Army, Understanding the need to have a US Military to protect America, two things need to be done at PTA. CLEAN UP. First and foremost is to treat the land respectfully. The contamination by metals and radiation and the inability to return the land to its original condition is a disgrace. PUT UP. Secondly, why hasn't the US Military paid its fair share to Americans? The next time a plane load of US dollars goes to a country that had no good reason to be invaded please divert some cash to Hawaii for schools, food for the hungry, healthcare and prisons that help reform AND VETERANS CARE. I recently loss an Army friend to Agent Orange and his death was a wake up call to CLEAN UP AND PUT UP. Mahalo, Robert Duerr Outdoor Writers Association of America.

Mahina Embers

STOP BOMBING SACRED LAND. These bombings serve no purpose. They are busy work, just turning the cogs in the Military Industrial Complex. I can feel and hear the explosions all the way on the other side of Mauna Loa! That is not okay!! Stop torturing the land that we all rely on!

SOFRONIO Estores

My comments in this process is as follows:

1. No EIS was conducted when PTA was established, therefore, an EA must first be done to determine if an EIS needs to happen (my understanding of the process).
2. Hawaii is a sovereign, neutral Nation State in some strange form of military occupation,
3. US President stated that the over-throw of the Hawaiian government was an "Act of War" ❖ key statement in International Law.
4. Hawaii has been occupied since 1893.
5. US claimed it was necessary to have Hawaii (Pearl Harbor) in the Spanish-American War ❖ which is over
6. US poured military forces on to the Hawaiian lands prior to WWII, during the war, and it continues extending into the Pacific.
7. US used PTA land to train for the Vietnam War, Iraq War, Afghanistan War, War on Poverty, War on Drugs, War on Terrorism and continues, all in violation of Hawaii's neutral state and treaties
8. US, as occupying force, violates International Law by imposing American Domestic Law in Hawaii as opposed to Hawaiian Kingdom Law
9. US continues to misuse the resources of the Islands by conducting RIMPAC Exercises within our area of the vast Pacific.
10. Hawaii is the playground for the thousands of military troops, crews, their families, and tourists to enjoy the beauty, the sun and the fun, never mind the environmental impact on the land, sea and air.
11. The US has ample space and land on the Continent to conduct all its military maneuvers, exercises, and training.
12. We are in a Nuclear, Missile-Centric military capabilities world and Hawaii is the central, strategic target of future belligerents by virtue of its location, strategic value, and the ever-expanding US military build-up in the Pacific.
13. To the people of the land, Hawaiians, this location is the flashpoint, the coming co-lateral damage, the sacrificial lamb that will find the United States in the next World War. Hawaii experienced this on December 7, 1941 and, as long as the American Armed Forces are in Hawaii, it can be the trigger for the next world war, a war of Nuclear giants. That is our History. We the people of a Neutral Hawaiian Kingdom need to remove our Paradise as that target. Go exercise the war games, the Joint and Combined Exercises away from Hawaii. We want peace and Aloha in our Pacific domain along with our Polynesian-Triangle relatives. Go with kind heart. Let us be what we are, a peace-loving Nation State of Aloha.

As stakeholders, we understand that you, as Occupier of our lands, limit access to military reservations, stations, posts, training areas, therefore, we are here to ask specific questions and make comments that relate to the claim that the US Army is a good steward of the land it occupies. During the remainder of the current Lease, only up till 2029, here are further questions:

- a. How much does it cost to operate PTA. As we pay taxes, it is important to us to know how and where our taxes go.
- b. How many people does it take to operate PTA?
- c. What are the pay grades of every person on the installation?
- d. What are the nationalities of the persons in each position?
- e. How and in what ways are you being a good steward?

- f. Is there a current map that shows every archaeological, burial, sacred or protected site on PTA? Are any sites marked on the ground? Have any been disturbed, damaged or destroyed?
 - g. How are hazardous materials disposed of?
 - h. Do you have to surge your staff, equipment, supplies, POL or any support services on major exercises that include Allied Forces? If yes, from where do you get the augmentation staff and your procedures for hiring?
 - i. Is there any time in the year when there is no live-firing conducted? If yes, is access allowed for Native Hawaiians to enter the installation to conduct cultural activities? Why are you not removing unexploded ordnance during these down times instead of allowing hazards to accumulate over time? Are heavy metals being located, gathered and removed after each live fire exercise? History, again reminds us of how the US military treated the people of Hawaii when Kahoolawe was released from its terrible abuse and violent destruction.
 - j. Does the lessor, State of Hawaii (DLNR) monitor any activity on the installation such as earth moving, berm repairs, demolition, digging, or major construction involving new target structures and system components? Is there any plan to upgrade the infrastructure?
 - k. When was there a 100% survey of the impact area for depleted uranium? What were the results?
 - l. There is technology available to track each round of artillery and large explosives on impact, thus, confirming detonation. If unexploded, the exact location of the projectile is known for removal or to be detonated in place by your EOD team. If not already available, why are you not developing this capability in order to comply with the Lease specification to clean up after each live-firing training exercise? The excuse that clean-up of any impact and training area after each exercise is not conducted because of UXO is not acceptable.
 - m. Do you keep a record of each instance when foreign troops or weapons are using the training area? The Lease stipulates usage of this land is for US Forces. Who authorized foreign troops and weapons to be used at PTA for training? This is another violation of the lease agreement and along with the other non-compliances constitute grounds to terminate the lease for cause at any time.
 - n. What dust suppression measures have you done to eliminate or minimize the effects of the helicopters and especially the Osprey aircraft? There could be depleted uranium particles in the dust clouds in these flight operations.
 - o. What are your procedures for free access by native Hawaiian practitioners, family member visits to burial sites, hunters, and exercise cleanup monitors into PTA?
- As an interested participant, I want to have the following:
- p. Copy of the proposed renewal Lease Document
 - q. Pictures of the entire Pohakuloa training land as it existed at the beginning of the lease
 - r. Diagrams of the layout of the original installation-to review the historical progression of construction in the cantonment area
 - s. Additional diagrams of each major modification to the original documents up to the present (the total footprint)
 - t. Location of each bivouac area to include ammunition points, fueling points, motor parks, field latrines, mess areas and trash disposal areas on the map
 - u. For each firing point, the type weapon, caliber, number of weapons, number of shells expended and target impact locations on the map
 - v. The same applies to aerial gunnery fires and bombs and missiles impacted on the land
 - w. Each round fired has a potential for wild fires, what is your wild fire plan?
 - x. I would like to have a document outlining every expenditure where steward of the land is conducted to include the 5 W's, who, what, when, where, why.

The intent of these questions are:

1. Bring accountability to the people, not to the bureaucracy and leadership on Oahu. It is the people of Hawaii Island who need to be heard pertaining to their kuleana to malama their Aina, hopefully supported by all Islands.
2. The information that these questions uncover will put a lot of pressure on all those on PTA that the people of Big Island intend to have full transparency and accountability for not only what stewardship has been done, but, more importantly what is not being done both by the user and the Lessors on Oahu.
3. Prepare carefully for the eventual release of PTA lands to avoid the mistakes of Kahoolawe.

Before an EIS is considered, an environmental assessment EA must be conducted to determine if an environmental impact statement is necessary.

Hawaii is in a new environment that was not the case when the original executive order by President Lyndon B Johnson was announced in 1964 and the National Environmental Act (NEPA) was operationalized.

The true history of Hawaii as an independent, neutral state among the international community of Nation States back in 1843 presents information that now questions the presence of United States forces as occupiers of the Kingdom of Hawaii. Additionally, it is a fact that Hawaii was never annexed by the United States. Therefore, the Kingdom of Hawaii, as a sovereign state, although not currently governing its own country, continues to exist as equals among all the International States.

Given that this truth is now common knowledge among the people of Hawaii it constitutes a different environment as that was when Pohakuloa was established as a United States training area.

Hawaii, as a sovereign nation, declared its neutrality within the international order of communities. This neutrality does not allow Hawaii to provide any assistance to belligerents in any war. America is a belligerent in a never-ending war(s) all over this planet and is violating International law which prohibits belligerent nations forces engaged in war to enter into a neutral state territory without disarming. The United States has violated international law since the overthrow in 1893.

With this current knowledge of the true history of the overthrow, any further action by the United States military forces in Hawaii, if not formally requested and approved by the Kingdom of Hawaii government places the current Hawaii State government in complicit with this violation. There has been no formal request nor negotiation with the Hawaiian Kingdom to continue having the presence of United States forces in Hawaii which, if done, would continue violation of international law.

It is paramount that the United States military forces as well as the State of Hawaii governing entity understand the full ramifications of this violation. The improving awareness and knowledge of the Hawaiian people are now to be respected so that appropriate de-occupation of the sovereign Kingdom of Hawaii takes place with grace, pono and aloha.

Given all that is presented above, I respectfully request the following:

1. The lease renewal not be approved beyond 2029.
2. My comments be entered into the public record.
3. The US Army uses the remaining years in the lease to begin preparing the land to be returned to its original state for turnover to the Hawaiian government.
4. The State of Hawaii takes the position not to renew the lease beyond 2029.
5. Acknowledgement to all of the above and a formal response to my requests.

SOFRONIO J. ESTORES
KUPUNA,
US Army, Lieutenant Colonel (Retired)

Jhernie Evangelista

All the way in Waikoloa, the sounds of powerful, asynchronous thunder rocks the earth beneath our feet. What is being done to our sacred earth with these bombs? There is a huge spiritual impact to what is effectively the ownership and manipulation of that land by non local entities. But even beyond that, the disruption is so prevalent for anyone within MILES. It's a stark reminder of injustices around land ownership and the right to self determination. And it's frightening for residents to live through. Something has to be done.

Piikea Everett

Aloha mai kākou,

I am here to state my opposition in regards to the US Army's seeking an extension to a lease for the lands of Pohakuloa. This is coming from many years of mismanagement of these lands on the part of the State of Hawai'i's Department of Land and Natural Resources and the US Army. For the local community living on this island, there has been a lack of transparency from the US Army regarding their training exercises and its impacts on the surrounding land and people. With a long history of mismanagement and lack of aloha 'āina, it is not in the best interest to continue with military training in this area. And it is painful, that the US Army would consider seeking an extension of this lease knowing the hurt that it is causing the 'āina and also the Kanaka Maoli who view this kulāiwi as theirs to protect and maintain for future generations.

Me ka ha'aha'a,
Pi'ikea Everett

Hanalei Fergerstrom,
Authorized Representative of
Kamahuilani Kawanakoa ;
Spokesperson for
Na Kupuna Moku O Keawe

October 12, 2020

ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, Hawaii 96801-3444

**RESPONSE TO SCOPING FOR THE EIS PREPARATION RE:
POHAKULOA MILITARY TRAINING AREA**

DISCLAIMER: THIS RESPONSE IS A MATTER OF NECESSITY, SELF DEFENSE, SELF PRESERVATION, BUT IS NOT INTENDED TO RELINQUISH/DIMINISH ANY RIGHTS, CLAIMS OF THE HAWAIIAN KINGDOM.

Regarding the Misinformation of the Historic Background

- 1) The United States does not have any lawful authority to assert its jurisdiction in the Archipelagic Nation State of the Hawaiian Kingdom.

- 2) The Hawaiian Kingdom is a “**neutral**” Nation State in continuity.

The sources of the international law of neutrality are customary international law and, for certain questions, international treaties, in particular the Paris Declaration of 1856, the 1907 Hague Convention No. V respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, the 1907 Hague Convention No. XIII concerning the Rights and Duties of Neutral Powers in Naval War, the four 1949 Geneva Conventions and Additional Protocol I of 1977.

- 3) There is no Treaty of Annexation between the Hawaiian Kingdom and the United States.
- 4) Lawful Land Title belongs to the Hawaiian Kingdom and is registered with the Bureau of Conveyances. See: Mahele
- 5) The State of Hawaii is a civilian arm of a illegal military occupation and acts in collusion with the United States in the theft, pillaging and engagement of fraudulent conversion of lands belonging to the Hawaiian Kingdom.
- 6) United States Public Law 103-150 also known as the Apology Bill acknowledges the role of the United States in the illegal overthrow of the Hawaiian Kingdom. There are several key “whereas” clauses that directly reflect.

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent [sovereignty](#) as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;

Whereas, the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions;

History of Land Ownership and Use sec. 3.3.1

Note: my comments are identified by using brackets and italics, the rest is as written in your document.

Prior to Statehood, land in the Pohakuloa area was held by the Kingdom of Hawaii. The lands were either Crown or Government lands until 1893, when the Hawaiian Kingdom was overthrown. The successor government [*de facto*], the Republic of Hawaii **ASSUMED OWNERSHIP AND CONTROL OF THESE LANDS.**, When the Republic of Hawaii was annexed as a territory of the U.S. under the joint resolution of annexation, the Republic ceded these lands to the US. [*annexation is accomplished by way of a Treaty of Annexation not by Joint Resolution which is a internal aspiration. For example: the government of another country cannot simply annex a foreign county by an resolution...for that to be true... than any country could simply by resolution annex the United States*] The U.S. **accepted ownership** of the lands in fee simple. [*this acceptance of ownership of the land is tantamount to the acceptance of stolen property*] These lands are referred to as ceded lands.

...On August 21, 1959, Hawaii was admitted into the union and ceded lands were transferred to the newly created state, subject to the **TRUST** provisions in section 5 of the "Admissions Act"

REGARDING THE CEDED LANDS TRUST PROVISIONS OF THE ADMISSION ACT

Under the trust provisions of the Ceded Lands (5f), there are five identified beneficiaries. 1) Support of Public Schools and Institutions 2) betterment of conditions of Native Hawaiians 3) Development of farm and home ownership 4) making of public improvements 5) Provisions of land for public use

There are two fundamentals of a trust. 1) Protection of the trust corpus 2) The trustee cannot become the beneficiary.

So when discussing the properties of Pohakuloa it is clear that those lands are part of the ceded lands so they are not the property of the State of Hawaii, but rather they are properties held in trust by the State of Hawaii. It is important to make the distinction between what is 'STATE OWNED" lands and CEDED Lands held in Trust by the State as ceded lands come with Trust provisions. There is no provision that allows for Military Use and the destruction of lands held in Trust.

REGARDING THE ENVIRONMENTAL IMPACT STATEMENT

As the Hawaiians are intrinsically tied to the land (Apology Bill PL 103-150) it is reasonable to equate Hawaiians to the natural world, i.e. the environment. Therefore the impact on the Hawaiian people should be an integral part of this and every Environmental Impact Statement.

There are many obstructions/obstacles to the ability to do a complete Environmental Impact Statement. The Pohakuloa area is completely controlled by the US military. As such, the public does not have open access to these areas to even do a complete survey of the lands. Having contacted the Counsel of Historic Preservation to question our ability to survey these lands, we were told that a

complete survey may in fact not be able to be completed because the Military has said that there were too many potential hazards like unexploded ordnance and residue from previously used weapons and munitions like Depleted Uranium used in the Davy Crockett spotting rounds. Bazooka firing ranges, canon firing ranges.

Problematic to this is the fact that the Army has not complied with some of the provisions of their lease that have not been adhered to like the cleanups after every major exercise. This problem of non adherence has recently led to a suit against the STATE DLNR for not tending to the lease agreement between the State and the ARMY. The Plaintiff's prevailed, with the court stating that DLNR was in Breach of Trust citing the failure of the DLNR to adhere to the principles of "Malama Aina" when it came to insuring that the ARMY was in compliance with the provisions of the lease regarding clean-up's after every training exercise.

This intended complete Environmental Impact Statement is centered around the Leased Lands at Pohakuloa containing approximately 23,000 acres of land. Yet the entire PTA acreage is approximately 132,000 acres. With even the 23,000 acres of the leased lands not fully accessible, there is this overlying picture of US Military Control of the entire basin between the Volcanic mountains of Mauna Kea, Mauna Loa and Hualalai. Outside of the 23,000 acres under this lease are lands claimed to be US Government owned. By doing research on those properties claimed to be owned by the US Government, we find that most of those lands were attained through Presidential and Gubernatorial executive orders, but all those executive orders are predicated upon the illegal annexation of Hawaii and subsequent Statehood Act.

Religious and Cultural Attributes

The entire area referred to as the basin, or the saddle. The lands between the Volcanic Mountains of Mauna Kea, Mauna Loa, and Hualalai, is of extraordinary importance to the Culture and Religion. To help in understanding we must begin with the location: The AHUPUAA of KAOHE is the largest Ahupuaa in Hawaii. It begins in the District of Hamakua, stretches across Mauna Kea and encumbers all of the lands between Mauna Kea, Mauna Loa and Hualalai. KAOHE refers to the Bamboo but has the kauna of the ability to hold water. Kaohe connects to the upper watershed areas of Kona, Kau, Puu Anahulu, South Kohala, Hamakua, and Hilo.

From the area between Mauna Loa and Hualalai is the very sacred trail of our legendary warrior known as UMI A LILOA. This trail comes up from Kona thru the pass between Mauna Loa and Hualalai goes across Pohakuloa then up Mauna Kea over to Hamakua.

From my own eye, I view Mauna Kea as the Male and Mauna Loa as the female. The area between the mountains to be the birthing channel. It is very sacred to me.

FACTORS OF CONCLUSIONS

THE UNITED STATES HAS NO LAWFUL AUTHORITY TO ASSERT ITS JURISDICTION IN THE HAWAIIAN KINGDOM.

THE UNITED STATES GAVE MILITARY AND DIPLOMATIC SUPPORT TO THOSE ENGAGED IN THE ILLEGAL OVERTHROW OF THE HAWAIIAN KINGDOM

THE LANDS OF THE HAWAIIAN KINGDOM GOVERNMENT AND CROWN WERE ASSUMED BY THE REPUBLIC OF HAWAII, WHILE THE TITLE TO THOSE LANDS REMAIN IN THE HAWAIIAN KINGDOM AND ARE REGISTERED IN THE BUREAU OF CONVEYANCES.

THERE WAS AN ILLEGAL ANNEXATION OF THE REPUBLIC OF HAWAII WHOM WERE NOT THE TITLE HOLDERS OF THE LANDS

THE ANNEXATION WAS DONE BY JOINT RESOLUTION AND WAS MADE WITH THE REPUBLIC OF HAWAII.

THERE IS NO TREATY OF ANNEXATION BETWEEN THE HAWAIIAN KINGDOM OR EVEN THE REPUBLIC OF HAWAII

THE LANDS CEDED TO THE UNITED STATE BY THE REPUBLIC OF HAWAII WERE THE SEIZED PROPERTY OF THE HAWAIIAN KINGDOM GOVERNMENT AND CROWN.

THROUGH THE ADMISSION ACT, THE CEDED LANDS WERE TO BE HELD IN TRUST BY THE STATE OF HAWAII

THE LEASED LANDS OF POHAKULOA ARE PART OF THE CEDED LANDS UNDER TRUST PROVISIONS AND NOT STATE OWNED LANDS

THE LAND CLASSIFICATION OF POHAKULOA IS CLASSIFIED AS CONSERVATION LAND

THE VERY PRESENCE OF THE US MILITARY IN HAWAII IS A VIOLATION OF INTERNATIONAL LAWS REGARDING "NEUTRALITY"

DATED THIS DAY: OCTOBER 14, 2020

// HANAIEI FERGERSTROM

4 classifications are urban, rural, agricultural and conservation. That land leased to the army are designated to be conservation land by the state. How can you designate it conservation land if you are going up and destroying it?

Keaaumoku recently purchased, Pohakuloa is leased land.

Govt owned impact zone by executive orders obtained land based on a treaty of annexation. You can't make something right if it starts off wrong.

Pg 3-7 History of land ownership and use – acknowledges “prior to statehood...1893 when the Hawaiian. Overthrown....1898 annexed...referred to as the ceded lands.

There are many misstatements here...3.3.1 history of land ownership and use
The republic of Hawaii assumed ownership and control of these lands (pg 3-7)

Hazardous toxic materials and waste – it is hard to address this eis when all your documentation refers to acts that were already internationally illegal yet you continued to

In investigating how these other so-called US govt properties surrounding the pohakuloa area came into the hands of the US we find that these lands were attributed to presidential and gubernatorial executive orders. These executive

orders all established their authority and presence relating to the treaty of annexation that never happened. Therefore, all executive actions and orders have been are continue to be based on the fact that there was a legal annexation of Hawaii or a treaty of annexation but rather is was through a republic of Hawaii who did no town the land and the U.S. which again is part of the violations of international laws according to the laws of nations.

The very presence of military in the Hawaiian kingdom is in violation of international laws regarding nations in neutrality.

With all this continuous mention of “state owned lands” of which the state does NOT own the lands, the lands are

Act of necessity – self defense and self preservation

UMI A LILOA trail declaration of sacredness

Rico Ferrari

NO TO ANYMORE UNITED STATES OF AMERICA OCCUPATION OR USE OF HAWAIIAN HOME LANDS. MAHALO

Joe Ferraro

Our family lives within Manoa Valley on the the Island of Oahu. We have been experiencing low flying helicopter flights during the pre-dawn hours, daytime and also as late as 9:00 PM. The flights are not only disturbing our peaceful hours but are a potential threat to our population should there be an unfortunate accident. Some of us have contacted the FAA to complain but they responded they have no authority in directing DOD flights. As a former private pilot, I find that hard to believe. I request that the DOD and the FAA coordinate all of these flights at the perimeter of the island over the water similar to Private and Commercial airline traffic.

Thank you

Kristen Ferrer

The fact that the United States military illegally overthrew the Hawaiian Kingdom in 1893, has continued their illegal presence on these lands that are not theirs to this day, and in addition to that have the audacity to conduct trainings on sacred land is insane. I am not Native Hawaiian and I feel very strongly that the military presence on sacred land, and Hawai'i in general, should not be here. How could you ever argue that war games, bombing live ammo, and war trainings are beneficial to sacred land? The land should be cared for and stewarded by Native Hawaiians and have absolutely no ties to the army. Please do what is right and remove your presence from at least Pōhakuloa. That is the very least you as the United States Army can do for these islands.

John Ferry

I'm a veteran of the regular Army (580th Signal 1967-70, Long Binh 1968-69) and two of my sons went career; one was stationed on Oahu and, due to his MOS, was a part of the annual ordinance clean-up on Hawaii. Although I readily acknowledge the history and the use of this land, I join many who are calling for the sunset of this operation; this area should be retired and restored, like the crater and the island off Maui. While it may be helpful to have an area like this in the state, it's really neither necessary nor a proper use of those lands anymore, especially given the history of Hawaii and the need to lessen the environmental impact on places that are also sacred to indigenous and other concerned citizens.

From: Kevin Fray
Sent: Wednesday, October 14, 2020 8:34 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] lease renewal

I live near Hilo. I don't want the army to renew their lease. Sure, lease renewal could make the army more powerful; though I doubt it'd make the world more resilient. Trying to force control over things is no longer improving modern civilization. Power corrupts. People behave as reasonably as they're allowed to. I hope we can all encourage people to plant food trees and hunt animals on the land, to live with the land, rather than exploit the land and use it to control other land.

CharlesEisenstein.org

Antoinette Freitas

The following are my comments on the EIS.

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully report on the extent to which 1) the Army has complied with this lease provision, 2) include a thorough investigation of the entire area and 3) determine any environmental impacts or potential impacts of any military debris including unexploded ordnances on the land that the Army has been using.
2. The EIS must address the following cleanup activities at the former bazooka range; 1) report on the status of the cleanup, 2) examine and report on the level of cleanup, 3) address the if it is safe to enter; and 4) report on the amount and composition of waste collected and where was it disposed.
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS must inventory of the historic sites in the area, including the cultural significance of Pohakuloa, and determine the degree of damage or salvage among sites while the Army has used these lands.
5. The Army must report on the full range of alternatives available to these lands including the restoration of these lands to the condition that they were in prior to the Army's use as well as a full discussion of the process by which these ceded lands can be returned to Department of Land and Natural Resources or any other appropriate state or local agency for proper care and management.

Sincerely,
Antoinette Freitas, PhD

David Fuertes

Constant Training Is a must to keep our homeland secured. Can you imagine a person not driving a vehicle for 10 years , then have him drive in a city . His spacial concept need reconfiguration and adjustment . Now picture and enemy missile attacking Hawaii? Without training , our chances of protection is slim. We need PTA.

Don Fujimoto

I fully support the lease renewal.

Our military services absolutely need this training area to maintain their level of readiness. It is perfectly located, far from residential neighborhoods so the noise, dust and smoke are isolated from residents.

The military has worked hard to be a good citizen:

- Military personnel and equipment help fight the wildfires that plague our area.
- Public service announcements let us know when convoys and exercises are planned.
- Allowing hunters to harvest birds and mammals when the lands are not being used for training provides recreation and a subsistence food resource for our community.

Jhonele Gambill

Born and raised in Hawaii and currently living in Waikoloa Village I am appalled by the current bombing going on which seems to be right outside my door. As stated above "born and raised in Hawaii" I have never experienced this sort of bombing!! It sounds like people are running in my roof and shaking the entirety of my cement slab home. Not only the continuous bombing all week, but the hours ... 10pm and we're still feeling it? 8am on a Sunday and we're awoken by bombs again?? I understand that it's training going on that's necessary but the impact that the island is feeling? Do they need to have such force with practice bombs? Also a helicopter flying so late at night and so close to our homes? What's the purpose of that? We live in paradise and pay a pretty price for it too but this current session of bombing is very disturbing to my home and I can only imagine what it's doing to the land!! How can that be right? I hope this doesn't fall upon deaf ears and something can be done about this in the future that benefits everyone!!

Antonio Gaspar

Allow unlimited users.

Michael Gast

Please ensure...

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

Carl Geise

I would like to comment that the Pohakuloa training area lease should not be renewed and shut down for military use. The military has been ordered for years to clean up all of their rubbish of bombs and casings and they have never done it. The fallout from what they do at Pohakuloa can be measured as far as Kona, which is poison. Toxic for our watershed, plants, animals and people. Sometimes I stay in Puna near volcano and can hear the sound of bombs. If it is frightening for me I can only imagine how it affects native birds. In addition, the reality is it is seceded lands and does not belong to the State, it belongs to the kanaka maoli, the the Hawaiians.

Robert Gerard

In my latest email notification of ongoing training at PTA, it states "On behalf of Lieutenant Colonel JR Borce, Commander of Pohakuloa Training Area, and Command Sergeant Major Will Gray, along with the entire PTA staff, thank you again, for your continued support, patience and understanding." Frankly, my continued support, patience and understanding of the use of live ordinance that can be heard in Waikoloa Village at 11:30pm and 5:30am are at an end! I can't think of any real justification for this at those hours of the day. Try being considerate neighbors.

From: Ezekiel Giddens
Sent: Friday, September 25, 2020 10:35 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: Piikea Everett
Subject: [Non-DoD Source] Pōhakuloa lease

Aloha,

I am Ezekiel Giddens, a Hawaiian that wants to speak about your lease at Pōhakuloa and my stance on it. I am here to state my opposition to the U.S. Army's attempt to seek a continuation of their lease for Pōhakuloa for military use. I oppose your guy's extension of this lease because you broke your promises and words. You are not taking care of the Hawaiian land you guys are working on. There are unexplained ordinances on the campsite, broken cars, and an unexplained amount of trash on the land the army promised to take care of and clean. I care about this issue because not only are you breaking your promises that you made on the lease papers and hurting the land but because you guys have done this with many of your other bases and camps on the Hawaiian islands it's becoming notorious for the military bases to neglect the land they are given. I just want the Army to keep their promises, I am fine with them using this land to the full extent just if they clean up and take care of the land. I just want the land to come first on their priorities because it is always the priority for the Hawaiian people. I do not oppose the military using our land, I just oppose what they are doing to it. Leaving rubbish around the camps, oil spills into our oceans, and gas leaks. These are all things that should not be happening. I just would like the army to keep their promises and Malama the 'āina.

Mahalo,

Ezekiel Giddens

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Marcia Goldman-Manker

I am the Big Island staff person for Girl Scouts of Hawaii. Our Camp Kilohana abuts the Pohakuloa Training Area. As you know, this is a remote area subject to weather events, brush fires and occasionally vagrants that trespass. The team stationed at PTA has been an enormous help to the Girl Scout organization on this island. They have volunteered to help keep our property maintained by keeping grass and other materials that pose a risk of fire cleared and under control. They have further kept an eye on the property and let us know if they see or suspect suspicious activity. They were an enormous help in replacing a section of cabin roof that was destroyed when a branch blew down and fell through the roof, as well as assisting in the removal of a large tree that was blown over and obstructed the entry to our camp. But beyond that, having them as neighbors provides a sense of security when troops, girls and other groups stay at the camp. Service to community is one of the lessons that we try to instill in Girl Scouts and seeing the example set by the people at PTA puts a face to the concept of community service.

David B. Gomes

As a Retired Navy Veteran SPCO (Korea and VietNam eras), I do not wish to see the Military pushed out of Pohakuloa.

1. Pohakuloa is now at a relatively isolated location miles from the nearest city. It is ideal for training in the manner that it is being used, especially since most locations on Oahu and other islands have encroaching housing and subdivisions. I do however agree with the activists that DU (deteriorated uranium) ammunitions should not be used. In the event of future wars (which I pray never happen) this isolated forward area will be desperately needed for troop training.

2. During WWII the area between Waimea and Waikoloa was used as a training ground for US troops. The clean up of ordnance from these areas have cost billions of dollars as expanding subdivisions have encroached on them.

3. The military has in numerous situations been pushed out of areas which were once isolated locations. I was stationed at Moffett Field near San Jose when a jet plane crashed into a apartment building that had been built under the glide path of the airstrip. All jet training squadrons were immediately banned from the base.

4. The Chinese CCP (Chinese Communist Party) is becoming aggressive, verbally attacking its neighbors on all sides including Russia by claiming areas of the South China Sea which have historically belonged to VietNam, the Philippines, Indonesia, and Japan including threats to forcibly take over Taiwan which was NEVER a part of Communist China. I was aboard the USS Lexington in 1956 when China shelled Taiwan and we put a stop to it. Later in the late '60s my XO suggested that we all start learning Mandarin because China would be the new world power.

5. The CCP has over the past 20 years constructed numerous islands in the South China Sea on what were only reefs in order to solidify their claims and while they originally said that they were for commercial use, they have turned them into essentially forward military air bases.

6. The CCP is using the excuse that thousands of years ago all these areas were owned by the Chinese dynasties. However the CCP fails to note that the CCP is NOT China. They have only been the rulers of the country since their takeover in 1949 by murdering millions of Chinese citizens that disagreed with their theology. Yes, CCP Communism is a theology, in that they demand that only their leaders can be worshiped and are persecuting and eliminating all other religious beliefs

6. Previous US administrations have assisted the CCP in joining the UN, the World Trade Organization and the World Health Organizations. Since then, the CCP with the help of Russia and other Communist run countries have subverted these organizations into virtual mouth pieces on their behalf.

7. President Trump is the first US President in more than 40 years that has recognized that China has been stealing our technology and subverting our students in schools and universities. The Corona Virus outbreak has awakened many in Congress and the World of the danger of the CCP

aggression.

8. As a result the Navy has moved up to 60% of its ships into the Pacific and the US has joined a agreement with the Philippines, Australia, India, and Taiwan to push back against this aggression. Indonesia is considering joining this alliance because they too are realizing that China has essentially invaded their islands and other Island Nations using their One Belt, One Road Initiative and their Debt Trap diplomacy.

Sincerely,

David B. Gomes SCPO Retired

D.A. Haliimaile Goo

Is it any wonder that Native Hawaiians and others who have aloha for these islands, are angry and frustrated at actions taken by the State and agencies such as DLNR? You are negligent in managing and enforcing agreements that are clearly disrespectful of Hawaii and her people.

Do not extend the ridiculous \$1 Lease at Pohakuloa and do your job to manage and enforce the lease you already have. I have absolutely no faith in the State and DLNR to manage our Public Trust Lands with the respect and care it deserves. Auwe!

Brian Goodyear

I am writing to express my opposition to any move to extend the lease at the Pohakuloa Training Area. The State of Hawaii basically gave this land away for a period of 65 years. The use of the land as a military training area has resulted in significant damage to the natural environment and Hawaiian cultural sites, while the community has received no benefits from the use of the land. It is time to return this land to the people of Hawaii.

Mark Gordon

Aloha

Just wanted to share some comments for the need for allowing the military to continue training at US Army Garrison, Pohakuloa (PTA), Hawaii Island:

- PTA is the only training area in the Pacific region where the Marines and Army can complete all mission essential tasks. Although the military does train on installations on Oahu and some other Islands, the only installation in Hawaii that can accommodate larger than company-sized units (i.e., battalion and brigade) for live-fire and maneuver exercises is PTA. This type of large-scale training ultimately prevents injuries and saves soldiers' lives when they are deployed to the battlefield.
- PTA is critical to ensure that our military is trained prior to deployment to other areas worldwide
- PTA has also been used in military training exercises with other ally countries
- PTA is the only such military training area in the Pacific Region
- As a regular volunteer of the USO-PTA, I many times visit with the soldiers. They are a very committed group and appreciate the area to train prior to deployment
- PTA is geographically in the center of Hawaii Island with little negative effect on the public, other than convoys. However, convoy times on public roads are coordinated to reduce, as much as possible negative effects on traffic
- The project to expand Saddle Road to Queen Ka'ahumanu Highway will allow military vehicles to utilize Saddle versus Waikoloa road, which is currently being done
- Since the military vehicles do utilize Saddle Road often, some Federal funds can be utilized in the expansion.
- Having lived in Waikoloa Village on Hawaii Island for over 6 years, we have not noticed any noise issues when soldiers are training the area
- Military aircraft avoids as much as possible flying over residential areas
- During military deployment to PTA, soldiers have assisted the community in helping build a new park in Kamuela; helped with food drives, etc.
- As a safety engineer and being on PTA as a USO volunteer, I feel that training exercises are done in areas that are not harmful to humans, plants or animals. In addition, training is done in areas of the facility with very low probability of fires occurring. The military work jointly during training exercises with the onsite PTA Fire Department.
- Staff from PTA has been helpful in emergency rescues around Saddle Road and other areas
- Waikoloa Village had the great assistance of PTA requesting and obtaining fire fighting aircraft and other equipment in the recent wildfire which almost approached Waikoloa Village properties, homes and other areas
- As former chair of the Waikoloa Village Firewise Committee, we have had many public information forums where the Lt Colonel of PTA, the PTA Fire Chief, along with HFD and other agencies have actively participated.

Thank you for allowing me to share my comments and observations of why continuing the lease with PTA is necessary

Mark Gordon,
Waikoloa HI.

From: Donna Grabow
Sent: Wednesday, September 16, 2020 9:12 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Pohakuloa Training Area, lease expires 2029

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Aloha

I am one of thousands of citizens who lives near the huge section of land leased by Pohakuloa Training Area.

It is had to imagine how the toxins in the land can be 'cleaned up', while PTA continues to test new weaponry of the Military Indu\$trial Complex.

RIMPAC must end also. It allows for foreign and domestic weaponry to be tested in the oceans and lands of Hawai'i.

For the sake of humanity and for all life on earth, these endless wars and war-profiteering must come to an end.

We all know that the decisions to wage endless wars, comes from order from the high above: from infiltration of personel within the Pentagon (Cabal, Shadow Government, Deep State, whatever).

~~~~~

As you know, a movement of young Hawaiians started 1970s, 1980s and 1990. They never gave up fights in

environmental courts, until they were able to stop the bombing of Kaho'olawe island.

All the lands at Pohakuloa should be cleaned up by the US military and returned to the Hawaiian people.

An important step in this process of de-militarizing Pohakuloa and Hawaii is to stop the PTA lease extension. These lands by executive order were turned over to the US military without any compensation. More recently, in the early 2000s, an additional 23,000 acres of land near Waiki'i Ranch was purchased by the military from Parker Ranch.

Pohakuloa: Now that you know. Do you care? Take action at [kamakakoi.com](http://kamakakoi.com) < Caution-  
<https://vimeo.com/63867248> >



< Caution-<https://vimeo.com/63867248> >  
Mahalo for listening.

Sincerely,  
Donna Grabow  
Hilo, Hawai'i

. Caution-<https://home.army.mil/hawaii/index.php/ptaeis/project-home> < Caution-  
<https://home.army.mil/hawaii/index.php/ptaeis/project-home> >

: Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i < Caution-  
<https://www.federalregister.gov/documents/2020/09/04/2020-19620/environmental-impact-statement-for-army-training-land-retention-at-phakuloa-training-area-in-hawaii> >

## The Military Needs to Malama Aina – clean up it's mess!



< Caution-<https://www.federalregister.gov/documents/2020/09/04/2020-19620/environmental-impact-statement-for-army-training-land-retention-at-phakuloa-training-area-in-hawaii> >

## Linda Green

No renewal of the lease of Hawai'i land to the military. This land is ours and it is being desecrated by the maneuvers that the military is using it for. Sacred sites are being destroyed. No renewal of the lease.

## Patricia Greene

As the daughter of an Army man whom was Stationed in Hawaii during PEARL HARBOR, but I know of Truths that went on at POHAKULOA first hand. He Served and Stayed at Not only Schofield but Pohakuloa, and Green Valley- Punalu'u where he was the Last Man Out. He was Under the Command of Colonel KUPAU.

I Know of TOO MANY BAD ACTS OF LONG ONGOING DESTRUCTION AND DANGERS FROM POHAKULOA. He Still Lives and is Very Competent in FACTS OF THOSE AWFUL THINGS THAT HAPPENED THERE & ELSEWHERE.

## William Greentree

I would speak against the renewal of any lease or otherwise authorizing the continued use of what has become known as the Pohakuloa Training Area. As a resident of a nearby portion of this training not subject to the lease of state land, I can testify to the continued abuse of its neighbors and the military's inability to act as a good neighbor.

The Waiki`i Ranch a residential community area bordering on the Keamuku tract is subject to overflights below FAA mandated minimum safe altitudes, including flights along our roads by Blackhawk helicopters at less than Eucalyptus tree top elevation, overflight by C-17 and V-22 aircraft and have been subjected to routine shaking of our houses, loud explosion, as well as door and window rattling when the nearby areas are conducting live fire exercises. This occurs well after 10 o'clock at night and before 7 in the morning.

In addition, the military has been negligent in maintaining the area bordering Waiki`i Ranch so as to help minimize wildfire threats.

If this is what they do in an area where they can be monitored, what are they doing in fragile lands far from anyone's eyes?

Do not accept the continual assault on Hawaii's land and its residents.

## Renate Gregory

Extension of the Army's lease at Pohakuloa should not be considered, since it facilitates extreme environmental harm by occupying forces.

## Kaiki Gunderson-Cook

Aloha,

I am a resident of Waimea, writing because I'm disturbed by the amount of loud "booms" I've been hearing and feeling this past week coming from Pohakuloa. Not only does it bother me but my animals as well. To hear and feel the bombing both day and night is ridiculous. Please stop.

Mahalo,  
Kaiki Gunderson-Cook

## Richard Hamasaki

I fully agree with U.S. Army Colonel Amy Wright (retired) that the State should terminate the U.S. Army's lease on land at Pōhakuloa. In Colonel Wright's own words, the U.S. Army ". . . has damaged native ecosystems, left unexploded ordinance, depleted uranium and other contaminants, and harmed Native Hawaiian cultural sites" (10/12/20). Ongoing destruction in the name of "training" needs to end now, and the U.S. Army must actively and responsibly rethink its 21st Century obligations to the environment, its indigenous and local communities, and the future of your own military dependents in this rapidly changing world. Preparedness is essential, but training in such a destructive manner and presence is and will always be unacceptable. Now is the time to mindfully and graciously prepare to be evicted, or, even better, to remove yourselves sagaciously from this sacred and precious 'Āina.

**From:** Gary Harrold  
**Sent:** Tuesday, September 22, 2020 8:41 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] NO Army lease extension

**NO to Army PTA Lease Extension!**

Your live fire and bombing is destroying our sacred land. Violence, wars, bombs, tanks – none as ever resulted in peace, more ethical, moral governments, native people, the economy, human health and a more humane education for children. As a 75 y o retired CA teacher I know: the US military never promotes well being for both the environment and people of all ages. Just think of all the oceans and lands of the world you have helped contaminate with toxics. By products from RIMPAC have depleted and rendered unclean our once pristine marine life, both near Hawaii and beyond. Kindly reply.

**G a r y   H A R R O L D**



**From:** Kimo Po’o  
**Sent:** Tuesday, October 13, 2020 4:04 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Army Training Land Retention at Pôhakuloa Training Area Environmental Impact Statement (EIS)

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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I tried to submit the following on the USAGHI Project Home Website, but the link appeared broken. I am sending both my comments along with my contact information.

\*\*\*\*\*

I wish to comment on the Army Training Land Retention for the Pôhakuloa Training Area (PTA) Environmental Impact Statement.

I have lived and worked in Hawai‘i since 1990. During that time, I inventoried and mitigated impacts at prehistoric and historic cultural resources on O‘ahu, Maui, Moloka‘i, Hawai‘i Island, Kaho‘olawe, and Pôhakuloa Training Area. From 2003 until retirement in 2018, I worked at PTA.

The military began using the area for live fire exercises in 1943 during World War II. Parker Ranch leased thousands of acres for training of troops billeted at Camp Tarawa near Waimea. PTA began with barracks construction of prefabricated buildings in April 1955 (*Wikipedia* “Pohakuloa Training Area,” last modified July 7, 2020). This reference indicates training activities at PTA may have begun as early as the 1940s, but assuredly by the late 1950s.

At PTA, we began an inventory to locate short-term recent military features (RMF) within the training areas. These small ephemeral features often consisted of rifle or shotgun cartridges, military food debris, communication wires, and other materials found in association with stacked rock walls and other defensive positions like foxholes. Dates on early rifle cartridges support training activities from the 1950s.

Inventory of these locations typically consisted of a short description, measurements taken on compass directions, and geographical positioning system (GPS) points. These data were utilized to construct a map showing the distribution of the military features across PTA.

It is recommended this, or similar methodology be incorporated into the Archaeological Inventory Survey (AIS) for this project. Given the parcel’s location on the southern slopes of Mauna Kea, recent military training features (including those from the 1940s and 1950s) are probable. The locations require documentation to determine age and number of historic and recent features. These data could quantify military impacts, facilitate inspections, and provide a baseline for future monitoring. It is likely that some features represent older prehistoric or ranching construction re-used by military training activities. Each feature should be examined for materials suggesting cultural affiliation. Marine shell or basalt tools could be found at older sites,

with dated rifle cartridges and other later materials present at military features. Features used by both groups should exhibit a range of materials.

If military features are not located, examined, and recorded, the archaeological survey will not be complete.

**Reference Cited:**

Wikipedia contributors, "Pohakuloa Training Area," *Wikipedia, The Free Encyclopedia*.  
Caution-[https://en.wikipedia.org/wiki/Pohakuloa\\_Training\\_Area#See\\_also](https://en.wikipedia.org/wiki/Pohakuloa_Training_Area#See_also) < Caution-  
[https://en.wikipedia.org/wiki/Pohakuloa\\_Training\\_Area%23See\\_also](https://en.wikipedia.org/wiki/Pohakuloa_Training_Area%23See_also) > (accessed October 13, 2020).

\*\*\*\*\*

\*

Name: James Head

Organization: Individual

City: Volcano

State: Hawaii

Zip: 96785

Country: USA

## Brittney Hedlund

I would like to submit testimony in opposition of the continued use of Pohakuloa by the United States American Military based on the following: The improper use of this sacred land has been a tiresome and destructive act. The improper disposal of depleted uranium has disrupted access to fresh water aquifers beneath Mauna Kea. It defies logic that a multi-billion dollar federally funded military industrial complex has only spent \$1 a year for the past 50 years to the "state" of Hawai'i in order to destroy almost all natural flora and fauna (native and endemic), introduce invasive species, and disrupt iwi kkpuna has been devastating. In addition to the horror of having to drive through the land and hear live ammunition rounds as routine in our daily lives is not okay and should never have been deemed as acceptable. I would further assert that the use of this land has only emboldened the implementation of the U.S. government through militarization on other sovereign lands. As a kanaka who is living under the oppression of American imperialism I wholly detest these sort of actions by a government and would like to see the demilitarization of Hawaii by the U.S. government.

**From:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
<usarmy.wheeler.id-pacific.mbx.nepa-comments1@mail.mil>  
**Sent:** Thursday, September 17, 2020 10:29 AM  
**To:** Wahl, Gregory T CIV USARMY USAG (USA)  
**Subject:** FW: [Non-DoD Source] Public Comment (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Is this one early?

-----Original Message-----

From: Joan Heller [joan.heller@army.mil](mailto:joan.heller@army.mil)  
Sent: Wednesday, September 16, 2020 4:57 PM  
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
<[usarmy.wheeler.id-pacific.mbx.nepa-comments1@mail.mil](mailto:usarmy.wheeler.id-pacific.mbx.nepa-comments1@mail.mil)>  
Subject: [Non-DoD Source] Public Comment

To Army Staff,

From a Hawaii resident, a NO to Army PTA Lease Extension!

Redirect federal tax dollars for COVID-19 funding, or Veterans assistance or  
to worker unemployment budgets,

NOT FOR THE WAR-FARE INDUSTRY!!!

STOP ALL FUNDING FOR BOMB TESTING, TRAINING OR APPLICATIONS NOW!!!!

Try to temper your egos and bring down the excessive costs of military  
spending.help build communities not destroy them!!!

Joan Heller

CLASSIFICATION: UNCLASSIFIED

# Linnea Heu

To Whom It May Concern:

My name is Linnea Heu. I am native Hawaiian, my family has been in Hawai'i for generations, I have been born and raised here and currently reside in Hilo. I have a vested interest in the findings of this EIS as it directly impacts myself and my community.

Thank you for the opportunity (afforded by law) to provide comments during this scoping period. When looking at "impact," I highly urge you to consider that this area of Pohakuloa is fairly young (in geologic time) and still in the process of natural succession. This means that while the area can be characterized as "barren," that is a function of the successional age of this landscape and current land use. To be clear, further use and development of this area is a detriment to the environment, as it is preventing the succession of what should be native shrubland and forest. Subsequently, the ecosystem services of said future native landscape will be lost if this lease is extended.

Additionally, extensive research of existing literature on Hawaiian ecosystems will reveal their highly interconnected nature. This is a result of the unique evolutionary history of our islands and native species. I ask that, in your analysis of potential impacts to Pohakuloa, you not compartmentalize the aspects of this impact and rather that you consider the effect that harming or eliminating one of these interconnected pieces can have on the ecosystem as a whole. Furthermore, effects of the activities within the State-owned portion of Pohakuloa Training Area are not confined to PTA, and may have far-reaching impacts (both geographically and temporally) on both State and Federal lands held in public trust.

The following are issues of particular concern:

- 1) impacts to endangered Hawaiian species, including the palila (*Loxioides bailleui*), a species whose historical range is bisected by PTA
- 2) how continued live fire training, enabled by lease of State lands, will impact the aquifer and existing groundwater resources
- 3) the poor track record of U.S. military use and destruction of land in Hawai'i (reference Kaho'olawe and Makua Valley and the recent Hawai'i Supreme Court ruling in Clarence Ching and Mary Maxine Kahaulelio, vs. Suzanne Case (DLNR)) and failure to properly steward and restore said lands

Thank you for your time and consideration.

Sincerely,  
Linnea Heu

## Rebecca Hightower

I'm strongly opposed to the continued use of this area for a military training ground. Please cease and desist any further exercises. Do not renew the lease. Enough of the war games. Time to think about humanity, environment and ecological impact. And clean up your mess

**From:** Jennifer Ho  
**Sent:** Wednesday, October 14, 2020 10:18 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] no extension of a lease at Pohakuloa

I appreciate that you are studying the impact of extending your lease on Pohakuloa. The consequence of preparing for war or practicing for military engagement anywhere on Earth seems obvious. There is no rehearsal for war that doesn't make war on the environment. The side effects of preparing for war, the extractive industry involved and the production of weapons means civilians have to deal with the remains. Whether downstream of a river, downwind from a factory or after combat, picking up pieces in a foreign field where death waits for the innocent. War is criminal and is not the way to solve human problems. Military solutions, including the mindset that ignores rape, accidental or intentional civilian casualties are problems, so I can in no way endorse that the lease continue for our military at Pohakuloa.

However there is a place for the military because of the good things that being in the military accomplishes: Working together as a team and becoming physically stronger. Creating bonds of belonging, a membership in something greater than oneself, believing that one's actions are for an ideal. Those are powerful, important achievements. Not to mention punctuality and grooming which is seen in most of your past members.

Our military can redefine its purpose. Use your teamwork skills against real enemies such as invasive plants, animals or insects that harm ecosystems and food resources. You would be the heros that effectively improve forest health, decreasing fire risk. Choose something that you would do for love without pay because you believe in it, even if you are paid. Don't rehearse for war which we then take to foreign soil, often to prop up a rejaim, against the citizenry of that nation. Following the money we discover it was at the behest of an industry with leverage in our politics. That can't be what you thought risking your life and if you believe we have one, your soul was worth.

Most sincerely, Jennifer Ho

--

## Tamlyn Hunt

Many, including myself, a former Army 13B who used to train at PTA in the early 1990s, are opposed to the Army's extension of this lease because of the vast and unmitigated environmental and social impacts that PTA causes for the Big Island and native Hawaiians more generally. The Kia'i Aina (Protectors) movement has rightly been extending its vision beyond the TMT struggle on top of Mauna Kea to the substantially more damaging impacts from the U.S. military's activities at PTA. It is time for Uncle Sam to look elsewhere to play its war games. They're not welcomed any more on the Big Island.

I recommend the no action alternative and that the U.S. military willingly relinquish its activities at PTA once the current lease ends in 2029.

<https://www.civilbeat.org/2019/12/mauna-kea-protectors-please-turn-your-gaze-to-pohakuloa/>

# Charley Ice

Please see attachment

## **Pohakuloa EIS Scoping**

### *Cultural impact statement*

Cultural impact is not merely protection of artifacts. That perspective belongs to a culture limited to “object consciousness”, incapable of awareness beyond ego. It is unable to grasp why objects are part of living cultural consciousness beyond ego. Cultural sites are a reservoir of cultural significance to living culture, wherever people live, and should be accessible for the proper functioning of the living culture. Denying access is either an ignorant or a deliberate attempt to weaken a culture.

Many cultural sites have been identified outside the impact area, with the implication that many more would be found within the impact area. The proposed Environmental Impact Statement must do a thorough survey of the impact area to identify all cultural sites and mark them for avoidance of further disturbance, the survey to be preferably performed by or at least provided to the State Historic Sites Division. An analysis must be done to identify sites already disturbed, the requirements for and an implementation plan schedule for restoration or repatriation. Those that cannot be repatriated must be marked for avoidance of further disturbance.

In the alternative, the Army should identify a like number of USA cultural sites (not native sites) that can be used for target practice.

### *Water resource impacts*

The Army has expressed interest in using locally-found water resources to replace its trucking in of necessary water. Unfortunately, local resources within the Saddle Area are probably fossil water – not sustainable for ongoing use. The EIS should conduct scientific studies of water recharge in the areas that contribute to ground water supplies in the Saddle, and conduct studies to determine the volumes of water present, such as pumping tests. If water resources are present that can be sustainably used, the EIS should point out that the Department of Hawaiian Home Lands has a prior right to use these resources, and provide an estimate of those foreseeable needs. In the alternative, water might be piped in from the Waiki'i area, whose plentiful water resources are sustainable. Full estimates of those impacts should be evaluated.

### *Noise Pollution*

Even at some distance, local communities suffer from the noise during military activities at Pōhakuloa. Those impacts should be studied, and mitigating practices implemented for further study.

### *Alternatives*

The null alternative is to stop conducting these exercise here. But the idea of moving it to other places in the Pacific is a similar outrage to the people and cultures living there. If Americans think the Army's Pōhakuloa activities are acceptable, Americans should shoulder this experience – plenty of space in Texas, Florida, or Kansas.

# BIANCA ISAKI

To whom it may concern,

The proposed EIS should be rejected and further alternatives be reviewed and discussed in a resubmitted EIS.

The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the area leased by the Army. The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.

## Former Bazooka Range

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

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

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

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

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

Any EIS should disclose the status of the cleanup of the Former Bazooka Range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?

#### Invasive species

The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.

#### Cultural sites

To date, investigations into the the number and significance of cultural sites have been superficial. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pohakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.

#### Full range of alternatives

The Army must consider the most important alternative: Returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land. The military has repeatedly lied about how critical certain lands are for its training purposes. Kaho'olawe was critical. As was Makua. That is what the military claimed. But it was not true. Nor is continued use of Pohakuloa. Certainly, the land owned by the state can be returned in its natural condition back to the Department of Land and Natural Resources. It is particularly important that the Army evaluate this alternative because it has no legal authority to continue using these lands after 2029 and the State has the unfettered discretion to deny the Army's use of these ceded lands.

- Bianca Isaki

## Marco Jablonowitz

Aloha, I would like the EIS for the leased lands to review, analyze or otherwise study the impact of the community outreach that PTA has with Hawaii Island in so much as the troops who train on these leased lands are the ones who do the outreach and connect with the residents here. So, if the leased land is not retained, the troops cannot train here, and the community is left high and dry. See the pictures from the PTA FB Page. Thanks!











# Helen Jaccard

Comments by Helen Jaccard about Pohakuloa lease extension are below and attached as a document (which is easier to read).

1."Open House" not open - There was no public participation in the scoping process during the Open House - we could not openly ask questions and listen to each other's questions and the answers. This alone should re-start the clock and make it mandatory to have a webinar-style question and answer about the scoping documents. Also, the scoping documents were not widely available much before the open house, so please give at least a month for people to digest and formulate comments AFTER a valid Open House by webinar.

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In the Text of Poster 3, EIS Process - "The seventh milestone is the State's HEPA Final EIS Acceptability Determination." Who in the State decides that this is or is not Acceptable? Nowhere in this process does it say that the "State" has a say about NEPA - who decides on the NEPA side that this is or is not an acceptable EIS? And what happens after the EIS? Does the lease automatically get renewed?

3.Land retention - How to "retain the land?" "The ninth milestone is to implement the action selected in the Record of Decision." This is the part that's really frightening - "implement the action" - If the "State" and the Hawaiian people cannot select the action, then the Army should not have authority to implement it.

Poster 6: Overview of the Proposed Action

Retain the land - "Multiple land retention methods could be used" This an implied threat to take the land in a coup completely outside of the current lease process. Occupation for 65 years is not an automatic permission to continue this destruction despite the will of the people.

4.Lease terms - \$1/year or \$1 for 65 more years? If that land were developed for hotels and tourists, how much revenue would come in (NOT that I'm suggesting that tourism is what should be done with the land - but what is the maximum value of the land if it were given back to the Hawaiian people?) It's actual value has to do with how Hawaiians would use the land - cultural practices and perhaps growing food - what else?

5.Land cleanup / HI Supreme Court ruling - Is the Army now cleaning up Pohakuloa after every use? If not, the lease should not be renewed and the Army should commence to either clean up the land to the satisfaction of Native Hawaiians or hire and train Native Hawaiians to do so.

6. HEPA - ALL Alternatives - In the text of Poster 2, it says, "Third, a HEPA Cultural Impact Assessment, or CIA, which is being conducted to evaluate the potential impacts of the Proposed Action on cultural resources and traditional practices within a defined area." But shouldn't HEPA evaluate ALL of the Alternatives AND any alternate alternatives that Native Hawaiian People propose.

7. Only military-friendly practitioners (biased)? - "The CIA process includes public notice, literature reviews, and consultation with practitioners, Native Hawaiian Organizations, stakeholders, and other individuals." Who gets to decide which practitioners to consult with? Can practitioners offer to be consulted and give their opinions that have equal weight to those practitioners that the Army chooses to consult with?

8. PTA is not necessary to protect the United States and is a huge waste of taxpayer money. Poster 4: Military in Hawaii and PTA, "Hawaii provides a range of training environments that cannot be replicated in other states..." This is a lie. Pohakuloa is not unique - the military has 800 bases to use outside of the United States and many large bases within the US. They have other places where they can practice amphibious landings and work in deserts, forests and next to oceans. Even islands such as Sardegna (Italy), Guam, Okinawa and Puerto Rico have huge US bases. The leaders of Palau have invited the US military to bomb their island nation. The military could live with ONE instead of AT LEAST six! Not to imply that this destruction is needed ANYWHERE, but certainly should not be in multiple places all over the world.

"As of March 2020, the military employed 71,955 personnel in the state." But what do they bring? Sexual abuse, overpopulation / over-use of the land and water, destructive roads and structures, loss of fish ponds and agricultural lands, contamination of the land, water and air. The "State" of Hawaii would be much better off without the military. The \$7.2 billion spent in the state in FY2018 and \$21.8 million on personnel payroll in the County of Hawaii would be better spent on health care, schools, food, transportation, housing and other vital needs. Not to mention cleanup of military-abused land.

"PTA is the only area in Hawaii that supports larger unit collective live-fire and maneuver training in Hawaii." Well, so what? These huge training scenarios are simply not needed and are very damaging to the environment and culture. So far, I see no PROOF that they are necessary for defending the US.

"PTA is the primary tactical training area for units conducting military "mission essential tasks and training requirements". NO PROOF that these are ESSENTIAL or REQUIREMENTS, and as stated earlier, is not a unique environment.

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"PTA is the only training area in Hawaii where military units can use weapons systems at maximum capabilities to complete training requirements." This does not at all have to happen in Hawaii! And maximum capabilities means maximum destruction of land owned by the people.

This should not be allowed anywhere. Is it done in a way that the Army can someday restore this land and return it to the people after the 65-year-lease expires in 2029?

"PTA is used by the US Army, US Marine Corps, US Air Force, US Army Reserve, Hawaii Army National Guard, Hawaii Air National Guard, Hawaii Police Department, and others" So what? Pohakuloa is the playground for all destructive enterprises? That's not an argument for continuing this destruction.

Poster 5: Why Retain State-owned Land at PTA? The lease is expiring - 23,000 acres used for 6 decades

\* What is on state-controlled land?

Urban terrain facility (practice invading a city)

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"Some examples of training facilities on the State-owned land include the photographs on the right of this poster. The top picture is of the Military Operation in Urban Terrain Facility, which allows personnel to train in an urban setting that is similar to real-world conditions. The middle picture shows a firing point that is used for training and firing indirect fire weapons such as artillery and mortars. 95% of the PTA firing points are on Hawaiian-owned land." WHAT???? There are 132,000 acres of PTA, only 23,000 are on State-owned land, but 95% of the firing points are on it? WOW! Talk about abuse of Hawaiian-owned land. Again, where is the cleanup effort as required by the Hawaii Supreme Court?

"The bottom picture shows the Battle Area Complex, which is a live-fire training area that allows military personnel to test and hone their ability to detect, identify, and engage stationary and moving targets. " On the maps, it looks like the impact area is on federal, not state land. So what's a live-fire training area doing on the Hawaiian-owned land?

"Purpose of the Proposed Action: To enable the US Army Hawaii to continue to conduct military training on the State-owned land within PTA to meet its current AND FUTURE training requirements." This amounts to a blank check to do whatever the military wants in the future. This is completely contrary to the HI Supreme Court decision.

9.Future use - a blank check is not acceptable - "After retention..., the Army would continue to current levels and types of military training, facility and infrastructure maintenance, natural and cultural resources stewardship, and to manage use of the State-owned land by other organizations". Note "current levels" is used here, but elsewhere you talk about future development. According to the HI State Supreme court, their current levels of natural and cultural resource stewardship is completely inadequate. And isn't it up to the State to manage the Hawaiian-owned land use by the military and other organizations, not for the military to manage those lands?

"Need for the Proposed Action: To enable access between major parcels of US government owned

land in PTA, retain substantial Army infrastructure investments, allow for FUTURE FACILITY AND INFRASTRUCTURE MODERNIZATION, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of US Army-coordinated training." Access could simply be a road. No need for 23,000 acres. What infrastructure is there now? Maybe the Army needs to practice maintaining infrastructure by moving it to the US government-owned land. The blank check is used again.

10. Inadequate alternatives - Poster 7: Alternatives 1 and 2 are not very different  
The army would retain 20,000 acres and Army-owned utilities, firebreaks / fuel breaks, and fire access roads in state land that is not retained. This is too similar to Alternative 1. There seems to be no middle ground. Option 2 should be to retain less than half of the land.

Alternative 3: Minimum Retention and Access - The Army would retain - "vital training and support facilities and associated maneuver land not able to be relocated within US-government-owned land at PTA; select roads and training trails; all Army-owned utilities; fire breaks / fuel breaks and fire access roads; tactical vehicle wash facility; and land use rights to enable of indirect fire weapons (eg artillery, mortars) from US government owned portions of PTA northwest of the State-owned land into the impact area (specific retention area to be refined in the EIS)."

The fact that the Army isn't specifying the area for Alternate 3 is a problem. They have not done their homework and are not giving a reasonable idea of what Alternate 3 would be. And to fire from one US-gov area to the other endangers all of the Hawaiian-owned land. It simply isn't necessary to do that.

No Action Alternative: The Army would not retain any part of the State-owned land at PTA.

This is a troublesome set of alternatives - basically the Army wants it all and is not willing to settle for simple access between their two sections of land. It should vacate the land and clean up its "investments" in the Hawaiian-owned land and build more modern versions on federal land.

In the "No Action" alternative, it should specify that the returned land will be cleaned to the same condition as when it was leased 65 years ago - see the Hawaii Supreme Court decision.

A missing alternative - clean and release to the Hawaiian people ALL of PTA - both state- and federally-controlled land.

11. Poster 9: Environmental Topics to be Analyzed - This is VERY comprehensive and good - if the Army really used all of these factors, given that they will one day no longer use this land for war training, then there would be no choice but to clean up the land and give it back.

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“Training at PTA saves lives” because personnel are “prepared for their mission”. Given the mass destruction and murder worldwide in cities, especially recently in Syria, Iraq and Afghanistan, there has been plenty of practice. Where did all of those “personnel” train? How do we avoid all of the civilian casualties? Is that part of the planning and practice?

“Some examples of training facilities on the State-owned land include the photographs on the right of this poster. The top picture is of the Military Operation in Urban Terrain Facility, which allows personnel to

train in an urban setting that is similar to real-world conditions. The middle picture shows a firing point that is used for training and firing indirect fire weapons such as artillery and mortars. **95% of the PTA firing points are on Hawaiian-owned land.” WHAT???? There are 132,000 acres of PTA, only 23,000 are on State-owned land, but 95% of the firing points are on it? WOW! Talk about abuse of Hawaiian-owned land. Again, where is the cleanup effort as required by the Hawaii Supreme Court?**

“The bottom picture shows the Battle Area Complex, which is a live-fire training area that allows military personnel to test and hone their ability to detect, identify, and engage stationary and moving targets. ” On the maps, it looks like the impact area is on federal, not state land. So what’s a live-fire training area doing on the Hawaiian-owned land?

“Purpose of the Proposed Action: To enable the US Army Hawaii to continue to conduct military training on the State-owned land within PTA to meet its current AND FUTURE training requirements.” This amounts to a blank check to do whatever the military wants in the future. This is completely contrary to the HI Supreme Court decision.

**9. Future use - a blank check is not acceptable** - “After retention..., the Army would continue to current levels and types of military training, facility and infrastructure maintenance, natural and cultural resources stewardship, and to manage use of the State-owned land by other organizations”. Note “current levels” is used here, but elsewhere you talk about **future** development. According to the HI State Supreme court, their current levels of natural and cultural resource stewardship is completely inadequate. And isn’t it up to the State to manage the Hawaiian-owned land use by the military and other organizations, not for the military to manage those lands?

“Need for the Proposed Action: To enable access between major parcels of US government owned land in PTA, retain substantial Army infrastructure investments, allow for FUTURE FACILITY AND INFRASTRUCTURE MODERNIZATION, preserve limited maneuver area, provide austere environment training, and maximize use of the impact area in support of US Army-coordinated training.” **Access could simply be a road. No need for 23,000 acres. What infrastructure is there now?** Maybe the Army needs to practice maintaining infrastructure by moving it to the US government-owned land. The blank check is used again.

**10. Inadequate alternatives** - Poster 7: Alternatives 1 and 2 are not very different  
The army would retain 20,000 acres and Army-owned utilities, firebreaks / fuel breaks, and fire access roads in state land that is not retained. This is too similar to Alternative 1. There seems to be no middle ground. Option 2 should be to retain less than half of the land.

Alternative 3: Minimum Retention and Access - The Army would retain - “vital training and support facilities and associated maneuver land not able to be relocated within US-government-owned land at PTA; select roads and training trails; all Army-owned utilities; fire breaks / fuel breaks and fire access roads; tactical vehicle wash facility; and land use rights to enable of indirect fire weapons (eg artillery, mortars) from US government owned portions of PTA northwest of the State-owned land into the impact area (specific retention area to be refined in the EIS).”

The fact that the Army isn’t specifying the area for Alternate 3 is a problem. They have not done their homework and are not giving a reasonable idea of what Alternate 3 would be. And to fire from one US-gov area to the other endangers all of the Hawaiian-owned land. It simply isn’t necessary to do that.

No Action Alternative: The Army would not retain any part of the State-owned land at PTA.

**This is a troublesome set of alternatives - basically the Army wants it all and is not willing to settle for simple access between their two sections of land. It should vacate the land and clean up its “investments” in the Hawaiian-owned land and build more modern versions on federal land.**

**In the “No Action” alternative, it should specify that the returned land will be cleaned to the same condition as when it was leased 65 years ago - see the Hawaii Supreme Court decision.**

**A missing alternative - clean and release to the Hawaiian people ALL of PTA - both state- and federally-controlled land.**

**11. Poster 9: Environmental Topics to be Analyzed - This is VERY comprehensive and good - if the Army really used all of these factors, given that they will one day no longer use this land for war training, then there would be no choice but to clean up the land and give it back.**

## Sam Jacobs

The Army has not been a responsible steaard of this land. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

# JERARD JARDIN

My comment is that, in light of the fact that the land has been used and modified, the return of the land to a safe, natural state is nearly impossible as exemplified by Kaho'olawe, the USA military values greatly the strategic placement of the Hawai'ian Islands as key for the defence of it's continental shores against threats from the Indo-Pacific Theatre, The USA military should now start to pay rent to continue to lease the land at the standard market rate for the land that it uses.

In light of the new attempt to basance the economic future of Hawai'i, the only resource we have is land and culture. The Pohakuloa training site is land and it depreciates the culture. In this sense, the USA military needs to pay for (1) the use of the natural resourse of land, and (2) the depreciation of the natural resourse of Culture.

It has been deemed, according to International Law, that the annexation of Hawai'i by the USA was not legal. Due to this fact, any US Government Law that prevents the US Military from paying rent is not applicable in Hawai'i. In is the in Hawai'i good faith that Hawai'i will continue to allow the USA to utilize the strategic geographic positin of the Hawai'ian Islands as a defence post and training area in the the Indo-Pacific Theatre at the fair market value of the land that the USA Military occupies. In addition, there will be requirements for systematic accounting of ordinance usage and removal from the past. Environmental standards will need to be met to insure that the islands water supply will not be tainted with toxins due to the USA Military activities.

This is fair and would allow for undisturbed use of the training area. The alternative would be to eliminate the USA Military occupation of the Hawai'ian Islands completely. The USA Military should consider that the contribution to the rent of the natural resourse of land is in fact paying their fair share and contributing to Hawai'i ability to sustain itself through the future. It helps to diversify the economy in Hawai'i beyond tourism and serves as means to make the disadvantage of Hawai'i remote location an advantage as it should be.

## Laurie Jenkins

Pohakuloa Training Area has a minimal overlap with the Mauna Kea National Natural Landmark on the Island of Hawaii.

I wanted to bring to your attention that ER-20/0375 Land Retention at Pohakuloa Training Area, HI has a slight overlap with the Mauna Kea National Natural Landmark (NNL) <https://www.nps.gov/subjects/nnlandmarks/index.htm>. This has always been the case. I am reaching out to make you aware of this connection. A National Natural Landmark designation is honorific only. Natural sites possessing outstanding geologic or biologic values from across the country can be designated NNLs. At present they are just under 600 nationwide. Mauna Kea is one of seven NNLs on the Hawaiian Islands.

I am attaching the Mauna Kea landmark brief and the boundary map for your reference. As I was looking at this project I did a simple map showing the overlap area between the Mauna Kea NNL and the Pohakuloa Training Area (also attached).

My comments are meant to be informational only and create awareness about the proximity of the Mauna Kea NNL to the above mentioned project. The National Park Service does not have any formal comments for this project. If you have questions or would like additional information, please feel free to reach out to me.



U.S. Department of the Interior  
National Park Service  
National Natural Landmarks Program



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**Name:** Mauna Kea

**Location:** Island of Hawaii

**Description:**

Mauna Kea, rising to an elevation of 13,784 feet above sea level, is the highest insular volcano in the world. Lake Waiau is located below the summit at an elevation of 13,020 feet above sea level making it the highest lake in the United States. A remarkable cluster of cinder and spatter cones fan outward and down slope from the summit. During the Pleistocene Epoch an ice cap covered Mauna Kea summit above the 11,200-foot level. Evidence of glaciations abounds on the set slopes in the form of glacial striae, boulders, polish and grooves. The boundary of the 83,900-acre landmark site is the striae as the boundary of the Mauna Kea Forest Reserve located 25 miles west-northwest of the city of Hilo.

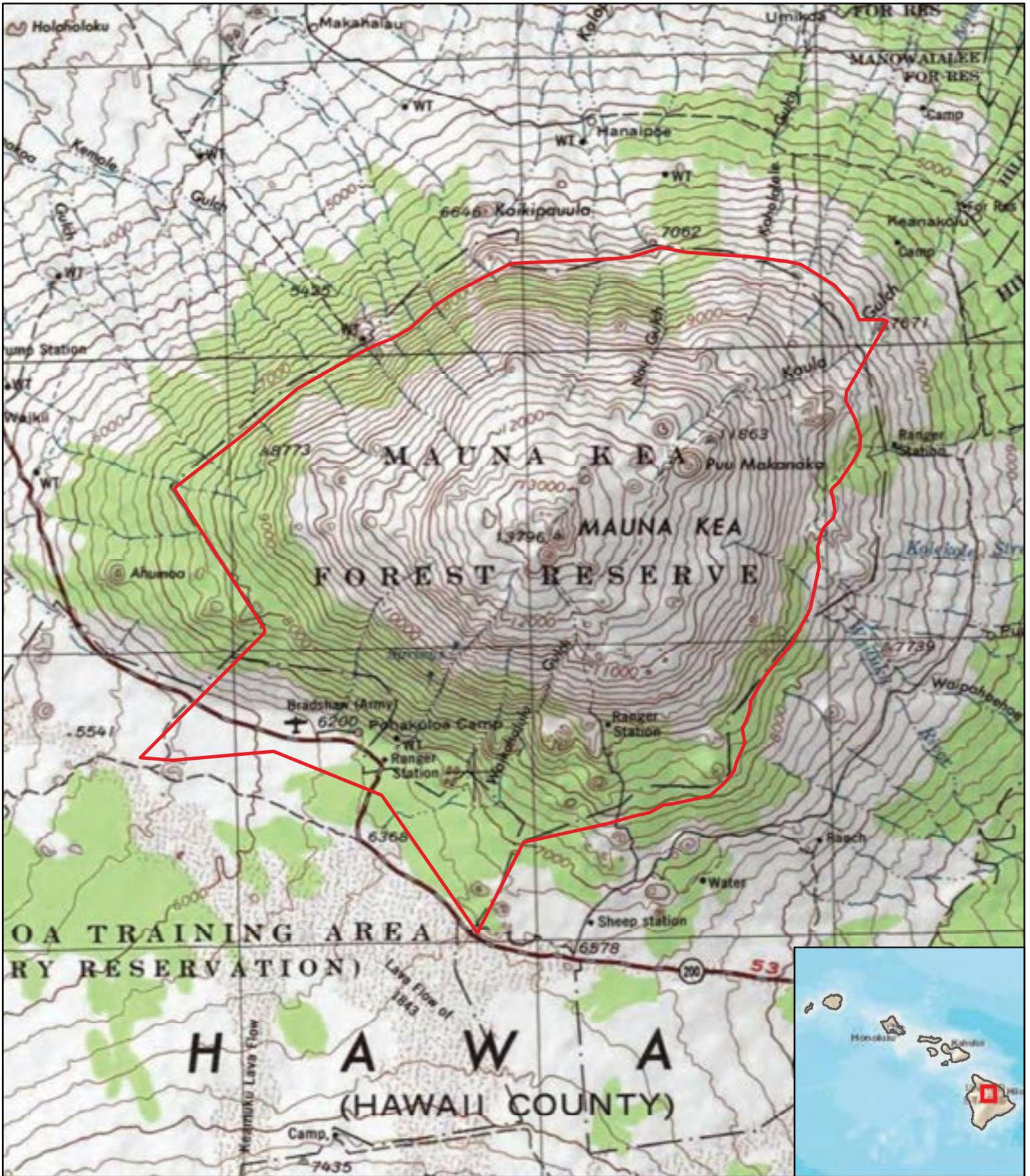
**Significance:**

Few sites possess better credentials to justify their national significance than does Mauna Kea. First, it is the exposed portion of the highest insular mountain in the United States, standing more than 30,000 feet above its submerged base at the bottom of the Pacific. Second, on its summit slopes is found the highest lake in the United States. Thirdly, though located in the tropics, indisputable evidence of glaciations is present above the 11,000-foot level. Additionally, and possibly transcending all of these qualifications, is the fact that Mauna Kea is the most majestic expression of shield volcanism in the Hawaiian Archipelago, if not the world.

**Ownership:** Federal, State

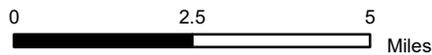
**Designation:** November 1972

**Evaluation:** Robert H. Rose, National Park Service, 1972



**MAUNA KEA  
NATIONAL NATURAL LANDMARK**  
Hawaii County, Hawaii

Calculated Acreage: 86,190.9



 NNL Boundary

Data Source:  
NPS NNL Data, ESRI Roads  
Map Produced June 2012  
by National Park Service  
I-14 Intermountain Region  
Geographic Resources Program

## Henrietta Jeremiah

I do not support a renewal of a lease for active military training use on Pohakuloa because it is ridiculous to know that the military of Divided States of America is charged \$1 to lease Hawaiian Homes Lands. These lands are specifically designated for native Hawaiians. The active use of these lands are a health and safety concern. A good example of misuse of land base is Kaho'olawe which was used for live fire training and practice leaving behind a mess of live admonition thus an unsafe unhealthy environment which is currently being cleaned by the people of Hawaii. No to renewing lease for military use.

## Sydney Ji

I wanted to urge you to consider the following:

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

Thank you for your time.

## Lanie Johnson

I was born and raised on the Big Island, served in the Air Force and currently work for the Army. I have always told my brothers and sisters in arms that there is no need for the military on the Big Island or the bombings conducted on our lands. Pohakuloa is an area we would frequent for school trips and other Hawaiian activities. We are as you know people of the aina (land) and we value our Hawaiian ancestors. The military use of Pohakuloa needs to stop. Our mountains are getting tired, the land is getting tired and the people are getting tired. Tired of the bombing, tired of the noise and disruption. Nothing positive is coming from these military trainings on our island. It doesn't bring us anything of value. WHEN the lease is up, pack up and move out because the military doesn't belong there.

**From:** Michael Jones  
**Sent:** Sunday, October 11, 2020 10:34 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] scoping comments and questions for the PTA EIS

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scoping comments for the Pohakuloa Training Area (PTA) EIS submitted by email to : [usarmy.hawaii.nepa@mail.mil](mailto:usarmy.hawaii.nepa@mail.mil) on 11 Oct. 2020 from : Michael Jones

Comments about depleted uranium (DU)

1) The website

Caution-<https://home.army.mil/hawaii/index.php/garrison/dpw/du>  
has a section titled Should I Be Concerned? which contains the following:

"The Army's two-month survey at Schofield Barracks and PTA covered more than 425 acres. More than 1,400 air, vegetation, and soil samples were collected and sent to independent labs on the mainland for testing and analysis. The results of the Schofield Barracks Human Health Risk Assessment are available here. The results of the PTA Human Health Risk Assessment are available here."

\*What was the size and location of the area at PTA included in this survey?\*

2) The link for the 2010 PTA Baseline Human Health Risk Assessment follows:

Caution-  
[https://home.army.mil/hawaii/application/files/6515/5961/1869/PTA\\_BHHRA\\_Report\\_Rev\\_2.pdf](https://home.army.mil/hawaii/application/files/6515/5961/1869/PTA_BHHRA_Report_Rev_2.pdf)  
The Executive Summary has a focus on DU from Davy Crockett spotter round bodies (SRB). It contains the following characterization of the limited data available:

"The BHHRA for the PTA Firing Range represents a unique challenge as only limited site-specific data are available from which to make a determination of an exposure point concentration (EPC) of uranium activity in surface soil. Since the appropriate information regarding the number of DU projectiles fired at the range and/or the exact footprint of the area of affected soil could not be reliably ascertained, the approach described by the St. Louis District of the USACE, in Draft Final Range Operations Report No. 9 (RO-9) (2005) was used to derive a site-specific EPC (source term) for uranium."

\*Has more information become available since 2010?\*

3) The Summary of Existing Site Data in section 3.0 lists potential Davy Crockett ranges as 10, 11T, 14 and 17 with 11T most likely to have SRB.

\*The EIS should indicate where are these ranges located.\*

4) The following text from the BHHRA indicates limitations of existing data on DU and recommends a survey of range 11T.

"The visual and scanning surveys did identify non-oxidized metal fragments, partial spotter round bodies, and Davy Crockett system components on Range 11T consistent with DU and the Davy Crockett weapons."

"While the soil samples collected around the perimeter and impacted areas of the range did not indicate the presence of DU, these data do not represent a statistically significant data set. A statistical field sampling design focused on the suspect Davy Crockett impact areas would hopefully yield more representative results. However, due to the general lack of the presence of traditional well developed soil, slightly weathered or unweathered volcanic rock predominates in some locales; thus, obtaining traditional soil samples typically used for risk assessment purposes will be problematic. CABRERA recommends that the Army attempt to conduct a characterization survey of the most impacted range (11T), with an emphasis on statistical sampling, defining the environmental characteristics of the impacted area, eliminating pathways, where possible, from further evaluation, and developing better statistically based data."

\*Has the recommended survey been done?\*

5) BHHRA Section 5 assumes that all 714 SRBs shipped to Oahu in April 1962 were used at PTA.

\*Could there have been other shipments of SRBs?\* \*Were other weapons systems using DU tested at PTA?\*

#### General comments

\*The EIS should describe in detail how the modified retention, minimum retention, and no action alternatives would affect training at PTA.\*

\*Poster 7 in the Scoping Documents section of the PTA EIS website indicates that the specific area to be retained in the minimum retention alternative is "to be refined in the EIS." How can one evaluate if the proposed alternatives are sufficient while the minimum retention alternative is ill-defined?\*

Dexter Ka`iama

My wife (Manu) and I are in complete opposition to the Army's request for lease extension of Pōhakuloa. Our complete written opposition is attached.

Name: Dexter and Manu Ka`iama

Address:

Email: \_\_\_\_\_

**Re: Pōhakuloa Training Area EIS: Complete Opposition to Army Lease Extension**

My wife (Manu) and I are lifelong members of our Hawaiian community with genealogical ties to Hawai'i island. We are deeply and in complete opposition to the Army acquiring a lease extension for the approximately 23,000 acres of land known as Pōhakuloa.

**I. The Hawaiian Kingdom Continues to Exist as a Subject of International Law and Endures an Illegal Prolonged Occupation by the United States.**

Army officials at Pōhakuloa and the U.S. Military Pacific Command have been given notice and are aware of the U.S.'s prolonged illegal occupation of the Hawaiian Kingdom and its territories, in violation of International, U.S. and Hawaiian Kingdom law. Army officials are aware its lease with the State of Hawaii, for lands at Pōhakuloa, is extra-territorial and without valid authority. Army officials have been given further notice and are aware that it has (and continues to) committed extensive destruction and appropriation of property at Pōhakuloa, not justified by military necessity, unlawfully and wantonly in grave breach of International law.

We respectfully demand the Army immediately cease and desist its unlawful and destructive presence at Pōhakuloa and, in beginning its compliance with the rules and laws of occupation, withdraw its request for extension of its lease of Pōhakuloa and direct all further efforts and resources to remove all harmful debris and return Pōhakuloa to the condition it was in prior to beginning of the lease in 1964.

**II. The Army's Failures at Pōhakuloa Demands a Rejection of Lease Extension.**

The prolonged illegal occupation and the administration of U.S. law presently continues over the territories of the Hawaiian Kingdom, in violation of International, Hawaiian Kingdom and U.S. law. It is in this context, and under the doctrine of necessity, we are compelled to address the Army's request for lease extension of Pōhakuloa.

The Army is currently nearing the conclusion of a 65-year lease that began in 1964 for these lands. Throughout the period of its lease, the Army has mismanaged, destroyed, and abused the lands and resources of Pōhakuloa. Exercises including, but not limited to, bombings, missile tests and live fire artillery trainings have all caused severe and lasting damage to the lands and resources. In addition, the presence of depleted uranium ammunition, military debris such as unexploded ordinances and spend shell casings results in permanent degradation of the environment, putting the health, safety and wellbeing of the island and her residents in jeopardy.

It is undisputed that military exercises at Pōhakuloa have led to the release of harmful and toxic pollutants causing soil contamination and negatively impacting air quality. In 2006, a citizen's group uncovered evidence of the presence of depleted uranium at Pōhakuloa contrary to the Army's denial it had previously used such chemicals at the training area. Depleted uranium is a toxic chemical and radiation health hazard. It has no place being in our islands.

In 2016, the Army was fined by the Environmental Protection Agency (EPA) for operating illegal cesspools at various facilities around Hawai'i, including 6 at Pōhakuloa Training Area. Such cesspools have been banned under the Federal Safe Drinking Water Act's Underground Injection Control program since 2005. According to the EPA "cesspools collect and discharge untreated raw sewage into the ground, where disease-causing pathogens and harmful chemicals can contaminate groundwater, streams and the ocean."

In a 2018 Circuit Court ruling by Judge Gary Chang, the Army was found to have provided inadequate care of the environment of Pōhakuloa. The Hawai'i Department of Land and Natural Resources was found, by the Court, to have breached its trust duty to care for these lands regarding its lease of Pōhakuloa to the Army. Judge Chang further emphasized that any extension or renewal of the lease without first determining that the existing lease obligations have been satisfactorily fulfilled would continue to breach the trust duties of the Department of Land and Natural Resources.

The army has deliberately failed to protect, manage, and care for the lands and resources of Pōhakuloa. Recent court rulings and EPA findings establish a complete lack of care, transparency, and responsibility under its current lease of Pōhakuloa. We submit the Army's failures began from the inception of its 1964 lease. We further submit that all evidence to date leads to clear and compelling conclusion that the Army will continue its pattern of mismanagement, destruction, degradation and abuse of the land and resources at Pōhakuloa greatly detrimental to the health, safety and welfare of Hawai'i island and her people.

The army is incapable of property stewarding these lands and should not be allowed to extend or renew the existing lease agreement. Instead of applying to renew this lease, we recommend the army invest in community building by removing all harmful debris from the training area and graciously returning these lands to as close a state as possible as to when they were first acquired for use in 1964.

## Na'e Kaiama

I strongly oppose the continuation of leasing Pohakuloa as army retention land. I strongly oppose any degradation to aina and kai. The army needs to be held accountable for the irresponsible acts they inflict upon the environment and all our natural resources. We must uphold our integrity and be stewards of this land! I oppose the continuation of leasing Pohakuloa army retention land because of ALL the harmful impacts it causes to our ecosystems. Do what's right and discontinue leasing state land at Pohakuloa!

## Pearl Kaiama

On the bid for lease renewal of 23,000 acres of land to the Army by the state of Hawaii, as an informed native of Hawaii, I implore the No Action Alternative or No retention of state-owned land after 2029.

A key issue of concern that must be addressed is the mismanagement of land resources and the unlawful restriction of access to land.

There are several crimes against 'Āina taking place at the training area mentioned here. Military exercises themselves leave unexploded ordinances, release harmful toxins and pollutants into the environment and breed pathogens.

By renewing the lease, there is no room for proper stewardship of this precious land and its varying ecosystems that it supports and upholds.

Again, I am Calling for the No Action Alternative with proper steps in place with consultation of community members and Hawaiian stakeholders to restore the land to health.

## Trevor Kaiama

As a community member with genealogical ties to Hawai'i island, I am deeply opposed to the Army acquiring a lease extension for the approximately 23,000 acres of land known as Pōhakuloa. The army has proven they are incapable of proper due diligence to conserve and maintain the land.

**From:** Kyle Kajihiro  
**Sent:** Tuesday, October 13, 2020 10:36 AM  
**To:** Donnelly, Michael O'Malley CIV USARMY IMCOM PACIFIC (USA)  
**Cc:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Pohakuloa Real Property Master Plan

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Hello Mr. Donnelly

I am writing with questions relevant to the preparation of my scoping comments on the Pohakuloa EIS. I had hoped to ask questions during the scoping virtual open house, but there was not an opportunity to ask questions of experts at that time.

I understand that the "Real Property Master Plan Pohakuloa Training Area, Hawai'i Island - Final" was recently released. I have only been able to find the digest version online. I would like to examine the full master plan. Can you please send me a copy of this document electronically through a file-sharing software or direct me to a website where I can download the full PTA master plan? Thank you.

Also, the references in the digest of the Master Plan listed several documents that are relevant to my scoping comments. Would you please send me these documents as well?

- U.S. Department of Defense, Assistant Secretary of Defense. 2018. "Approval of Major Land Acquisition Waiver Request - US Army Hawaii Training Sites, Hawaii." June 4.
- U.S. Army Region Hawaii. 2015. "Memo for Commander, USARHAW, Approach to Training in Hawaii: A 13 Strategy for PTA." October 25.
- U.S. Army Garrison Hawaii. 2020. Integration Natural Resources Management Plan.
- U.S. Army Engineering and Support Center Huntsville, Alabama. 2009. "Enhanced Area Development Plan, Pohakuloa Training Area, Hawai'i." Final Submittal.
- PTA Area Development Plan (ADP). 2015.

The full master plan document and the first item in this list —"Approval of Major Land Acquisition Waiver Request - US Army Hawaii Training Sites, Hawaii" —are the most urgent as it relates to the proposed action under review by the present NEPA process.

Thank you for your urgent attention to my inquiry. This information is important to preparing my comments for scoping.

All the best,

Kyle Kajihiro

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Kyle Kajihira, Ph.D.  
Instructor, Department of Geography and Environment  
Instructor, Department of Ethnic Studies  
University of Hawai'i at Mānoa

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## Dana Keawe

I am in **STRONG OPPOSITION** to the Army Training Land Retention at Pōhakuloa Training Area (PTA) on the island of Hawai'i.

For decades now, the military at Pōhakuloa training area have been and continue to be, til present day, in gross negligence of their sworn responsibilities to maintain and follow rules/laws on their leased lands at Pōhakuloa.

The military is required By law in their lease to clean up and properly dispose of All spent ammunition used in their toxic war games.

To this day, and for decades now, there are countless numbers of toxic spent ammunition littered across 100's of acres of lands military leases at Pōhakuloa.

This alone is legal grounds for not renewing their lease, let alone granting military expansion of their lease.

Military/army at Pōhakuloa have been irreversibly polluting and damaging the lands, air and aquifers with toxic nuclear waste. As well as putting the general population of Hawai'i nei at high health risks from these toxic health hazards.

And just recently this year, 2020, the military stationed at Pōhakuloa was called out for illegally dumping their toxic waste in Hamakua through a contractor they hired to dispose of their toxic spent ammunition. While the military claimed they were not aware of the huge dump site with their toxic nuclear waste in Hamakua. Really??? Which has been leaking nuclear toxic waste into the land, aquifer, air, and ocean in Hamakua for what looks like decades now. AUWE!!!

No treaty. No annexation. No U.S. title. PERIOD!

The military/army needs to vacate Pōhakuloa NOW!!! No renewal or expansion of lease should be granted to military. ARMY'S PRESENT LEASE AT Pōhakuloa NEEDS TO BE REVOKED IMMEDIATELY!!! NOT INCURRING A EIS FOR EXPANDING LEASE!!!

**SOLUTION:** Instead of the army planning on renewing lease, acquiring new lease and desecrating more of these sacred lands. Military needs to clean up All of their toxic waste, sites/dumps on Pōhakuloa and throughout the island of Hawai'i. Then restore these areas as closely to their original state before they started leasing these lands and dumping their toxic waste everywhere.

During this time of global pandemic, expanding military on Hawai'i island is a frivolous and unnecessary waste of precious time, energy and funds. Which should/NEEDS to be redirected into restoring food security on Hawai'i island and throughout Hawai'i nei.

Before the pandemic 1 out of 3 families suffered from food insecurity on Hawai'i island. Now, it's even worse.

Military NEEDS to be farming and restoring lands they polluted. Actually taking care of our citizens and keeping them safe and healthy. NOT putting our lives in danger while polluting the lands, waters, air and oceans of our beloved homelands practicing wasteful war games!!!

I am in **STRONG OPPOSITION** to the Army Training Land Retention at Pōhakuloa Training Area (PTA) on the island of Hawai'i.

Sincerely,

Dana Keawe  
Hawai'i island resident

Matilda Keith

Please stop your bombing by 6 pm your continuous bombing throughout the night is unacceptable.  
Do you know the cause you are doing to us and our animals? Can I send you our vet bills to pay?

## Nikki Kepano

Although I appreciate all who serves us, I would love for the bombing at Pohakuloa to stop. This past week they have been shaking and rattling the ground late at night. I live on a ranch up Pu'ukapu (along side Mauna Kea). My animals along with the rest of the neighborhood kept going off all night.

## Cindy Kester

The Waikoloa Village area is a desert. The fountain grass burns readily when there is a wildfire and the fire can move quickly especially if there is wind. Our residents, homes, wildlife and other assets are at risk and we need help when there is a fire nearby. PTA is a critical and necessary force to help contain and extinguish the fires and keep us safe. Thank you to PTA for being on Hawaii Island and being an integral part of our communities. Mahalo

# Mary Klauder

Please do not bomb the mountain. !!!

## CHARLES KUAHINE, III

For the sake of brevity: clean it up, begin restorative efforts and decommission PTA indefinitely.

In other words: pau already.

Mahalo.

## Kyle Lanclos

Please do not renew this lease. Think globally-- we need to reduce our military expenditures worldwide, reduce our carbon footprint, and focus our limited resources on acts of restoration rather than destruction-- and act locally, by not encouraging or permitting any of these activities in our own backyard.

## Arlene Larrua

Please do not bomb after 9pm. The sound can be heard all the way down to my house in the Waikoloa Village. The bombing sounds are disturbing and unnerving to My Two dogs. Also, the leaving behind of I exploded ordinances after many years will affect our children's children. Can you practice bombo g in New Mexico, Wyoming, North Dakota, where no population lives. We only have this one piece of land in the middle of the pacific for generations to come that cannot be duplicated anywhere else in the world. Please refer to the STOP BOMBING KAHOOLAWA.

Mahalo,  
A. Larrua

## Erika Leaf

In considering the renewal of the lease to use these lands for military purposes, I implore you to make the Environmental Impact Statement a thorough and honest review of the impact that this use has already had on this land and the extent to which the Army has complied with the terms of the previous lease. This thorough and exhaustive inquiry is both legally required and the right thing to do. So please carry out this duty to your best ability and with the highest integrity. This land is very important to many people. We do not want a rubber stamp renewal.

The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision by conducting the following specific surveys and disclosures:

1. A comprehensive investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuoloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

I implore you to honor the reason that an EIS is required and take a true and honest assessment of the impact this military use has had and will have if allowed to go forward. Our integrity requires this level of honesty.

## J Lemus

Based on recent information, it appears that the Army is neither capable of, nor has an interest in, protecting the environmental and cultural integrity of the Pohakuloa site.

**From:** Thomas Lenchanko  
**Sent:** Monday, September 7, 2020 9:20 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Cc:**  
**Subject:** [Non-DoD Source] pohakuloa

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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September 7, 2020

United States Army-Hawaii  
National Environmental Policy Act

Regarding: **Kanawai, the rule of law** Hawaiian Kingdom property; NOTICE TO CEASE AND DESIST, Department of Defense, United States Army-Hawaii violating international and federal law throughout the Hawaiian Archipelago; October 18, 1893 President Grover Cleveland's presidential investigation of the illegal overthrow of the Hawaiian Kingdom government, January 17, 1893; United States Code Title 18 Sub Section 2441; Protected Person status; Treaty of Peace...

aloha no na kau A pauole ke kuamoo o na kupuna ma

We, Aha Kukaniloko Koa Mana mea ola kanaka maui hoalii iku pau direct descendants and the living evidence of those whom are buried within our Hawaiian Kingdom property, OBJECT to all unlawful military presence and their careering use of Hawaiian Kingdom property throughout the Hawaiian Archipelago. We hereby notice the Department of Defense, United States Army-Hawaii to CEASE AND DESIST so dated September 7, 2020. We must protect our iwi kupuna for the immediate, and for the long term, We must affirm **Kanawai the rule of law** is right and just and reaffirm Kaananiau timeout during occupation, for education.

We are aware of Hawaii's status as an independent nation-state under international law that has been under and illegal occupation by the United States since its illegal overthrow of the Hawaiian Kingdom government on January 17, 1893. We have done our due diligence to become educated on this subject and we have reached out to experts in this field. We have learned that after a presidential investigation was completed on October 18, 1893, President Grover Cleveland notified the United States Congress two months later stating that "an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the **injured** people requires we should endeavor to repair..." Though acts of war that initiated a state of war between itself and the Hawaiian Kingdom, under international law, the United States was bound by the international laws of occupation which were later codified under the 1907 Hague Convention IV ("HCIV"), and the 1940 Geneva Convention IV ("GCIV"). The United States Senate ratified both the HCIV and GCIV and their provisions are, thus, United States federal law. Violations of these conventions are war crimes as that term defined by the United States Code Title 18 Sub Section 2441. Note: Article 154 of the GCIV clearly states that the

convention is supplemental to the HCIV. According to Amnesty International, war crimes are “crimes that violate the laws and customs defined by the Hague and Geneva Conventions.”

We exercised self-determination in 1843 and note the violation of our Protected Person status under Article 4 of the Geneva Convention IV “...defines protected persons as civilians who find themselves in the hands of a party to the conflict of which they are not nationals. Using this definition, Protected Persons would appear to be nationals of the Hawaiian Kingdom along with all nationals of foreign States, who find themselves under the control of the United States in Hawaii.”

We hereby notice the Department of Defense, United States Army-Hawaii to CEASE AND DESIST and we OBJECT to all unlawful military presence and their careering use of Hawaiian Kingdom property throughout the Hawaiian Archipelago, so dated September 7, 2020.

Protect us from further wrongdoing and injury, deliver to us a treaty of peace, a legal mechanism today to transform history, of an armed invasion and destruction of property within our Hawaiian Kingdom...

e kukaawe i na kapu o kukaniloko no ka mea aloha no hoi kakou ia lakou i na kau a kau

Thomas Joseph Lenchanko

Aha Ula Puuhonua Kukaniloko, Hawaiian National and Protected Person

kahuakaiola ko laila waha olelo aha kukaniloko koa mana mea ola kanaka maui hoalii iku pau

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# Luwella Leonardi

Agreement State, warrants clean up at Pohakuloa. 6 CCR 1007-1 Part 03 Dec 16, 2015

## Debora Letelier

I understand certain things have to be done, and PTA was there before we bought the house. It has always bothered us and our dogs. We pay a lot of money to live here. I don't see why they have to fly directly above us making everything shake, don't know if they fly too low, that could be a change to consider. The bombing on Friday, September 25, is really inconsiderate, I believe it went past 11pm. Some of us work, still have jobs fortunately, and want to come home to rest. Saturday maybe? It seems that we are trying to cohabitate in a world where there is no communication and understanding, and it goes both ways because in understanding it is a training area which is pretty far although sound travels, there are measures that could benefit both if we communicated and understood both sides.

## Selah Levine

I would like to comment that the Pohakuloa training area lease should not be renewed and shut down for military use. The military has been ordered for years to clean up all of their rubbish of bombs and casings and they've never done it. The fallout from what they do at Pohakuloa can be measured as far as Kona, which is poison. Toxic for our watershed, plants, animals and people. I live in Puna near volcano and can hear the sound of bombs. If it is frightening for me I can only imagine how it affects native birds. In addition, the reality is it's seceded lands and doesn't belong to the State, it belongs to the kanaka maoli, the the Hawaiian's.

**From:**  
**Sent:** Wednesday, October 14, 2020 11:08 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Cc:**

**Subject:** [Non-DoD Source] PTA Lease extension

Aloha,

The U.S.Army does not deserve to renew the lease on PTA(Pohakuloa Training Area) from State of Hawai'i.

In previous literature to the Public, the Army has repeatedly stated the training at PTA is crucial to its "expeditionary" missions. By definition, expeditionary missions are not defensive actions and do not contribute to the defense of the people of Hawai'i. Why should the people of Hawai'i allow the U.S. Army to continue preparations for offensive missions overseas, while despoiling our lands and waters (after decades of dumping toxic munitions and chemicals, without independent and objective monitoring or cleanups)?

As a concerned citizen and a long time Peace activist, I say NO to any lease renewal, especially because war preparation is opposite of Hawai'i's true Spirit of Aloha.

Danny H. C. Like(Kea'au, Hawai'i)

## Anna Lindsey-Robles

Last night Friday, September 25 at 10:50pm was the most excessive bombing/training I've ever heard in all my life born and raised here in Hawaii. Hearing the training of the artillery bombs up At Pohakuloa is normal for me all these years. But last night was excessive one after the other after the other and so late at night when everyone is in bed.

There was also helicopters over the Waikoloa village as this training was taking place. Thought we had a war going on!!!

What are the repercussions of such excessive bombing on our land, the mountains and its impact.

# MICHAEL LINNOLT

I am strongly opposed to continuation of the lease of the PTA to the US military for their exercises. The Hawaii Supreme Court ruled in SCAP-18-432, Aug 23, 2019, that there must be "Regular, periodic on-site monitoring and inspection of the leased PTA land and the US compliance with the lease provisions". However, there have been practically no inspections since 1984, and the few superficial inspections the State has done, found numerous lease violations. There was substantial UXO, white phosphorus pollutants, and various amounts of junk and debris strewn all over the lands. These findings were verified by inspection by Native Hawaiians who have a Constitutional right to use these ceded lands for their traditional purposes.

The PTA lease (S-3849, 1964) requires in paragraph 9: that the United States "make every reasonable effort to remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the public, whichever is sooner", and in paragraph 14: "to take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources and to avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials".

Based on the limited State inspections, and detailed observations by numerous Native Hawaiian practitioners, the US military has utterly failed in their obligations to protect and preserve these lands, as required by the lease. Given this extremely poor respect for our lands that the US military has shown over many decades of use, it is clear that the military has no intention of changing their methods of operation, and will certainly continue the pollution, destruction and desecration of these Hawaiian public lands, regardless of the terms of the lease.

Therefore, I strongly oppose any continuation of the lease of the PTA to the US military, and feel that their training must leave Hawaii and go to other more suitable locations where they can pollute, desecrate and destroy with impunity - such as the deserts of Nevada, for example.

Aloha, a mai ho'i hou (>

## Sandra Linskey

I am strongly against the Army's intention to extend its lease of Pohakuloa.

I cannot believe in this day and age of Native Hawaiian awakening and activism that the Army and all its supporters think they are justified in continuing to desecrate lands at the foot of Maunakea.

It is mind-boggling that the U.S. military and the State of Hawaii have learned NO LESSONS from the bombing of Kahoolawe and the subsequent decades it has taken to clean up that island, which is still on-going. That island is uninhabitable due to the wanton destruction done to it by the military. The same will be the case for Pohakuloa. There is no intention by the U.S. military to EVER return Pohakuloa back to the people of Hawaii, to whom the lands were meant for.

The 23,000 acres in question have been blatantly abused since the original lease was granted in 1964 for \$1. As lands from the public lands trust, it was supposed to be used for Native Hawaiians and the general public. It is such an insult to all Native Hawaiians that these Crown lands have been used in such a violent and destructive way for all these decades. It is time to end the destruction now. It is time for the Army and the State of Hawaii to take responsibility to end live-fire training in Pohakuloa and begin to clean it up and give it back to Hawaii's people.

## Sheena Lopes

Per the 1893 ILLEGAL overthrow of the Hawaiian Kingdom, the current status of the Hawaiian Kingdom is ILLEGALLY OCCUPIED by US MILITARY FORCES. The military has prolonged their stay in Hawai'i, destroying our Cultural resources, and taking away access to ancestral and significantly sacred land. As a Kanaka Maoli, grounded in her Hawaiian History and Culture, I am fully AGAINST this action and heavily believe that the Military should pack it up and LEAVE HAWAII ALONE. Mahalo, but your presence is not beneficial to Hawai'i and Hawaiian lands when the well-being of our Indigenous are on the chopping board. How comforting is it for you to witness the bombings that happen from your "important" training? Because to Hawaiians that witness it everyday, their heart continues to break with the destruction of our lands. Your map as far as "ownership" is heavily flawed, as stated at the beginning of my comment, the HAWAIIAN KINGDOM is ILLEGALLY OCCUPIED by THESE EXACT FORCES and THEREFORE HAVE NO RIGHT BEING HERE.

## Brenda Lucas

I just want to say that the land should go back to the state holders. If the Hawaiian group interested wants to give limited access it should be up to them. Native Hawaiians should have the say in this.

## Mary Macmillan

Webster defines contract as a BINDING AGREEMENT between two or more parties. The lease should end on the day agreed to in the 65 year contract. The time remaining, roughly ten years, should be used to return the aina to as close as possible to its original condition. Live fire use should end NOW. If the US Army wishes to continue using the land, it should renegotiate a new contract with the state of Hawaii at 2060 projected value of land if as for residential use, to include costs of clearing unexploded ordnance.

## Mana Maglinti

I strongly oppose the continuation of leasing Pohakuloa as army retention land. I strongly oppose any degradation to aina and kai. The army needs to be held accountable for the irresponsible acts they inflict upon the environment and all our natural resources. We must uphold our integrity and be stewards of this land! I oppose the continuation of leasing Pohakuloa army retention land because of ALL the harmful impacts it causes to our ecosystems. Do what's right and discontinue leasing state land at Pohakuloa!

scott mahoney

stop the senseless bombing of Pohakuloa, the desecration of our lands and the disrespect of our culture. you have 9 years of your ridiculous lease left. Use it to clean up all of the enviromental destruction and chemicals and ordnances that are strewn all over the land to exactly what it was before, pristine and safe. Kahoolawe is still dangerous and polluted with military garbage and ordnances. then the army should talk about negotiating a new lease which is should be billions more than the 2 cents a year they paid on this last lease.

## Elisabeth Mehana Makainai

As a community member with genealogical ties to Hawai'i island, I am deeply opposed to the Army acquiring a lease extension for the approximately 23,000 acres of land known as Pōhakuloa. The Army is currently nearing the conclusion of a 65-year lease that began in 1964 for these lands. During this period of time, the Army has mismanaged and abused the lands and resources of Pōhakuloa. Exercises including but not limited to bombings, missile tests and live fire artillery trainings have all caused severe damage to the lands and resources. In addition, the presence of depleted uranium ammunition, military debris such as unexploded ordinances and spend shell casings degrade the environment and put the health, safety and wellbeing of the island and her residents in jeopardy. It is known that military exercises lead to the release of harmful and toxic pollutants causing soil contamination and negatively impacting air quality. In 2006, a citizen's group uncovered evidence of the presence of depleted uranium at Pōhakuloa despite the fact that the Army had previously denied the use of such chemicals at the training area. Depleted uranium is a toxic chemical and radiation health hazard. It has no place being in our islands. In 2016, the Army was fined by the Environmental Protection Agency (EPA) for operating illegal cesspools at various facilities around Hawai'i, including 6 at Pōhakuloa Training Area. Such cesspools have been banned under the Federal Safe Drinking Water Act's Underground Injection Control program since 2005. According to the EPA "cesspools collect and discharge untreated raw sewage into the ground, where disease-causing pathogens and harmful chemicals can contaminate groundwater, streams and the ocean." In a 2018 Circuit Court ruling by Judge Gary Chang, the Army was found to have provided inadequate care of the environment of Pōhakuloa. The Hawai'i Department of Land and Natural Resources was found to have breached its trust duty to care for these lands in regards to its lease with the Army. Judge Chang further emphasized that any extension or renewal of the lease without first determining that the existing lease obligations have been satisfactorily fulfilled would continue to breach the trust duties of the Department of Land and Natural Resources. It is my belief that the army has never satisfactorily protected, managed and cared for the lands and resources of Pōhakuloa. The Army instead has used these lands for its personal gains and exploits at the great expense of Hawai'i island and her people. The Army has been dishonest in regards to activities, infrastructure and chemicals being conducted and released at Pōhakuloa. It is therefore my belief that the army is incapable of property stewarding these lands and should not be allowed to extend or renew the existing lease agreement. Instead of applying to renew this lease, the army should invest in community building by removing all harmful debris from the training area and graciously returning these lands to as close a state as possible as to when they were first acquired for use in 1964. Such activities would truly be in the best interest of all.

# Mailani Makainai

I am against the military using Pōhakuloa for its training grounds. Please leave.

# Mailani Makainai

Pohakuloa:

As a community member with genealogical ties to Hawai'i Island, I am deeply opposed to the Army acquiring a lease extension for the approximately 23,000 acres of land known as Pōhakuloa. The Army is currently nearing the conclusion of a 65-year lease that began in 1964 for these lands. During this duration, the Army has mismanaged and abused these lands and resources of Pōhakuloa. Bombings, missile tests, live fire artillery, and other exercises have severely damaged these lands and resources. The presence of depleted uranium ammunition, military debris, unexploded ordnance and spent shell casings negatively impact the environment and put the health, safety, and well being of the island and its residents at great risk. Toxic and harmful pollutants, soil contamination, poor air quality are enough to deny this lease extension. This is without question. In 2006, a citizen's group uncovered evidence of the presence of depleted uranium at Pōhakuloa despite the Army denied previously using such chemicals in the training area. They LIED. Which is evidence enough as to how they treated the lease at the time of which it was held. Depleted uranium is a toxic chemical and radiation health hazard. It does not belong on the planet no less our islands. In 2016, the Army was fined by the Environmental Protection Agency (EPA) for operating illegal cesspools at various facilities around Hawai'i, including 6 at Pōhakuloa Training area. The Federal Safe Drinking Water Act's Underground Injection Control program in 2005 banned these kinds of cesspools. According to the EPA, "cesspools collect and discharge untreated raw sewage into the ground, where disease-causing pathogens and harmful chemicals can contaminate ground water, streams, and oceans".

In 2018 the Circuit Court ruled by the Honorable Judge Gary Chang, the Army was found to have provided inadequate care of the environment of Pōhakuloa. The Hawai'i Department of Land and Natural Resources was found to have breached its trust duty to care for these lands in regards to its lease with the Army. The Honorable Judge Chang further emphasized that any extension or renewal of the lease without first determining that the existing lease obligations have been satisfactorily fulfilled would continue to breach the trust duties of the Department of Land and Natural Resources. I believe that the Army has never satisfactorily protected, properly managed, and cared for the lands and resources of Pōhakuloa. The Army, however, continues to use these lands for its personal gains and exploits our lands at the great expense of the people Hawai'i and Hawai'i itself.

The Army continues to be dishonest and there is much misgiving of proper information, care, and maintenance. Therefore, the Army has FAILED to be a proper steward of these lands and should NOT be allowed to extend or renew their existing lease agreement. The Army should invest in community building by removing all harmful debris from the training area and graciously return these lands to as close a state as possible as to when they first acquired their lease in 1964. They have had ample time to "train" and dispose of their wasteful and harmful impacts. I, Mailani Maka'īna'i say 'A'OLE NŌ!!!!

# Sylvia Makainai

'A'ole to lease extension !!!

The past mismanagement of natural resources is unacceptable

## John Makoff

I can't stress enough how important PTA is to our local economy. I work for a general contractor that has employed between 5 and 25 local craftsman on PTA over the last 5 years. The loss of these construction jobs would be devastating to these families.

## Gordon Malakaua, Mann

The US military has been illegally occupying, desecrating, polluting, all of the lands illegally lease and, fresh, pot waters and, the oceans surrounding all the Hawaiian Islands since their illegal overthrow of the Hawaiian Monarchy. The military possess all the prime real estate for their own purpose of war in the name of God so they write, with no land left for Native Hawaiian homestead who are now the majority of homeless and subjected to gentrification, backed by the federal government all in the name of their God. Every thing I mentioned is all documented in every island. When will it end, Hawaiians want restitution and all our lands back from the US government

## Scott Malis

Please, please, please DO NOT renew this terrible lease with the Army. Not only is \$1 to destroy part of our island unacceptable and does nothing to improve upon on lives. Not only is that land already ruined forever, but it is threatening to ruin our water table as well, with bombing on an active volcano and also disrupts many people with booming noises, killing wildlife and destroying endemic plants, birds and insects. The military is hard on our roads, causes traffic jams, no other thing on our island represents the occupation to the Native Hawaiians like this military base.

In 2018, just days after loosing my home to the Kīlauea volcano, i was driving over the saddle rd at night and off towards Mauna Loa i saw huge explosions of in the distance. At first i thought Mauna Loa was erupting until i figured out my PTSD moment was not a volcano, but the military blowing up stuff which scared the heck out of me. It's bad enough what the military did on kaho'olawe island, where they ruined that entire island making it uninhabitable. We can't let the military to this to the big island as well.

Please do not renew their lease, and force them to clean up their mess and damage. It is one thing to have a military base for protection, it's another to have a training center where the goal is explode ordinances all over the land at the base of our two largest mountains. These types of locations for live fire exercises should be on the mainland in isolated areas like Nevada, Alaska or Montana far from civilization, not an small island surround population. It's disrespectful to the people, the land (aina) and at \$1 a year it does nothing to help our people, infrastructure and environment. It also makes us a target for incoming attacks like in 2018 when we had a false threat of incoming missiles coming from NKorea and my first thought is they nuke the center of island to get the military base and much of the rest of the island would be collateral damage and loss of life. We are a peaceful culture where aloha rules the way we try and live, and this military base is in direct conflict with the culture and ways of life of Hawaii and the especially the Big Island...it's a big NO from me on renewing the lease.

## Linda Manabe

The use of 23,000 acres in Pohakuloa on Hawai'i Island by the US Army must be terminated immediately. For the past 56 years, those precious acres of land has been riddled with ordinance that will probably take that long to clear the land of anything dangerous. How long before the native Hawaiian people would be able to walk that land? How long before they can plant food crops in the contaminated soil? Will it need another 56 years to heal and cleanse before anyone would be able to step foot on that land?

This is ridiculous! All that land could house and feed thousands of Native Hawaiians. We are all caretakers of the land, we have to ensure that future generations are able to enjoy. The land should be respected and NOT desecrated.

**DO NOT RENEW THE LEASE OF POHAKULOA TO THE US ARMY. A'OLE!**

## Snow Marks

Stop using this island as your testing sight. Stop. The damage you are doing to this fragile environment. Stop destroying the earth

## Keith Marrack

I am a huge supporter of the military in Hawaii and Pohakuloa is the premier training area in the Pacific. It helps get our soldiers ready to face real-world situations so they can do a better job protecting the United States. PTA is a good steward of the land protecting endangered species; supports the local community through 1st responder services in the saddle area; provides opportunities for fire, police, and national guard training; and performs community outreach through donations of manpower and food. It is extremely important that the State land lease is renewed to keep the Army in Hawaii. They are a huge benefit to our community and economy.

## Nancy Martin

It is 9/25/2020 at 11 p.m. The Pohakuloa bombing is loud. There is a psychological stress to our community. What are the health effects for our community?

# Titus Matthews

The US military has overstayed their welcome at Pōhakuloa.

What was once a sacred site for Kanaka Maoli has become a playground for the US.

Where there were once marshes and water pits is now a barren and dry area littered with live ammunition, trash and radiation- radiation that will never fully clear itself as it can only decrease in half lives.

"Virtually" harmless is still harmful.

The militarization of Hawaii is colonization in its worst form.

Colonization is the leading cause of indigenous communities gentrification as well as their extinction.

Please consider terminating the lease for the US and return the 'āina to it's stewards.

## Dangelo McIntyre

Yo! Those bombs were mad loud the other night. On or about September 25 at 10:45 pm a series of ground shaking booms rocked Waikoloa village. Not cool. The loudest they have ever been and the latest y'all have ever detonated them. Have some respect

## Carol MCMILLAN

Last week there were land-shaking booms through the night and into the day. I'm around 40 miles away and it woke me up at night. This is an assault on the peace and beauty of our island home. As an anthropologist, I am appalled that there has been no survey of the land for cultural sites, which is against the Antiquities Act, and is not legal. Heavy metal contaminates are leaking into an aquifer that feeds my children and grandchildren in Kona. The permanent damage to archeological and spiritual sites is unacceptable, as well as the noise and physical pollution to the land and water. I believe that the kind of warfare being prepared for is useful mainly for arms sales, not for defending our country. Cyber attacks are the warfare of the present and future. I am strongly against renewing the military lease on 1/5 of our island, or any portion thereof.

## Randall Medeiros

As a veteran, lifelong resident and as part of a family that came to the island in the 19th century, I fully support extension of the lease of the Pohakuloa Training Area. My father, brother and I all trained on those grounds. It is part of our history and a valuable asset to our country's defense.

## Lillian Merle

My family has been dealing with listening to bombing of Mauna Kea for days and nights. My dogs are scared and bark at every bomb going off through the night. My whole family has suffered with lack of sleep because it continues through the night. I feel sad that our Mountain is being used so carelessly for testing in a time we need to help preserve this island. Please stop



Jeffrey Mermel  
To: USAMV Wheeler JAF @ Pacific Milder (EPA) Comments  
Cc: Jeffrey Mermel

Reply Reply All Forward

Tue 9/15/2020 8:48 PM

Sept. 16, 2020

Dear Sir or Madam,

I am a 44 year resident of Hawaii Island, a home owner and retired businessman..I do not deny the need for the Army to have SOME field training area at PTA. But come on! Tens of thousands of acres for it??

For the US to be involved with troops-on-the-ground land wars is really less likely these days.

The nature of US warfare in 2020 has changed. Is there really a need for heavy artillery training in this new age of electronic & drone warfare??

Much of this acreage is "ceded"/seized land from the time of the Hawaiian kingdom at the time of the 1893 overthrow of the Hawaiian monarchy.

Thus I would urge the EIS to encourage immediate negotiations between the Army, the DLNR, and leaders from the Hawaiian community.

After all, don't we need to find a way to get along and live with each other?

PS:

I can only hope that the EIS will take a serious look at two related matters:

1: It is known that Depleted Uranium is in the ground at PTA. When hit by high explosives, that metal turns to toxic DU oxide whose small particles are carried in the wind for us all to breathe..I hope that the EIS will call for DU OXIDE levels to be checked.

2: Why is PTA hauling in drinking water and NOT using the well that was drilled on site about 7 years ago? The EIS needs to have the test data released on the quality of that water.

Thank you for considering my comments..

Jeffrey Mermel

**From:** Zach Mermel  
**Sent:** Sunday, October 11, 2020 10:54 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Emailing -- PTA EIS Comments

To whom it may concern,

Thank you for offering the community the opportunity to comment on the draft EIS for Pohakuloa Training Area (PTA).

It is very important to the long term health of the land within and surrounding Pohakuloa to begin the process of Unexploded Ordinance (UXO) cleanup, as well as to discontinue (and hopefully somehow remediate) the Depleted Uranium across the Pohakuloa landscape.

The location of Pohakuloa has tremendous cultural significance for the Hawaiian people. Relatedly, the Pohakuloa area contains a large number of pre-contact archaeological sites. The aforementioned actions of environmental remediation (coupled with removal of non-native species and outplanting of native plants) will help to make this unique wahipana ("sacred place") a safe and significant place for future generations of Hawaii's people.

Respectfully submitted,

Zach Mermel

## Meleanna MEYER

Regarding granting and continuing plans for and EIS on Pōhakuloa Training area-- I reject use of Hawaiian lands being used for Military training of any kind, and unequivocally want Hawaiian lands to be returned to the owners of these lands. Pohakuloa should not ever be used for live fire training, or anything else having to do with the US military, who, as occupiers have no business on these or any other lands in Hawai‘i.

**From:** William W. Milks  
**Sent:** Wednesday, October 14, 2020 9:18 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Comment about Pohakuloa

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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To whom it may concern,

It has come to my attention that the government has under consideration an extension to its facilities located at Pohakuloa on the Big Island of Hawaii. Over several decades, the undersigned has been involved in either undertaking or reviewing environmental impact statements for various public and private projects. While some may consider such statements to be time-consuming and unduly costly — some of which unquestionably are — the vast majority of work done for EIS is valuable, and sometimes invaluable.

It is respectfully suggested that the government agencies responsible for having an EIS prepared for the planned extension of the Pohakuloa leases take the additional time necessary to thoroughly review all types of issues required by federal and state laws.

William W. Milks

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## Mariana Monasi

The US military doesn't have any right to continue bombing and desecrating sacred land which they have been abusing for years. Surrounding residents develop asthma, illnesses and even cancer because of the winds when the land is bombed. The community doesn't want this military presence and abuse, and it's physically and culturally hurting them. Get out of Pōhakuloa.

# Maimoa Moses

PISS OFF BACK TO THE MAINLAND WHITIES. Hawai'i is not your playground

**From:** Joel Nakamoto  
**Sent:** Wednesday, October 14, 2020 4:03 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] PTA EIS Scoping Comments

10/13/2020

To Whom It May Concern,

My name is Joel Nakamoto and I would like to provide testimony regarding the future of hunting opportunities at the Pohakuloa Training Area (PTA) as part of the scoping effort for the proposed PTA lease extension Environmental Impact Statement (EIS). For background, I was born and raised on the Big Island, am a licensed Civil Engineer, and since the late 1970's have spent time afield at PTA hunting for game mammals and birds.

First of all, if the powers that be determine that the United States must send our military personnel into harms way, I believe that our country has an obligation to provide the best training possible to allow for their safety and success. Thank you to all military personnel for your service. At the same time, I believe that it is the responsibility of military leadership to facilitate the environment conducive for such training to occur and, in the case of PTA, that means being a good neighbor in the community and maintaining positive relationships with stakeholders. While I do not expect hunting opportunities to take precedence over necessary training, I would like to see studies performed as part of this EIS which may assist the military leadership in making decisions that could possibly increase hunting opportunities, thereby creating some goodwill and possibly more community support from local hunters.

Over the 30-plus years that I have been hunting at PTA, I have observed that hunting opportunities are limited by the following:

- Military training schedule
- Closed environmentally sensitive areas (due to endangered species protection)
- Restrictions on game mammal population enhancement (due to endangered species protection)
- Limited staff to administer/police the hunting activities

While the first bullet point is understood to be out of our control, my comments below pertain to the latter three and are intended to utilize the EIS process to gather data to help Army leadership: (a) assess the effectiveness of the current endangered species protection strategies and, (b) consider an alternate strategy which may allow for increased hunting opportunities while offering more targeted protection of endangered species:

1. Over the past 30 years I have witnessed large portions of the leased lands fenced off, all game mammals eradicated, and public access prohibited for the purposes of endangered plant protection. Specifically these areas are TA 17, 19, 20, and 22. **Please provide a "status report" in the EIS for each of these areas to include the following data:**

- a. Size of area (acres)
- b. Year fencing completed/game mammals eradicated
- c. The endangered species recovery plan for this area at the time of fencing, including target species; desired goals and associated timelines; most significant threats and associated mitigation measures; population/habitat enhancement measures to be implemented; annual budget for recovery efforts; and other relevant information that would establish the baseline for measuring the success of the program.
- d. Number of game mammals eradicated by species since fencing erected (annual basis if available) and how many were salvaged for their meat.
- e. List of endangered species known to exist in the fenced unit and tabulated associated annual population/community counts for each year since fencing was erected, including a current count for this EIS.
- f. Annual average rainfall since fencing erected (and for the years prior to fencing if available).
- g. List of all invasive plant species present in the fenced area (fountain grass, fireweed, etc) and quantitative assessment of prevalence over the fenced time period. Also include a discussion of impacts to the survival of the endangered species.
- h. List of any insect species present in the fenced areas which are detrimental to the endangered plants. Assess prevalence and mitigation measures as applicable.
- i. Listing of any other animals/rodents/birds/etc killed in the fencing units for the purposes of endangered plant restoration. Provide detailed descriptions of all occurrences.
- j. Listing of all habitat enhancement efforts (project description, manhours spent, etc) over the fenced time period and their associated costs.
- k. Wildfire history over the fenced time period and assessment of current fuel load and potential fire risk.
- l. Summary graphs of endangered plant population/community by species for the years fenced and evaluation of trends.

m. Analysis of the effects of climate change on endangered plants in the fenced units, prediction of survival probability of each species at the end of the new lease period without active human intervention, and any specific recommendations to mitigate negative effects.

n. Prioritized ranked list of all risks to the survival of endangered plants in the fenced areas (with number one being the most critical) along with proposed mitigation measures, urgency that mitigation needs to be implemented, and associated approximate costs.

**2. I would strongly support a Habitat Conservation Plan (HCP) for Game Management at PTA (similar to the “Habitat Conservation Plan for Game Management at Puu Waa Waa and Puu Anahulu, Napuu Conservation Project” by the Hawaii Department of Land and Natural Resources) and recommend that it be included in the EIS as both a targeted endangered species protection strategy and a way to promote recreational hunting.** Instead of fencing large parcels of land, the idea behind the HCP is to fence smaller areas (exclosures) around a target number of endangered plant populations/communities and actively provide irrigation while controlling invasive weed growth. This results in high quality habitat while allowing for game mammal populations to exist outside of the fenced exclosures. While not intended to create a bare earth “firebreak”, the mammals outside the fenced units will lessen the fireload, as compared to having no mammals at all, for some positive benefit. This is allowed under the Endangered Species Act if an Incidental Take License is approved. The Puu Waa Waa/Puu Anahulu area is adjacent to PTA’s western boundary and as such shares similar terrain and habitat and makes it’s HCP a good starting model for PTA (however it should be noted that the Puu Waa Waa/Puu Anahulu HCP has yet to be approved).

**3. As part of the HCP alternative, please look into the feasibility of utilizing hunters as volunteers to offset the labor costs of managing the fenced exclosures.** In 2015, I attended a field review of the endangered plant recovery efforts at Puu Waa Waa and was surprised to see the variety of species thriving within the fenced unit, but also the tremendous poisoning/weedwhacking effort necessary to keep them fountain grass free. My takeaway was that, while the situation seemed to be very favorable to the endangered plants, it did not look cheap. However, if a written commitment is made by PTA (via the HCP) to provide a sustainable and managed mammal hunting program, hunters may be willing to volunteer their manpower to support the hunting opportunities, which could reduce operational costs. This could be a win-win if achieved, however due to an unfortunate past history of broken promises, PTA should be aware of, and may need to address, skepticism and a lingering negative stigma hunters may still harbor from past experiences.

**4. Please retain a committee consisting of the following expertise areas to review and analyze the reports, plans and data from items 1-3 above and make a recommendation for the most effective course of action to ensure endangered species protection in the new lease:**

a. **Botanist (specializing in Hawaiian Endangered plants)**

b. **PTA Game Manager**

c. **Meteorologist/Climate Change Scientist (with experience in the Mauna Kea/Mauna Loa region)**

**d. Registered Professional Engineer (with experience in cost/benefit analyses and feasibility studies)**

5. It is my opinion that the current Game Manager and Game Warden are doing an outstanding job in facilitating available hunting opportunities and also maintaining a positive relationship with the hunting community. It is my understanding that they are shorthanded given the high public demand for hunting opportunities at PTA and I thank them for their service. **Please include in the EIS possible funding alternatives for additional staff positions to allow for more and/or fairer distribution of hunting opportunities.**

6. Finally, when the draft EIS is published, please reach out to the County and State Game Management Commissions to arrange to make presentations to both bodies summarizing the Endangered species and game management recommendations for the PTA lease extension and to solicit comments and feedback.

Thank you very much for your consideration and for the opportunity to provide testimony.

Sincerely,

Joel Nakamoto

# Suzanne Nicoll

Give the land back to the island.

## Joseph Nobriga

My personal feelings are that when the time comes for the military to give back the training area, the military will not clean up all unexploded ordinances. Just like how the sham of a clean up happened on Kahoolawe. It's too costly, it's unfeasible, etc. I can just see it now - military will renege on the cleanup agreement.

There are other options besides bombing, live fire training in Hawaii. Bomb and shoot your artillery on the US mainland. Your military was directly involved with the overthrow of the Hawaiian kingdom. And by the way, we are a military family. We are just fed up with the way the US military keeps crapping on Hawaii and its citizens.

## A'ohe 'Oihana

The Programmatic Agreement between the U.S. Army Garrison, Pōhakuloa Training Area (USAG-Pōhakuloa and The Hawaii State Historic Preservation Officer (i.e. The State of Hawaii) clearly lays out an agreement where the Army is responsible for major environmental disposal operations

on leased State lands. The lease agreement of August 1964 requires that the Army "remove or deactivate" training ammunition before public access and to "remove or bury all trash, garbage or other waste materials". Since Ching and Kahaulelio had presented the case of scattered ordinance throughout PTA in 2018, it is evident that there has been little, or no action to meet this requirement.

On September 15, 2020 Hawaii News Now reported that military trash had been found illegally dumped in an area of Okala'a on the island of Hawaii, and in April 5, 2018 an Army Times article reported that Oahu 9th circuit judge, Gary Chang found that the Army was negligent in its hazardous waste removal duties. Judge Chang prohibited the Board of Land and Natural Resources (BLNR) from entering a new lease until the BLNR issued a written determination that the Army is complying with this existing lease. The scoping material provided during the September 23, 2020 "Open House" failed to share an existing BLNR written determination, therefore it seems inappropriate for the Army to push forward with new lease agreement negotiations. The USAG-Pōhakuloa has proven to be a poor tenant to the community of Hawaii. There have been continuous examples of the Army lying, and covering up their knowledge of waste being illegally dumped such as the case in Okala'a , and they are continually lying about the condition of Hawaii State lease lands under their control. The approximately 23, 000 acres of State land should be retained by the State of Hawaii for the betterment of Hawaii residents. Therefore, the best Alternative Plan would be Action plan #3, minimum retention and access until it can be show that the lease agreement is honored, and the safety and health of the community is held as the first priority of these proposed actions.

It has become evident that the Army has continually neglected their responsibilities and obligations to clean the Hawaii State lease lands for the safety of the community, and the natural environment. These lands have been left as undesirable and dangerous environments. It has also become increasingly evident that the Army does not intend to remedy these issues, instead focusing on "best training practices" and "becoming the number one training facility in the Nation", the Army really does not care about the community. These sacred lands of Pōhakuloa are in a sad, disastrous state, one that is unhealthy, non-productive, and aesthetically and culturally unpleasing for the community of Hawaii Island, and the Great State of Hawaii as a whole (NEPA, Sec. 101 [42 USC § 4331]). Things have changed considerably since 1946 and it is now time to sincerely take this period of reflection to really consider the consequences of our actions, and what those consequences might mean for future generations.

## Keith Okamoto

I'm okay with the continued use as long as the proper respect for the community and land is a priority and committed for continual improvement. Also, access for local hunters needs to be improved. There are many times that the land appears unused for training and could be opened for hunting.

## Cat Orland

The State of Hawaii & DLNR do not have any ownership of these ceded Hawaiian Kingdom lands. It is completely illegal for them to be extending an already illegal lease to the army. Our Hawaiian lands should be meant to better the life and health of the people of the Kingdom of Hawaii which in International courts still recognize as an illegally overthrown kingdom nation. There are currently no international treaties to prove any differently. Please do not look to extend the lease and continue poisoning the lands for our future generations and the land of our ancestors that are buried all over Hawai'i Island.

## Jonathan & Jamaica Osorio

Comments on scoping period for the Environmental Impact Statement (EIS) for Army Training Land Retention at Pohakuloa Training Area (PTA) in Hawaii.

Greetings

My name is Jonathan Kay Kamakawiwo'ole Osorio, PhD. I am a Professor of Hawaiian Studies and dean of the Hawai'i inuiākea School of Hawaiian Knowledge at the University of Hawai'i Mānoa. I am also a kama'āina to the Island of Hawai'i having been born and reared in Hilo. I am a scholar and author of 19th and 20th century Hawaiian history.

My name is Jamaica Heolimeleikalani Osorio, PhD. I am an Assistant Professor of Political Science at the University of Hawai'i Mānoa and a scholar of traditional mo'olelo and literature of Pele and Hi'iaka as well as contemporary Indigenous and Native Hawaiian politics. We are both Kānaka Maoli and reside in Wahiawā, O'ahu.

We have been copied with the testimony of several other individuals who have pointed out the illegality of America's taking of Hawai'i's sovereignty and control over the lands of the Kingdom government and of the Crown. Indeed the conflating of those distinct land categories by the "Republic of Hawai'i" between 1895 and 1897 was done principally to allow already wealthy sugar and pineapple companies access to large scale leases of the best agricultural lands in Hawai'i and to offer small farm leaseholds to American families in the hopes of encouraging a Caucasian immigration to Hawai'i that would replace Native people and the tens of thousands of Asian men and women who had been brought to Hawai'i by contract in the last half of the 19th century.

There was nothing legal about the "Republic's" possession of the Crown and Government lands and nothing either legal or moral about the "Republic's" very existence as it consisted of barely 4,000 mostly white men women and children within a nation of nearly 40,000 Kānaka Maoli and about 80,000 Chinese and Japanese inhabitants. What the "Republic" possessed was a friend in the White House from 1897 to 1901, and in this period was able to engineer a cession of the Hawai'i's sovereignty, which it did not possess, and about 2.1 million acres of Kingdom and Crown lands, to which it was not entitled. Under the terms of the 1898 Newlands Resolution, the United States reserved rights to those lands which they labled "Public Lands" while administration of those lands were generally left to the government of the Territory of Hawai'i.

The United States territorialized Hawai'i in May of 1900 and in the following two decades several presidents withdrew thousands of acres of lands from Territorial control through Presidential executive orders that created military bases like Forts Shafter, Ruger, Schofield Barracks, and Wheeler. Those withdrawals continued into the pre-Pacific War years to create bases at Bellows, Barbers Point, and the Naval ammunition depot at Lualualei. The most spectacular taking was still to come however, with an executive order that turned over the Island of Kaho'olawe to the Department of the the Navy in 1954 and the establishment of the Pohakuloa Training Area at the time that Congress voted to confer statehood on what had been an independent nation state.

We agree with testimonies like Ron Fujioshi's that the United States has no legal claim to any of the lands of the Hawaiian Archipelago, but are going to make a different point here. The armed forces

of the United States have never had any difficulties obtaining Hawaiian national and Crown lands for forts, airfields, naval ports, and training areas. In general American military use of our lands has been marked by environmental recklessness and a total lack of respect for the histories and cultural connections those places have had for the Hawaiian people. By the 1980s for instance, Pearl Harbor was listed as a Superfund contamination site along with Schofield Barracks. As for Kaho‘olawe, when your armed forces were forced to cease using live ordnance on the island in 1981, archaeologists discovered so many historic sites on Kaho‘olawe that the entire island was listed on the National Historic Record.

Environmental degradation poses a harm to Hawai‘i's citizens. Nothing illustrates the willingness of the US armed forces in Hawai‘i to disregard the public welfare as the dilatory response to the leaking fuel tank on Red Hill that sits over O‘ahu's largest fresh water aquifer. In public discourse, the Navy makes it clear that its priorities outweigh the concerns of the civilian population in Honolulu.

Pōhakuloa, actually the lands of Humu‘ula, Pu‘uanahulu and Kaohe, have been damaged under your supervision while its use and care is denied to the general public and to Native Hawaiians who have the clearest moral and legal claim to this land. It is an extravagant lack of graciousness that you ask for another lease of the 23,000 acres of land controlled by the State of Hawai‘i without actually asking for public comment on your administration of the rest of the lands of Pōhakuloa Training Area.

We testify that the Kānaka Maoli people whose nation is occupied and oppressed by the United States of America have shouldered your country's military needs long enough and that your response should be a grateful withdrawal from our lands beginning with those most damaged and least useful to you.

Jonathan K Osorio, PhD

Jamaica Heolimeleikalan Osorio, PhD

# CHARLES OTA

I submit testimony in support of the U.S. Army's request to extend its lease with the State to conduct live-fire combat training at PTA.

As I understand it, the military's presence in Hawaii is an essential component of U.S strategy to forward deploy combat ready U.S. military forces in the Indo-Pacific. This strategy has been effective in maintaining peace and security throughout the Indo-Pacific and enabling world commerce and trade to flourish. For Hawaii, it means that the continued military presence would avoid the loss of more than \$7.2 billion in defense spending in the state's economy..

While I am in support of extending the lease of state lands, I am concerned about the apparent lack of state oversight in the military's use of PTA as live-fire training to include heavy artillery and brigade sized training causes heavy (and likely permanent) damage to Hawaii's precious environment. This has been a recent subject of concern to the public and Hawaii's State Supreme Court. This requirement is to ensure that the use of PTA is in compliance with state and federal laws in protecting Hawaii's precious environment.

Therefore, I submit the following concerns for inclusion in a renegotiated lease for PTA.

1. The lease include a provision that the Army submit each scheduled training exercise in advance to the state Board and Department of Land Natural Resources for discussion and prior approval. This is to ensure that the planned exercise does not result in excessive damage to the environment and is in compliance with the approved lease.
2. That the state will monitor each training exercise by having a team of state officials led by DLNR to attend in person to ensure that the exercise was conducted as approved. A DLNR report for each exercise, to include concerns and recommended actions to be taken by the Army, be discussed with the Board and submitted to the Governor as necessary.

Mahalo.

Charles Ota  
Aiea, HI 96701

**From:** DLNR.LD.Land <dlnr.land@hawaii.gov>  
**Sent:** Wednesday, October 14, 2020 11:24 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** RE: Thank you for your submission: Contact the Governor

Please see message below received at DLNR regarding PTA lease.

Land Division  
Department of Land and Natural Resources

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**From:** Charels Ota \_\_\_\_\_  
**Sent:** Tuesday, October 13, 2020 5:24 PM  
**To:** DLNR.CO.PublicDLNR <[dlnr@hawaii.gov](mailto:dlnr@hawaii.gov)>  
**Subject:** [EXTERNAL] Fw: Thank you for your submission: Contact the Governor

To Ms Case, Director of DLNR.

This is to inform you that I am very much concerned about the U.S. Army's continued use of PTA for live-fire military training. While I am in support of renewing the state lease allowing the Army continued use PTA, I am concerned that the state must provide improved regulatory oversight to ensure that this use meets all state and federal environmental laws. Hawaii's previous but limited environment deserves no less.

Charles Ota  
Aiea, HI

----- Forwarded Message -----

**From:** [no-reply@hawaii.gov](mailto:no-reply@hawaii.gov) <[no-reply@hawaii.gov](mailto:no-reply@hawaii.gov)>  
**To:** \_\_\_\_\_  
**Sent:** Tuesday, October 13, 2020, 05:10:59 PM HST  
**Subject:** Thank you for your submission: Contact the Governor

Thank you for your message!

Your Name: Mr. Charles Ota

Your Title: Hawaii Resident

Organization: Retired

Phone:

Your Email Address: \_\_\_\_\_

Your Location: O'ahu

Your Address:  
Aiea, HI 96701-3068

Message Type: Other

Your Message: This is to inform you that I submitted written comments to the U.S. Army's environmental impact statement (EIS) regarding its request to renew the state lease expiring in 2029 to continue its use state lands at the Pohakuloa Training Area (PTA), Hawaii Island for live-fire military training. A copy of my testimony will be included in the Army's EIS currently being processed. As a Hawaii resident, I ask that the state review and address my comments to the Army and take steps necessary to ensure that these lands are properly protected in accordance with state and federal environmental laws.

## Brandie Oye

Please please stop bombing our precious lands. This is happening right next to our sacred mountains and I can hear and feel the trembling of our island down at the sea. Stop and train elsewhere. The entire United States is so large with many states of open empty land that the training could occur, why do it here on a little sacred island? Stop!

## Stephen Paulmier

The history of the military use of Hawaiian lands to train for armed conflict is filled with examples of misuse, neglect, coverup and willful mendacity. The record of the military organization claiming responsibility for the training proposed is well known throughout the world for its lack of concern for the safety and a callous disregard for the preciousness of human life. Yet in the statement of intent it claims the training it has used these lands for is needed to prevent injury and the loss of life. This double-speak, for it also admits its goal of producing a lethal collection of humans and machines designed to destroy or wound so badly as to be unable to resist is of itself reason enough to disqualify the renewal of the lease.

Combined with this collection of indictable facts the promise to leave the area responsibly is broken before the audacity to apply for an extension is presented. In fact no definitive assessment of the clean up necessary to leave the land responsibly exists.

For these reasons and others to be articulated further in another forum this lease extension request deserves to be denied and the clean up and exit of the military personal and equipment from Hawai'i island be commenced immediately.

# Cameo Perrells

Take your bombs and go practice in your own backyard!

# Amy Perruso

To whom it may concern,

An Environmental Impact Statement development process is one of the few ways in which our local community members, across the islands can share our concerns about land use by the U.S. military that affects all of us. It is of vital importance that the final EIS in this case answer some very basic questions and speak to some very basic concerns that have emerged from longstanding community conversations:

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the Former Bazooka Range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pohakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

Mahalo,

Representative Amy Perruso  
Hawaii State House  
District 46

## Seanna Pieper-Jordan

Pōhakuōa is a sacred place that deserves recognition for its importance to Native Hawaiian people. Destruction and disregard of the land violates the worldview of Native Hawaiian people. Below are a few points and questions I hope the Army will answer in the EIS process. My intent is to ask the Army for a thoughtful, equitable and progressive EIS process. Do more than what is required.

The Army cannot by nature be environmentally friendly. War games destroyed Kahoolawe and PTA is more of the same. How can we trust the U.S. military to cleanup all it has destroyed? Will the Army commit a monetary amount for cleanup? Will you go beyond what is already obligated by law for cultural and historical preservation, and for protection of endangered species?

There is a water reserve in the area and an article stated that the Army hopes to tap into the reserve. However, will the Army also provide public access to the water, because droughts are expected in the next half century because of climate change?

Consider an end date to military occupation to allow the land to heal. How long does the Army intend to remain in the area? Should there not be an end date to war games in the area? Could the Army commit to ending PTA when the U.S. is not fighting a war for a decade?

Granting access to cultural sites. Please pause the Army's war games to complete a third party, comprehensive survey of all cultural and historical sites in the area. Once a historical site is destroyed, it cannot be restored.

Be an ally. Will the Army invest in cultural/historical education in the area? Education that includes information on how to maintain national security through non-violence, peace time efforts.

I hope the Army will aim to respect, protect, restore, and mitigate, and will look to a future of peace with the land. I have a few positive steps that the Army could take that will show its commitment to going above and beyond what's legally required. Please allow more than 40 days for comments, and publish announcements in news outlets online, in print, and on TV. Also, consider a social media site that is open for ongoing public comments. My suggestion if you constantly keep a transparent process, which is easiest on social media. I also think others would appreciate a signup for news alerts and news letters. Transparency, care, openness, and willing to integrate public comments/ideas. Also, include a Race Equity and Inclusion specialist and framework.

## Megan Ploski

I've lived in Waikoloa Village all of my life and I am well aware of the training that happens at Pokakuloa training area(along with the noise that comes with it). However, recently there has been much more community disruption happening with the training. Such as low flying helicopters at late hours of the night which wake me from my sleep and also shake the house as if there was an earthquake; the bombing training has also been taking place far too late into the night also causing sleep disruption. My opinion is there are plenty hours of daylight when training both fly over and bombing training would be much more appropriate and considerate of the neighboring communities. Mahalo.

## Valerie Poag

I was shocked to discover recently that the deep booming, ground vibrations and rumbling I experienced at my place of residence in Waimea recently, was from live fire artillery from military maneuvers at PTA, approximately 25 miles away. I could hear & feel the regular explosions at various times both throughout the day and night. It was unsettling & eerie from 25 miles distant, and I can only imagine what it must have felt like from communities closer to PTA (such as Waikii). I am also very concerned about the damage such live fire artillery practice does to the land & environment. I am very much AGAINST continuation of such live fire artillery practice of any sort at this site.

## Jim Popper

No. There is no longer a real threat where this site would be of use. Besides. You've betrayed your trust and promises. Clean up and leave.

**From:** Kalai Posiulai  
**Sent:** Friday, October 2, 2020 12:04 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Regarding the Environmental Statement for U.S. Army's Lease of Pohakuloa

My name is Kalai Steve Posiulai. I am 15 years old and a proud son of an Air Force veteran. I am here to state my support for the U.S. Army's attempt to seek a continuation of their lease for Pōhakuloa for military use.

I support their issue because they are here to protect us. The Army is here so that I, a civilian, can sleep soundly and enjoy day-to-day life. I thank you for this and will always be grateful for you.

I care about this issue because I think that they should train here. They're protecting the State of Hawai'i so I think that the Army should have a training ground here always available to them. I don't agree with what others are saying about the lease and how the Army should have the lease taken away from them. I care because the Army cares for me and if something has the possibility of being taken away from the Army, then I'll stand and care for them.

I am asking that the U.S. Army continue to ask for the lease and I also have a suggestion for them. I suggest that the Army clean up after they are done training. It's just like cleaning up after yourself when you're done working out at the gym, but on a much larger scale. The Army have heard what the people are saying. They don't want the government to continue their lease because they're not taking care of the land.

I thank the Army for protecting us and being there for the State of Hawai'i. I often see Army vehicles on highways and the backroads because I live near the backroad that goes toward Schofield Army Base. I always look to the side when these vehicles pass me and smile because I know that I'm being protected by God and them.

Mahalo and God Bless,

Kalai S. Posiulai

# Tanya Power

I am full support of maintaining the PTA leased lands in its entirety for a plethora of reasons including:

- 1) Macro picture - keeping our warriors battle ready without being far from the Asia-Pacific region. Additionally our own National Guard has a better quality of life training at PTA rather than traveling to another destination. PTA keeps our military relevant!
- 2) Micro picture for the Big Island - the economic impact is huge with wages for civilian employees and the sub-contracted employees, the PTA first responders help everyone on the Island - not just the military personnel, PTA were instrumental in being good stewards of our taxpayer dollars by assisting in the building of the Daniel K Inouye Highway, and we could learn a lot about recycling on the Island from PTA.

I feel safe at night when I hear the aircraft training at high levels (it's not disturbing because they are really high) in the dark of night. Thank you all for your service! I whole-heartedly support PTA retaining the leased land.

\* FALSE AND MISLEADING POSTURE OF JURISDICTION  
CLAIM  
THE GREAT DECEPTION  
PURIFY YOUR HISTORY  
"De fact"

Honolulu STAR ADVERTISER SUNDAY 9-20-20  
Public notice page 8 TITLE 28 U.S.C. § 91  
THE US ARMY fraudulent CLAIM STATEMENT "ISAIA  
without pure evidence of geographic land  
claims by unauthorized Agent and officer  
of the U.S Union "STATE OF HAWAII" - "corporate  
THE STATE OF HAWAII DOES NOT OWN "JES SOLI" U  
THE STATE OF HAWAII Agents and officers "FOREI  
need to provide evidence "PROFF" of ownership  
Pseudonym. Implied contracts land claim.  
All LAND IN THE HAWAII ARCHIPELAGO (PTA)  
geographic LATITUDE + LONGITUDE + MIT + BOV  
Leap + Bound are in a geographical JURISDIC  
OF THE HAWAIIAN ARCHIPELAGO - (PRIVATE PROPER  
INTERNATIONAL LAW RECOGNIZES THE PURE LIVING  
Bona FIDE probate trust + ALLODIAL PURE TITLE OWNERS  
Document. KA HOPII OHANA ARE DIRECT DECENDENT  
OF LYDIA PAKI LIVING LAND TRUST 1,000,000 ACRES.  
and lawfully reserve the rights to ASSERT  
their rightful LAND CLAIM. INTERNATIONAL LAW  
prohibits the COERCIVE ASSIGNMENT OR ALTERATION  
of a people NATIONALITY and CITIZENSHIP.  
THE ALLODIAL TITLE PROTECTS THE HEIR, SUCCESSOR, DNI,  
Beneficiary and subject. Our NATIONAL  
Boundaries protect an geographic Peafull Ind-  
Indigenous people, living and practicing  
a culture + Heritage + mosaic law ON  
THEIR "JES SOLI". INTERNATIONAL LAW CONFIRMS  
Sovereignty never RELINQUISHED OR EXTINGUISHED  
AUTHENTIC HEIRS ON PURE JURISDICTION.  
PURE MINERAL LAND, AIR, AND SEA RIGHTS.  
AS REQUIRED AND DESIGNATED BY PURE TRUST DOCUMENT

HAWAIIAN CULTURAL PRESERVATION COUNCIL  
KAHUNA  
KALAI WA'A  
KUA MO'O O KEHAU - MU LINE 24,000 B.C.  
LAU LAPA AU  
Lomi Lomi  
Hoo Kele -  
MAHI'AI KALO

Article - ART 43 - TERMS 1893 Iliio Kalani Assignment  
"CONSTRUCTIVE FRAUD" Identity THEFT. AGREEMENT

Pure geographic Authority + Jurisdiction  
Physical boundaries - HAWAII NATIONAL SOIL.  
Public Law 103-150 - admission to unlawful  
THERE IS NO CONTRACT BETWEEN HEIRS, + "STATE"  
OF HAWAII - FEDERAL U.S. GOV'T. FOREIGN JURISDIC  
QUASI AUTHORIZATION BY A FOREIGN GOV'T  
and its agents and officers - operating  
unlawfully with fraudulent authoritative  
claims of mineral rights. Act of War <sup>FRIE</sup> ON NA  
Blatant violation of international LAW -  
who is fraudulently authorizing contracts  
with out consent of Heir + the pure  
Living will - + Probate trust.

APRIL 21 - 2005  
Filing

NO. MC 05 00109 - US court for HAWAII DISTRICT  
ARTICLE 7 THE HAGUE CONVENTION  
HIST SEC 106 - US military law (JAG)  
JOHN 14:26 ALDHA

INDIGENOUS PRIVATE CITIZEN KAHUMU RASI  
Ke Aupuni O Hawaii nei O NA Koolaupoko ANA

## Hawaiian Cultural Preservation Council

P.O. Box 23258, Honolulu, Hawaii 96823, (808) 235-4958

Honorable Ban Ki-Moon  
Secretary General, United Nations  
1<sup>st</sup> Avenue and 46<sup>th</sup> Street  
New York, NY 10017, USA

September 16, 2016

Re: The Issue of President Barack Hussein Obama's Birth

1. **Fact:** Barack H. Obama is a Christian member of the United Church of Christ (UCC): **TRUE**
2. **Fact:** Barack H. Obama was born at Kapiolani Maternity Hospital, Honolulu, Hawaii: **TRUE**
3. **Fact:** Barack H. Obama was born in the United States of America: **FALSE**

### Hawaiian Kingdom Political Historic Facts

1. **Fact:** Our Hawaiian Kingdom continues to exist as an internationally recognized sovereign independent state by other sovereign nations, despite continuous illegal U.S. occupation of our country for over 123 years. However, on *January 17, 1893*, our internationally recognized sovereign independent Hawaiian Kingdom was illegally overthrown by a U.S. waged and undeclared "*Act of War*" in violation of international law, and their own U.S. Constitutional laws, against our peaceful and friendly nation, of whom the U.S. had eight (8) treaties, and without a majority "*Declaration of War*" by U.S. Congress, nor signed by U.S. President Grover Cleveland, who later, addressing U.S. Congress, *18 Dec 1893, Withdraws the Illegal Annexation of our Hawaiian Kingdom*.
2. **Fact:** A covert conspiracy and acts of treason was plotted by greed of the big-5 sugar planters; 1) Alexander & Baldwin, 2) C. Brewer, 3) American Factors, 4) Castle & Cooke, 5) Theo. H. Davis; joined by the United Church of Christ (UCC) missionary descendents; aided and abetted with active participation of co-conspirators and U.S. Minister Plenipotentiary John L. Stevens, who, by unwarranted and under false pretenses, deployed U.S. navy and marine armed military forces to invade our national shores with their "Weapons of Mass Destruction", to then overthrow our undisputed de jure government, depose our legitimate queen, seize jurisdiction over our national territories, dominion, domains, seas, airspaces and zones, belligerent occupation of our country with their puppet civil administration, later an illegal domestic congressional annexation of our nation [*Newlands Joint Resolution, SJR, PL 55 (30 Stat 750), 7 July 1898, President William McKinley*], ill imposed U.S. citizenship upon us without naturalization, claim our national lands as new U.S. territories [*Organic Act, 30 April 1900, President William McKinley*], forced an unlawful referendum voted by U.S. citizens, military and foreigners, to claim our Hawaiian Kingdom their 50<sup>th</sup> State [*Hawaii Statehood Admissions Act, PL 86-3 (73 Stat 4), 18 March 1959, President Dwight Eisenhower*], in yet another covert conspiracy, to undermine and forestall *United Nations Resolution 1514*, declaring our Hawaiian Kingdom, illegally occupied by the United States of America.
3. **Fact:** Our Hawaiian Kingdom was extended full and equal diplomatic relationships and bilateral international treaties with 65 foreign nations, and 91 of their colonies, including 8 treaties with the U.S., totaling *156 Treaties* between 1826 and 1893; ensuring perpetual diplomatic peace, friendship and amity with all our allied nations; and was extended a bilateral *Anglo-Franco Proclamation, 28 Nov 1843*, recognizing our Sandwich Islands (Hawaii) as a sovereign independent state with full and complete diplomatic relations, as an equal member in the World Family of Nations, never to take possession of any part of its territory; further, the acknowledgement of our *16 May 1854, Proclamation of Neutrality*, to be respected by all occupying military belligerents. Further, our Hawaiian Kingdom commissioned consulates and ministers abroad in 28 foreign nations, and in 59 of their colonies, including 10 of our Hawaiian Kingdom Consulates in the U.S., totaling *87 Consulates*; including our agent commissioned to the *Swiss Confederation of the 1864 Geneva Congress*, for the Geneva Convention in Switzerland. Likewise, we also accredited *25 foreign consulates* and ministers stationed in our Hawaiian Kingdom, including 5 from the U.S.A.

4. **Fact:** The U.S. Congress passed, and U.S. President signed the [*Apology Law, PL 103-150 (107 Stat 1510), 23 Nov 1993, President William Clinton*], openly admitting to the U.S. role, involvement, wrong doings and of its active participation in the illegal U.S. military invasion, overthrow, seizure and occupation of our sovereign Hawaiian Kingdom. Moreover, it recognized neither our Queen Lili'uokalani, nor our de jure government, nor our citizen nationals ever relinquished our legal claims, nor authority to our de jure government, nor jurisdiction over our national territories, nor our inherent rights to our sovereign independence, over to the U.S.; and declaring the U.S. legal obligation to full and complete reparations, restitutions and restorations of our Hawaiian Kingdom. Needless to say, "*Apology*" without return of stolen goods, is absolutely dishonest, disingenuous and worthless.

5. **Fact:** Therefore, Barrack H. Obama was born in a "*Foreign Country*", our Hawaiian Kingdom, well over 2,400 miles from America's 12-mile territorial seas, and its 200 mile exclusive economic zone, and by its very own U.S. Constitution, was never eligible to be President of the United States of America. Therefore, every executive order, acts, bills, laws, statutes, budgets, treaties, trades, transactions, agreements, contracts, compacts, programs and all legal documents signed and enforced by President Obama over the past 7 ½ years in office, are all unlawful, illegal and against U.S. Constitutional laws, statutes, codes; therefore, unconstitutional, unenforceable, completely null and void, and must all be repealed and revoked, by whomever the new U.S. administration is elected 8 Nov 2016.

#### Hawaiian Kingdom Conclusion

No...the issue of Barrack Hussein Obama's birth is NOT over. Just ask the many loyal citizen nationals of our Hawaiian Kingdom. By illegal and unwarranted U.S. military aggression, occupation and "*Regime Change*", Hawaiian Kingdom citizen nationals were compelled to live under forced duress for over 123 years. We can hardly defend against a dominant U.S. military world power with its stockpile of biological, chemical and nuclear warfare "*Weapons of Mass Extinction*", with our spears; but, power does not erase wrongs, no matter the time passing.

World U.N. government leaders, investigative journalists of all national and international media, must exercise earnest and due diligence, to investigate and research documented records of U.S. Congress, State Departments, Supreme Courts and White House archive and administrative records; and of past Presidents Grover Cleveland, Benjamin Harrison and William McKinley from 1885 to 1901 to find documented historic data, material facts, evidence and correspondence. Ignorance (or cover-up) of historic facts is unacceptable and inexcusable, for the hidden records speak for itself. Just be completely trustworthy and honest in revealing the historic truths.

We must restore our sovereign independent Hawaiian Kingdom, and continue alliances of peace, friendship, amity, bilateral treaties, diplomatic relations and embassy's with all our allied nations, that prior existed in peace. We are not anti-American, but a peaceful people, loyal to our Country...no different than you are loyal to your Country.

In the end, under U.S. Constitutional laws and international law of nations, United Nations Peacekeeping Forces must monitor and enforce a peaceful non-violent "*U.S. Withdrawal*" from our sovereign country. Time does not erase "*War Crimes*"; justice must ultimately prevail under the "*Rule of Law*", even against nuclear powerful U.S. Mr. Trump was right, for the wrong reasons. With peace, friendship, amity and kindly regards, I patiently remain.

Dr. Solomon D.K. Nalua'I, M.D., Ph.D., Vet., (Retired)  
Chairman, Hawaiian Cultural Preservation Council (HCPC)

cc, attention: U.S. White House, Congress, Supreme Court and Pentagon  
United Nations General Assembly and Security Council  
All National Media, International Media and Social Media  
All real live natural persons, fiction corporations and governments

**From:** Nancy Redfeather  
**Sent:** Tuesday, October 13, 2020 3:48 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Cc:** Nancy Redfeather  
**Subject:** [Non-DoD Source] Public Input on the Scope of Analysis for EIS - Pohakuloa

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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Nancy Redfeather

Kealakekua, Hawaii 96750  
Attention: Public Input on the Scope of analysis for EIS Pohakuloa

October 12, 2020

To whom it may concern,

As the U.S. Army plans to prepare an environmental impact statement to analyze its proposal to retain up to approximately 23,000 acres of state-owned land at Pohakuloa Training Area (PTA) for military training, the public has been invited to comment on the Scope of Analysis for the EIS. I would like to submit this statement for my Testimony.

It is my understanding that The area has been used for military training since 1943, and the state-owned land has been leased by the Army since 1964. PTA is the largest contiguous live-fire range and maneuver training area in the state and is located between Mauna Loa, Mauna Kea, and Hualalai on the island of Hawai'i. Of the 132,810 acres at PTA, approximately 23,000 are leased from the state. The current 65-year lease is set to expire in August 2029.

**I am opposed to the continued occupation of State lands on Hawaii Island for military training exercises and I would like to briefly identify points that the EIS should seriously consider in detail.**

1. I know in the Army's lease you are required to "make every reasonable effort to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner." Has the Army complied with this lease provision and what were the steps taken and when to fulfill this promise?

2. A thorough investigation of the entire area should be undertaken to determine whether there is any military debris remaining and that would also include unexploded ordnance on any lands that have been used for training/exercises over the historical time period of your occupation. I know that over many years, there have been many Cultural Monitors who spent extensive time on the Pohakuloa lands and have observed firsthand military debris, including unexploded ordnance and spent shell casings on the grounds of the lands leased by the Army.

3. There was a draft document titled: "Action Memorandum for the Time Critical Removal Action" prepared in 3/2015 by the US Army Garrison at Wheeler Army airfield on Schofield Barricks in Wahiawa, Oahu, Hawaii. This bazooka range was used as a military maneuver area through the early 2000s. During the joint DLNR/Army inspection in 2014, the area was found to be "heavily contaminated on the surface with potentially explosive materials and munition debris. 4 different types of ordinance were observed to be present.

- 1.) M29A2 training rounds with dummy M405 fuses
- 2.) Practice 81mm mortars
- 3.) Other high explosive anti-tank rifle grenades
- 4.) M28A2 bazooka rounds with M404 fuse
- 5.) M30 white phosphorus bazooka rounds

At that time the Army noted the number of ordinance present on the ground "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." Estimated cost of clean-up in 2015 was \$2,353,000.00. The reason the Army recommended this clean-up was that it "presents an imminent and substantial endangerment to public health, or welfare, or the environment."

Any EIS should summarize the details and the status of that clean-up effort. Was it accomplished, is it now safe for the public and the environment, what and how much waste was collected from the area, where was it disposed?

4. This upcoming EIS should fully and transparently disclose the extent to which the ungulates exist in the area used by the Army for training exercises and the damage they have caused to date.

5. To my knowledge, from reading reports of the number and significance of cultural sites the investigation into this aspect of land use has been superficial. This EIS should include a thorough inventory of all historic sites in the area with photos and GPS location. It should also include a thorough discussion of the history and the cultural significance of Pohakuloa through historical time to the present. The EIS should also include a detailed discussion as to the current condition of each of these sites and how they have changed while the Army has been using these lands.

## **Concerns still Linger from the 8/2018 EA Finding of No Significant Impact**

1. I can see that a thorough evaluation of the potential ancient and historical sites has not been completed. There have been identified 1,198 sites, 822 have not been evaluated, and 364 are traditional Hawaiian sites, and that only 20% of the high impact zone has been evaluated. That no sacred sites were identified seems highly unlikely. This information should have affected the final determination of No Significant Impact.

2. While I understand that there has been numerous lava flows as well as 100 years of ranching in the zone, and that a collection of physical artifacts exists that was recovered through surveys, it seems that there very well could be long term impacts to the Island of Hawai'i through continued use of the area as a training area for the use and training of various weapon systems. These impacts would include, contamination of the ground water serving communities at lower elevations, contamination of soils from depleted uranium pieces and dust kicked up in the impact zone unknowingly (because you really don't know where all the DU lies) impacting both the soldiers and communities down wind, and the potential for ancient sites which have not yet been surveyed to be destroyed.

3. The Hawai'i County Council has passed various Resolutions that are also concerned about these potential impacts. Resolution 639-88 urges the military to address the potential hazards of DU at the Pohakuloa Training Area. This Resolution has 8 action areas including ceasing of live fire and clean up of DU that have not been adequately addressed in the past 9 years.

4. The State of Hawai'i land lease does not allow for storage of nuclear storage on site, even though the NRC has given Pokahuloa permit to possess DU on site. The Army has not been transparent with the public about the use of DU coated weapons being used currently on site. If the Army is not using DU coated weapons and firing them at the Pohakuloa Training Site, you should tell the public. That would make a huge difference in many people's minds of how they view your continued presence here

**Personal Observations:**

I live in the Kawanui Ahupua'a of Kona at the 1,500 ft. elevation and many times over the past 20 years my house has shook from the ordnance that has been used at Pokaukoa. I have also been out on my farm and literally felt the earth shake under my feet. Can this possibly trigger earthquakes or shift movements of magma beneath the surface? Please include such seismic and geological information in the EIS.

Thank you for taking all these concerns under consideration when laying out your plan for the EIS. I will look for updates on this process in our local news, unless you of course wish to update the stakeholders in a timely manner. Mahalo.

Sincerely,

Nancy Redfeather  
Kona, Hawai'i

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**From:** Michael Reimer  
**Sent:** Wednesday, October 7, 2020 9:23 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Comment on EIS for lease at Pohakuloa Training Area

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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October 7, 2020

To : US Army, Hawaii  
[USArmy.hawaii.nepa@mail.mil](mailto:USArmy.hawaii.nepa@mail.mil)

From: Michael Reimer, Ph.D.

---

Subject: Comments on EIS for Pohakuloa Training Area, Hawaii

I append here my comments for the Environmental Impact Statement being developed for the renegotiation for use of leased lands at Pohakuloa Training Area, Hawaii.

Please acknowledge receipt.

**COMMENT ON EIS CONSIDERATION FOR EXTENSION OF LEASE AT POHAKULOA TRAINING AREA (PTA), HAWAII**

By Michael Reimer, Ph. D.  
October 7, 2020

Submitted to: US Army, Hawaii-NEPA

Submitted by: Michael Reimer, Ph.D.

The Environmental Impact Statement (EIS) for this lease renegotiation will be fatally flawed if it does not comprehensively discuss the need, methodologies and schedule for cleanup of the toxic and waste materials put in place by the training activities. Even if there is an attempt to eliminate the cleanup requirements as exist in the current lease, this is an issue that cannot be avoided in the content of this EIS as it has tremendous human impact.

The U.S. Army has often boasted that it is a great steward of the `aina at PTA but has repeatedly failed to adequately demonstrate that claim on its own volition. That, of course, applies not only to maintaining stewardship of the physical lands but the requirement for respecting the social, cultural, and spiritual use of the lands. While this EIS is stated to primarily focus on the leased lands, those lands cannot be so easily separated from the entire PTA complex. Most importantly, it is known that environmental degradation of the leased area is further caused by any and all toxic materials grossly contaminating the natural environmental conditions present anywhere at PTA as those toxins are actively transferred either from or to those leased lands. This fact was noted in the judicial ruling (ROA Vol. 6 ICA 47:229-73) regarding failure to clean up the leased lands as required by the existing lease.

While the need for military training facilities is recognized, there is no reason that a harmonious use cannot be achieved without leaving behind a wasteland never again to be used for any cultural or community purpose. It is possible to negate any and all risks to the public, the soldiers, and the employees of PTA from contamination caused by the training activities. The face of military engagement is changing and that must be acknowledged. It is becoming less an engagement of bombs and bullets and more an economic and social battle especially among superpowers as we have clear evidence today of hacking computer systems to destroy infrastructure and hence, freedoms and liberties.

Human health and lives should not be cavalierly and unwittingly considered as acceptable collateral damage from the training activities. A discussion must be included to consider that if a lease renewal is to be granted, an environmental bond must be required to fully cover cleanup costs to return the `aina to its original condition. Simply stated, the `aina must be returned to its original useful condition before any lease extension is granted. This is a crucial point. If the U.S. Army claims that the land cannot be cleaned and restored to usable conditions for the public free of hazards and risks, then the environmental damage must be acknowledged as permanent and that must be clearly stated in the EIS. In other words, continued use of the leased lands would ensure permanent irreversible damage to the environment and this condition then singularly supports what must be the final conclusion of the EIS - that the lease continuation is not advised. It would be contrary to claimed stewardship that these lands shall exist only as a military toxic-waste dump with continuing and lasting health and safety risks to the public.

Waiting until such future time that the military abandon the PTA training site and expecting complete restoration or mitigation would be delusional. Requirement for cleanup now exists and has been largely ignored. There is no trust fund established to cover the costs of such cleanup that will undoubtedly fall to the State or County. To reiterate, the failure of the U.S. Army to abide by the original lease agreement clearly demonstrates that the Army's claim of good stewardship is a hollow claim and without substance. Part of the EIS discussion must include the good faith requirement that the Army will return the `aina to its original condition prior to termination of the existing lease and before a lease renewal can be considered.

The failure to reclaim land from unexploded ordinance (UXO) and other residual military toxins is not unusual on the Big Island or elsewhere in Hawaii for that matter. Note the repeated required cleanup of UXO at Waikoloa Village from remaining World War II training activities associated with the Waikoloa Maneuver Area. Cleanup is required of UXO on Department of Hawaiian Home Lands in Waimea (Kamuela 96743) inhabited by native Hawaiians. Further lack of complete and dedicated cleanup in Hawaii is evidenced by Kaho`olawe, where only partial effort was implemented, and ground-water contamination on Oahu from leaking underground fuel storage facilities threatening the drinking water source of the primary population center of Hawaii is known and must be immediately mitigated. These are just a few examples of poor military stewardship in Hawaii.

The need for proper cleanup at PTA has been expressed previously by the Hawaii County Council (Resolution 639-08) and in the Hawaii Courts (449 P.3d 1146 (2019)) but seemingly ignored by the U.S. Army. The EIS must address all efforts to clean up existing contamination and address how it will be ameliorated after each training session.

The use of highly toxic depleted uranium (DU) in the 1960s is a prime example of toxic and contaminated conditions already existing at PTA. There are several areas known as radiation controlled areas (RCAs) now sequestered with highly restricted entry that are known to contain depleted uranium. It must be noted that these areas are only approximations of where training with DU may have occurred and may actually include a portion of leased lands if a fuller determination under the principle of an abundance of caution had been conducted. In any event, the RCA areas have also been used for high-explosive weapon detonation, thus distributing the depleted uranium particulates over much larger areas outside the RCAs, including the leased lands. The total uranium content of soils several miles distant from the RCAs has been analyzed and shown to be composed of up to 30 percent depleted uranium (Nuclear Regulatory Commission on-line Adams public library, ML 120138S110). A plan to clean up and remove the DU likely exists to support the U.S. Army submission of a clean-up budget to the U.S. Nuclear Regulatory Commission (NRC) several years ago. The NRC can be contacted for that estimate and perhaps the clean-up plan as well. As I recall, the cost was insignificant at about \$60 million, small especially compared to the \$12 billion the U.S. Military says it invests yearly into Hawaii's economy. It is reasonable to presume that during the DU clean-up operations, other toxins and UXO could be removed at little additional cost.

The EIS must provide full disclosure, discuss adequate monitoring of all potential contaminated sites involving earth, air, and water, and exhibit absolute transparency. Again, the issue concerning DU comes to the forefront. Currently, the NRC has accepted a woefully inadequate monitoring program generated and based on numerous statements of misinformation by the U.S. Army. The primary distribution of DU particulates causing the greatest risk to the soldiers, and employees of the garrison at PTA and the public is by air. The current monitoring program ignores air transport but the distribution is so pronounced that even the evasive monitoring program currently applied has shown the aforementioned DU contamination. It becomes easy for the military to claim that the NRC has approved their program and to conveniently hide behind that mantle when it is clear that the program was established to minimize the chances of finding DU distribution outside of the RCAs. In effect, it adheres to the adage of "do not seek and ye shall not find." Then the claim of no required action is assured. I am sure that any reviewer of my comment will see the similarity of this logic of using defective testing to that used by current Administrative demands to stop testing for Corona Virus.

In sum, it is imperative for this EIS to fully discuss a requirement to clean the land at PTA of military toxins and hazards and to monitor that progress after every exercise. If the land is not cleaned up and restored to its primal state, fully usable for public purposes including spiritual and cultural activities, then the EIS must conclude that the lease shall not be continued.

# Rose Riedesel

please do not renew the lease to the military. clean up the toxic wastes and leave Big Island Hawaii.  
these are sacred lands. thank you for your consideration aloha



**From:** Renee Riley  
**Sent:** Wednesday, October 14, 2020 5:57 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Cc:** Maui Peace Action  
**Subject:** [Non-DoD Source] No - for the PTA lease extension of Pohakuloa

Please - Stop the Bombing of Pohakuloa, land taken from the Hawaiian people. This land needs to be cleaned up of toxic waste, unexploded ordinances, and all remnants of the military practices for war and returned to the Hawaiian people. An important step in this process of de-militarizing Pohakuloa and Hawaii is to stop the PTA lease extension.

Instead of practices for war, Hawaii could be promoting peace by rejecting war as a solution and giving the original 23,000 acres of Pohakuloa to Hawaiians to build homes and grow sustainable crops. The military could be practicing for peace in Hawaii. Instead of target practicing, the military could be facilitating health clinics and shelters for the most vulnerable in our communities. Let the U.S. Military become a model of peaceful justice throughout the world.

A first stop would be to stop the PTA lease extension.

Aloha, Renee Riley (Kihei, HI resident & voter)

## Elene Rizzo-Kuhn

PMhakuloa Training Area (PTA) is vital to the community of Hawaii. They are there to support us in times of need and they always willing to give to the local community. Plus this area is a prominent area for our troops to practice military maneuvers, there is no place like this in the state of Hawaii. Without this training area how good would our troops be? Keep PTA open and lease the land back to them for another 20 years!

# Tara Rojas

Injustice and Militarization of Hawai'i must end now. No, no renewal nor retention of any land here by the military, period. Fifty years and counting of being negligent and atrocious stewards of precious Hawai'i land is unexcusable and ridiculous. FIFTY-PLUS YEARS of destruction, HEWA.

A lengthy Environmental Impact Statement is not needed to assess what has already been stated: military use and occupation wreaked and continues to wreak havoc on this environment - cease and desist NOW. LEAVE THE 'ĀINA ALONE AND STOP THIS HEWA. MILITARY - LEAVE HAWAI'I. Once the lease is up, leave. It is time to go. Long overstayed and unwelcomed.

All Hawai'i lands are NOT military-training grounds as all Hawai'i lands are SACRED SPACE AND PLACE.

RETURN THE LAND TO ITS RIGHTFUL OWNERS, THE NATIVE HAWAIIANS WHO ARE THE CARETAKERS OF THIS BOUNTIFUL AND LIFE-GIVING 'ĀINA.

Time to make things pono, reestablish justice and return Hawaiian lands into Hawaiian hands. Hawai'i is Hawai'i because of and for Hawaiians.

## Dale Ross

PTA is located in a highly sensitive and sacred place. I would not want the activities at PTA to impact sights and sounds of people enjoying the area, to include the park, Mauna Kea, Mauna Loa, as well as the science being conducted on both mountains. I understand also that the location has indigenous plants and creatures which should be protected from the activities at PTA.

## Jon Sabati

The military needs a place to train to become an efficient force to protect our nation and the citizens of the United States. I feel that the military also needs to address the needs of the local residents by meeting with people of our communities on the issues of gathering and hunting. PTA has been one sided on the endangered species in regards to native plants. Many areas have been fenced and now had become a wasteland of Fountain grass which is a dangerous wildfire fuel. I would like to see improvements in these fenced areas to where the habitat is cared for. If you truly care for the endangered plants in the fenced areas than the habitat improvement should be a priority. Public hunting opportunities should be offered more to the community as hunting is a good inexpensive way to manage animal numbers and with the constant increases in Hawaii's cost of living hunting has become a valuable resource for many families.

# Ellen Schomer

## Copied from PDF

To whom it may concern

I oppose the continued lease Of lands on Hawaii Island to the United States military. I'm deeply concerned about military expansion on the island as it is viewed as A very strategic location and very

useful for military exercises. These islands were united under one king in order to end warfare between

the islands and the various chiefs over 300 years ago. The military presence at Pohakuloa stands for some thing very different, sustaining and perfecting warfare. This does not Honor The legacy of the Hawaiian ancestors efforts to end warfare . These lands from the Hawaiian kingdom are to be in trust

for the benefit of native Hawaiians and the general public. The legality of how these lands were acquired

and the economic pressures that caused other entities to lease lands or sell lands to the military is both

questionable and tragic. We live in one of the most precious places in the world with unique ecosystems

that we cherish, Just as we cherish all human life. We do not need To become a huge military base for

eternity. As a Hawaiian island, the Aloha state , and as human beings we can do better than that. Ua Mau ke Ea o ka Aina i ka Pono .

Thank you, Ellen Schomer

**From:** Ellen Schomer  
**Sent:** Tuesday, September 29, 2020 1:00 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Pohakuloa Continued lease

To whom it may concern

I oppose the continued lease Of lands on Hawaii Island to the United States military. I'm deeply concerned about military expansion on the island as it is viewed as A very strategic location and very useful for military exercises. These islands were united under one king in order to end warfare between the islands and the various chiefs over 300 years ago. The military presence at Pohakuloa stands for some thing very different, sustaining and perfecting warfare. This does not Honor The legacy of the Hawaiian ancestors efforts to end warfare . These lands from the Hawaiian kingdom are to be in trust for the benefit of native Hawaiians and the general public. The legality of how these lands were acquired and the economic pressures that caused other entities to lease lands or sell lands to the military is both questionable and tragic. We live in one of the most precious places in the world with unique ecosystems that we cherish, Just as we cherish all human life. We do not need To become a huge military base for eternity. As a Hawaiian island, the Aloha state , and as human beings we can do better than that. Ua Mau ke Ea o ka Aina i ka Pono . Thank you, Ellen Schomer

Sent from my iPad

## Richard Schulherr

Could the Ospreys PLEASE avoid Waikoloa Village, especially at night, I am pretty tired of the Ospreys altogether; the damn things are so loud and flying SO LOW that you cannot continue a conversation, or watch a film, until they lumber on by. 138,000 acres for a dollar a year, and you have to screw with us? You are supposed to AVOID the village, not torture the people who live there by destroying their sleep. If you cannot manage to avoid a brightly lit village, go fly the damn things wherever they make them, the army has a LOT of land on Hawaii to make noise over where people don't live, they've shit lead all over the island, stop the insanity. Hot dogs need to be barbecued, not given airplanes that cost \$11,600 an hour to fly so they can annoy the populace. You aren't protecting us from a damned thing, except a decent nights sleep. This was supposed to be solved YEARS ago when the Village was reclassified; get with the program or find a CO who can. Whoever is in charge has risen to the level of their incompetence, prove me wrong by FIXING THIS FOOLISHNESS.

## Kathleen Slaughter

I am aware that the military are an important financial supporter of the Big Island. However, the bombing during evening hours and sundays are in violation of the states noise laws of my HOA as well as the state of hawaii and make it impossible to enjoy my home. Also, the military aircraft fly directly over my Waikoloa village home at very low altitudes, which recreational or tour aircraft are not allowed to do and are extremely loud, causing my windows to shake at times. I believe that the military need to follow noise and FAA rules to coexist peacefully with the residents of the island.

## Amy Smith

Bombing occurred at 11 pm at night. This is not okay. Outside of the hours, it's unclear to me why virtual training isn't similarly beneficial and would save the land from needless destruction. It would be preferable to not bomb land that is near volcanos and in an area that really is not at all desolate. Big Island may be less populated but it is still populated.

## Katrina Souza

I am strongly against the Army's intention to extend its lease of Pohakuloa.

I cannot believe in this day and age of Native Hawaiian awakening and activism that the Army and all its supporters think they are justified in continuing to desecrate lands at the foot of Maunakea.

It is mind-boggling that the U.S. military and the State of Hawaii have learned NO LESSONS from the bombing of Kahoolawe and the subsequent decades it has taken to clean up that island, which is still on-going. That island is uninhabitable due to the wonton destruction done to it by the military. The same will be the case for Pohakuloa. There is no intention by the U.S. military to EVER return Pohakuloa back to the people of Hawaii, to whom the lands were meant for.

The 23,000 acres in question have been blatantly abused since the original lease was granted in 1964 for \$1. As lands from the public lands trust, it was supposed to be used for Native Hawaiians and the general public. It is such an insult to all Native Hawaiians that these Crown lands have been used in such a violent and destructive way for all these decades. It is time to end the destruction now. It is time for the Army and the State of Hawaii to take responsibility to end live-fire training in Pohakuloa and begin to clean it up and give it back to Hawaii's people.

## M. Kalani Souza

I am in opposition to the continued military occupation of Hawaiian lands. I am opposed to the claim these are in fact "state lands". I believe identified Hawaiian community members should be allowed to be a greater part of the process for recovering the land, the community, and the long held relationship with America. I believe additional "illegal" land acquisitions, at this moment in history are not in the best interest of the United States, Other means must be found to negotiate a solution to the US presence in the Pacific theater, this needs not become a global conflict point.

**From:** Aaron Stene  
**Sent:** Sunday, September 6, 2020 12:02 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Cc:** Donnelly, Michael O'Malley CIV USARMY IMCOM PACIFIC (USA)  
**Subject:** [Non-DoD Source] Pohakuloa Training Area NEPA/HEPA EIS Comments

**Importance:** High

Aloha,

I firmly support the lease extension to the U.S Army for 23,000 acres of state land up in Pohakuloa. The military has provided many benefits to the Big Island, such as being first/secondary responders to car accidents, brush fires, emergency incidents on Maunakea. In addition, it was military funding through the Defense Access Road program that spearheaded the improvements to Saddle Road (DKI Highway) to modern standards.

The military has brought many positive benefits to this island, but there has been concerns raised by the community about the cleanup of onsite residual depleted uranium, and the failure by the military, and the DLNR, to follow the conditions of the existing lease.

The new lease needs to address these community concerns going forward.

PTA is

crown jewel for military training in the Pacific rim. It would be jeopardize our national security if the lease for 23,000 acres is not renewed.

Sincerely,  
Aaron Stene

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Aaron Stene

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## Robert H Stiver

I have read with great interest Colonel Ann Wright's scintillating op-ed in the Honolulu Star-Advertiser of Monday, 10-12-2020. I support unequivocally and passionately Colonel Wright's principled position: "It is time for the state of Hawaii to get its 23,000 (Pohakuloa) acres back from the federal government."

anna sumida

THE STATE SHOULD TERMINATE ARMY'S LEASE ON LAND AT POHAKULOA

- Damage to native ecosystem
- Unexploded ordinances everywhere
- Damage to Native Hawaiian cultural sites
- Uranium and other harmful contaminants in the area

**From:** Jojo Tanimoto  
**Sent:** Thursday, October 8, 2020 1:54 PM  
**To:** dlnr.land@hawaii.gov; ATLR-PTA-EIS@g70.design; USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] PTA-1  
**Attachments:** PTA-1.pdf

Aloha  
Attached are my comments. Please confirm you have received.  
Mahalo Ms Jojo Tanimoto

Sent from my iPad

Ms. Jojo Tanimoto

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October 8, 2020

Mr. Russell Tsugi  
[dlnr.land@hawaii.gov](mailto:dlnr.land@hawaii.gov)

Dear Sir:

Re: Army Training at Pōhakuloa Training Area (PTA) EIS

Mahalo for the opportunity to comment regarding the Army's request to retain State lands for PTA Mission of readiness. My family and I live in Kawaihae, on Hawaiian Homelands. Over the years, we continually complain about impacts from military arrivals by land, sea and air. We have mentioned our complaints to the Waimea Military Liaison, but his authority does not include any support or mitigations for our community in Kawaihae. So, we have no Liaison since Stephen Troute passed away a few years now. My first comment, we have no communication with all the branches that train at PTA, and we wonder-why not? (Chaper 3.8-2 Environmental Justice).

#### BACKGROUND

This document says PTA and the lands for retention, are in the Hamakua Ahupua'a. According to Senate Bill 3052, HD2-ACT 288 (7/9/2012), Traditionally, there are 6 Moku (Districts), Kohala, Kona, Ka'u, Puna, Hilo and Hamakua. Today there are 9 County Districts. There are many Ahupua'a in each Moku and the boundaries change; but PTA is in the Kohala Moku.

#### Chapter 3.6 NOISE and VIBRATION

On the island of Hawaii map, Kawaihae is tucked away (almost like a neck on a body). It is sheltered by the Kohala Mountains on one side and the Pacific Ocean on the other. This unique feature creates an "echo" effect.

There are two concerns:

- a). Low flying aircraft over our homes, put our homes and foundation at risk. Low flying to me, is I can see the pilot from my dinner table. I live about 600 feet elevation.
- b) the alignment of flight over our homes at low level altitude, includes flying over the National Historic Pu'ukohola Heiau, in the Kawaihae National Park.

This impact needs to be included, included liability costs for replacement.

There was an incident that happened not too long ago that needs to be included in the EIS. The helicopters were practicing at very low altitudes (like in the movies). The blades of the aircraft

were churning waves, they were so low. Problem was, this affected the fish spawning activities that year.

### TRANSPORTATION ISSUES

Kawaihae features a two-lane highway system that services the resident population from Kohala to the Queen Ka'ahumanu Highway intersection at Kawaihae Road.

- 1) It needs to be noted that the Army Transport ship arrives and departs from the Kawaihae Harbor. Therefore, all the equipment, ammunition, etc. to PTA must utilize the same road infrastructure. It will be immensely appreciated that movement from the Harbor is publicized-by digital Highways signage at least a week in advance. That way, all the communities affected can plan to make adjustments for this movement.
- 2) It needs to be taught to ALL military personne, that Kawaihae was once a thriving enterprising community and to expect burial sites along the Kawaihae Road thoroughfare. We observe the equipment and trucks come off the Harbor and then park on the shoulders on Kawaihae Road and block local traffic. Kawaihae Road is uphill with at least two bends where visualizing is at risk for local traffic trying to pass.

There should be no stopping on Kawaihae Road, especially near the burial sites. These sites were confirmed by the military survey for unexploded ordinance.

### SEA

According to "Pacific Worlds.com", (a verbal EIS document by Bishop Museum in creating the Kawaihae Road from Waimea to Kawaihae Harbor), there is a historic fishing habitat (called a Ko'a-not Kona like the tree) about 1 mile from the shoreline; from Malae Point to Kawaihae harbor. The Army transport needs to avoid this area; as do the Barge's and other sea craft.

- a) Local residents frequent to shoreline to dive as well. The turbulence in the water toss divers and could be dangerous. Usually there is no notice given when the transport will arrive or depart.
- b) During RIMPAC, the ships are known to drop anchor on the nearshore coral. The state DLNR-Aquatics Division has policies to avoid destroying the coral. Hopefully, this EIS will discontinue this action.
- c) There was an instance recently during RIMPAC, where training was conducted on pontoons. These sea raft created such a huge plume of water that showered our homes, landscape, vehicles and even vehicles on the highway-with no compensation for repairs. Hopefully, this won't happen again. Some of the homes have wood rot.

Thank you again for accepting these comments.

Sincerely,  
Ms. Jojo Tanimoto

cc: Gregory.T.Wahl.civ@mail.mil

Jeff Overton, Design 70, ATR.PTA.EIS@70.design

## Frances Tannen

Please do NOT renew this expansive, now almost destroyed, expanse of land back to the U.S. Army.



**THE BILLING INQUIRY PROCESS:**  
Frequently Asked Questions

**How long does the process usually take?**

We always try to resolve investigations in less than one month, but complex cases sometimes require additional time.

**How does it affect my account?**

We will remove the amount under review from your required payment due so that you do not have to pay the disputed amount while it is under investigation. Once the investigation is complete, depending on the outcome, the amount under review will be:

- replaced with credit issued by American Express, or
- replaced with a credit from the merchant, or
- reapplied to your account if the charge is found to be valid.

**Can I cancel the investigation?**

Yes. To cancel the investigation, please call the phone number on the back of your American Express Card to speak with a Customer Care Professional. We are available 24/7. If you have any questions, please visit us at [americanexpress.com/inquirycenter](http://americanexpress.com/inquirycenter) for helpful information, tips, and Frequently Asked Questions.

**How will I know when the billing inquiry process is complete?**

We will send you a communication explaining the outcome of the investigation and any affect it may have on your account.

**From:** James Tatar  
**Sent:** Monday, September 7, 2020 2:51 PM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] PTA lease extension  
**Attachments:** Pohakaloa Training Area.docx

Hello

I have attached a brief summary of my support for the lease extension for PTA.

Sincerely

James Tatar

Sunday September 6, 2020

I am writing about the future use of the military at PTA. There are many reasons why the military should or shouldn't have a lease extension. My feelings are that they have become more and more responsible stewards of the land over the years and have shown a sincere understanding of what they need to do.

The military also has a need for this land to continue training our military to be more effective without having to travel to distant shores or the difficulty of getting from one section of land to another for the same reason.

While many believe we can exist with no military here I strongly disagree with that viewpoint. I request that the lease be extended to allow a coupling of training sites in the saddle road area of this island where Pohakaloa Training Area is currently located as requested by the military.

Or we may find our grandchildren speaking a language other than English and Hawaiian.

And if history is an indicator, none of us will be protesting much of anything without getting imprisoned or shot.

Respectfully

James P. Tatar

**From:** Jane Taylor  
**Sent:** Sunday, September 27, 2020 10:59 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] My windows are rattling 40 miles away!

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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I live in Waimea. My home is shaking continuously from the bombing today. (9/27/2020)  
This is stressful to myself & my animals. It is appalling that we are doing this to a unique island ecosystem in a place already damaged beyond sense. Please bring this to a stop.  
It is wrong to do it here!  
Jane Taylor

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*"Wisdom demands a new orientation of science and technology towards the organic, the gentle, the non-violent, the elegant and beautiful."*  
E.F. Schumacher.

## Ariana Thompson-Lastad

I am writing as a concerned citizen with the following recommendations.

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

## Judy Tiktinsky

I believe a \$1 rent is insulting to the Hawaiians who own the land. A Hawaiian citizens advisory council could provide a forum to discuss issues of legitimate concern for everyone. Work with the community and pay a reasonable rent please. There is much I don't know as I am new to this island so perhaps these ideas are already being done. I do know that local communities can add a wealth of understanding and inform decision making for better outcomes. Equity requires a fair rent at a minimum. Thank you.

## Melissa Tomlinson

do not renew the lease! We need the military occupation to leave Hawai'i. We as human beings are facing so very much in the coming years and training camps for death, warfare and control is at the height of what needs to cease. In order for our species to have a future one can thrive in, we must protect land and people and in order to do that we need to defund the military and restrict their access to our future generations. Again, do not renew the lease, understand the true negative impact that will have if it's truly being considered. Listen to the community around you, there are so many reasons the lease shouldn't be renewing!

## Sharon Torbert

I am SO fed up and aggravated by the constant bombing going on for the last two weeks. Those of us who live in Waikoloa Village feel these blasts continuously and it feels like Godzilla stomping around in New York City. It is VERY disconcerting and you guys have taken away a good part of the quality of life here. It is usually peaceful and quiet, which is why I moved here originally. I've been here 15 years and this is the WORST it has ever been. Additionally, the military planes and helicopters flying over the Village is a HUGE annoyance. There's plenty of space for them to fly on either side of the Village and the arrogance and disrespect on the part of the military for the civilian residents here is disgusting.

# Wendy Volkmann

Thank you for considering my comments.

The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]"

The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.

Additionally, the EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?

Third, the EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.

Next, the EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.

Last, the Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

## Brian Vollert

The State of Hawaii should terminate the Army's lease at Pohakuloa. They have utilized the 23,000 acres for nearly 50 years and have shown an incredible lack of care for the Big island land. Why does the smallest state in the nation have to house the largest Military live-fire range? The State is not adequately compensated for the use of the land and the damage being inflicted upon it. The Army should do the right thing and return the land to the state.

## Brand W

My wish and order is for the military to stop the setting off of explosives within the state of Hawaii immediately. May god guide the hand of the men and women of state and federal government righteously in all that they do. Thank you for your time

## Kalyn Wadsworth

I oppose the Army Training Land Retention at Pōhakuloa due to the continued cultural and environmental harm it will bring. The use of this land for Army training practices brings unnecessary desecration to the land and poses risks for the surrounding ecological communities. The U.S. Army is also illegally occupying Hawai'i and therefore has no legal basis to continue using and desecrating Pōhakuloa. As stated in the documents presented, the Pōhakuloa Training Area (PTA), "...was formally established in 1956 through a maneuver agreement granted by the Territory of Hawai'i. In 1964, the State granted a 65-year lease of approximately 23,000 acres of land to the Army for military purposes." To continue using Pōhakuloa for U.S. Army training purposes would be to accept the wrongful and illegal colonization of the Hawaiian islands that led to it's U.S. statehood. The U.S. never had any right to Hawai'i as a territory or a state and should move forward to correct these illegal actions.

## Sam Warren

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the former bazooka range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pōhakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

## Joyce Weaver

Dear Officer Donnelly and United States Army Training Directors:

CONCREN: Spoiling 23,000 acres of natural resources.

Having read here of the value of this land in Army training routines, I ask the Army to respect, preserve and restore Nature's gifts in the Pohakulou Park.

You state the urgency of practise on this land for the purpose of saving lives.

Please also consider preserving the lives of nature's gifts. I will not reproduce here facts regarding the dire need for the responsible use of land, of which you are currently apprised, you well know those facts. Please provide a good example of respect for nature to Americans . . .those who provide your supplies and salaries.

## danielle west

1. The Army's lease requires that it "make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner" and remove "all trash, garbage and other waste materials[.]" The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using.
2. The EIS should disclose the status of the cleanup of the Former Bazooka Range. Has it been completely cleaned up? Is it safe to enter? How much waste was collected? What did it comprise of? Where was it disposed?
3. The EIS should fully disclose the extent to which ungulates exist within the area used by the Army and the damage they have caused.
4. The EIS should include a thorough inventory of the historic sites in the area. It should include a discussion of the cultural significance of Pohakuloa itself. And it should include a discussion as to how the condition of these sites has changed while the Army has used these lands.
5. The Army must consider a full range of alternatives, including returning these ceded lands back to the Department of Land and Natural Resources after restoring them to the condition that they were in prior to the Army's use of this land.

## Wendi White

Clearly, neither the State as trustee or the Federal government as lessee have acted in good faith according to their responsibilities as stewards of this land. It has been damaged, polluted and abused. The \$1 contract is an outrageous act of imperialism. Reparations for the misuse of the Hawaiian people's lands is in order. Clean it up, pay a market rate going forward or vacate.

# Tracy Whyte

## Copied from PDF

The legacy of weapons testing right at the heart of this island, between the two mountains, in a critical habitat and where our fresh water aquifers can be affected has felt like overt ill will if not apathy towards Kanaka and local Kamaaina civilian health and safety for a while now. As the US military is largely responsible for bringing the methamphetamines (aka Ice) preexisting epidemic to these islands with devastating effects on local populations and culture. I would like to propose turning PTA into an outward bound/ renewable energy jobs/ reforestation of Ohi'a blight and ranching aina that has left the area drought prone and vulnerable training area for local populations struggling with substance abuse and homelessness. The program would ideally be run by vets who have overcome often dual diagnosis themselves (especially relevant because of the recent deaths due to Sars-Covid19 at veterans homes here in the archipelago obviously not taking care of those that have put themselves in harms way the way we should). No weapons testing necessary or war games in this utterly unique critical habitat (the whole archipelago should be protected like a world heritage site, geological and biological conservation zone rather than a tactical spot for US military training Ops...unless those ops are directly natural disaster relief and civilian population and conservation protection operations imho) You have a \$730 billion dollar taxpayer funded budget, please use it to help not harm local populations and lifeways otherwise your conduct in Hawai'i isn't very different than the military state tactics of tyrannical and authoritarian governments elsewhere in the world that you claim to protect us from as US citizens. Mahalo for your consideration on this matter, Local mother and daughter.

**From:** Tracy Whyte  
**Sent:** Wednesday, September 23, 2020 10:22 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Repurposing PTA

The legacy of weapons testing right at the heart of this island, between the two mountains, in a critical habitat and where our fresh water aquifers can be affected has felt like overt ill will if not apathy towards Kanaka and local Kamaaina civilian health and safety for a while now. As the US military is largely responsible for bringing the methamphetamines (aka Ice) preexisting epidemic to these islands with devastating effects on local populations and culture. I would like to propose turning PTA into an outward bound/ renewable energy jobs/ reforestation of Ohi'a blight and ranching aina that has left the area drought prone and vulnerable training area for local populations struggling with substance abuse and homelessness. The program would ideally be run by vets who have overcome often dual diagnosis themselves (especially relevant because of the recent deaths due to Sars-Covid19 at veterans homes here in the archipelago obviously not taking care of those that have put themselves in harms way the way we should). No weapons testing necessary or war games in this utterly unique critical habitat (the whole archipelago should be protected like a world heritage site, geological and biological conservation zone rather than a tactical spot for US military training Ops...unless those ops are directly natural disaster relief and civilian population and conservation protection operations imho) You have a \$730 billion dollar taxpayer funded budget, please use it to help not harm local populations and lifeways otherwise your conduct in Hawai'i isn't very different than the military state tactics of tyrannical and authoritarian governments elsewhere in the world that you claim to protect us from as US citizens. Mahalo for your consideration on this matter, Local mother and daughter

## Ellen Wilhite

I think the example of what happened with the training area on Oahu in Waihole Valley is instructive to the Pohakuloa situation. The terms of that lease required stewardship restoration and cleanup of the land after the lease concluded, but that was deemed too expensive. The proposed fix was to offer to buy out the land instead of cleaning it up. But the owners wanted to use it for farming, which had become impossible. See details from the 1992 court case in this article, "From Fertile Fields to No-Man's Land." <https://www.environment-hawaii.org/?p=3850>. My comment ends with: over and over again, the federal government promises the people of Hawaii that the military will care for our lands when they are finished blowing them up, only to later come up with excuses as to why it was not done as written in the contract. The Environmental Impact Statements, and Cultural Impact Assessments for Pohakuloa should be authentically completed, to take the actual situation into account; not just performed pro forma. And the letter of the law, the terms of the actual lease, should be upheld.

## Pete Wilson

There is absolutely why the boys need 23'000 acres to destroy and play with their toys. Their depredations of the environment, cultural heritage sites and the wildlife in that PUBLIC land has been of no benefit to the Hawaiin people.

## Dr. Noe Noe Wong-Wilson

Aloha,

Please accept my comments on the preparation of the EIS for the Pohakuloa Training Area.

1. In your consideration for Alternative 3, I would recommend you consider the impact of retaining a much smaller portion of the 23,000 acres of State of Hawai'i land under the renewed lease agreement. The portion which should be considered is the minimum amount of acreage to provide for transport between the Keamuku Parcel and the firing range area. All other portions of the State of Hawai'i lease should be returned.

2. If any portion of the State of Hawai'i lease should be retained, there must be consideration for a considerably higher payment for lease rent to the State of Hawai'i. \$1/65 years is not acceptable. In addition, a much shorter length of time should be considered, for example 10 years, at which time another renewal can be considered. Technology changes so quickly in the current age that long-term leases are not longer feasible.

3. Consideration should also be given to eliminating "live ammunition" in the weapons that are being used. Given modern technology, it must be a possibility to provide target practice without actually using those elements that make recovery of the land so dangerous. It will eliminate community concerns over unexploded ordinance and cleanup.

4. There must be a plan expressed about how cleanup of exploded and unexploded ordinance will take occur.

5. There must also be a plan and commitment for cultural practitioners to have access to and inspection of cultural and historic sites.

6. There must be a commitment for public access and education/information to be provided to the general public, primarily to residents of Hawai'i Island who are impacted by the presence of military training in this significant area of Hawai'i Island.

7. There must be a plan to mitigate noise which includes percussive impacts during live fire training. This kind of impact is felt from Waimea, Waikoloa and North Kona to Hilo. It is psychologically impactful to humans and the affect of this disturbance so close to a sensitive area for endangered species must be studied and documented. Noise abatement and proper notice must also be given to motorist who drive through the Pohakuloa area, without warning.

8. There should be consideration for a co-management scenario for State lands which include a citizen's group which is created to ensure that the military maintains its commitments to the lease agreement if it is extended, to the community, and provides input from the community to the military decision-makers. This will assist in providing continuity for management of this important resource area for Native Hawaiians and residents of Hawai'i Island, particularly since military personnel are only assigned to Pohakuloa for a few years at a time.

9. The No Action Alternative must be a vigorously considered option and not simply a statement of no consequence. Ultimately, the entire acreage of Pohakuloa, including the live fire range, must be scrutinized in a similar fashion. Emotional arguments about the hesitancy to send soldiers to active war without training if Pohakuloa is not available are not warranted. There must be an honest consideration of the cost, feasibility and other impacts of moving all the facilities that are currently situated on State land to another area - perhaps the Keamuku Parcel can be considered for this purpose.

Mahalo for your consideration.

# Colonel Ann Wright

October 14, 2020

U.S. Army Hawaii

Via email: [usarmy.hawaii.nepa@mail.mil](mailto:usarmy.hawaii.nepa@mail.mil)

As a retired U.S. Army Colonel with 29 years in the U.S. Army and Army Reserves, I am writing in response to the request for public comments for the scoping of the Environmental Impact Statement for the extension of the lease to the U.S. Army of 23,000 acres of State of Hawai'i land for the Pohakuloa Training Area on the island of Hawai'i.

I believe the scoping should include sections on:

- the extent of unexploded ordinance (UXO) clean up on the 23,000 acres from 65 years of military use in small arms weapons, Air Force bombing, artillery rounds,
- whether there is Depleted Uranium contamination on the 23,000 acres,
- whether there is toxic contamination of air, land and ground water from weapons shells and other debris from military operations,
- the extent of invasive species,
- whether there are cultural sites on the site,
- and the cultural significance of Pohakuloa itself.

In particular, I believe there must be an extensive section in the scoping on cultural practices that may have or could be occurring in the 23,000 acres. The 138 page February 2020 Master Plan for Puhakuloa Training Area, [https://home.army.mil/hawaii/application/files/3115/9355/6617/FNSI\\_PTA\\_RPMP\\_PEA\\_Jun2020.pdf](https://home.army.mil/hawaii/application/files/3115/9355/6617/FNSI_PTA_RPMP_PEA_Jun2020.pdf), lists the following traditional and contemporary cultural practices associated with the Saddle Region, in general, and PTA, specifically included (U.S. Army Environmental Command, 2013).

These aspects of cultural practices on the 23,000 acres should be addressed in the scoping document for the requested extension of the lease:

- Quarrying and stone tool manufacture
- Bird hunting
- Human burial
- Shrine construction
- Journeying (Huaka'i)
- Hunting of feral ungulates
- Scattering of cremation remains
- Ranching

The Pacific Consulting Services, Inc. study reported the presence of human burial from observation and oral traditions. This should be thoroughly investigated.

Searching for evidence of bird hunting with traditional hunting methods, a major traditional use of the area from prehistoric times into the early part of the 20th century (U.S. Army Environmental Command, 2013), should also be conducted.

As researchers surmised, and as the 2019 massive demonstration at Mauna Kea revealed, Native Hawaiians feel a "deep cultural attachment to the broad spectrum of natural and cultural resources" found in and around Mauna Kea (Maly, 1999 in U.S. Army Environmental Command, 2013).

That report recommended that the traditions, sites, practices, and continuing significance of Mauna Kea make it "eligible for nomination as a traditional cultural property under federal law and 13 policies" (Maly, 1999).

While much of the cultural resources including historic properties, cultural items, archeological resources, sacred sites and collections and associated records may have been destroyed during the 65-year lease of the property to the U.S. military by shooting, bombing and artillery shells, the scoping should discuss what was in the 23,000 acres 65 years ago when the lease was made and what remains now.

The scoping should address the significant impacts of the military use of the property (ie, bombing, shooting, artillery) to cultural resources such as human remains, funerary items, or items of cultural patrimony and any unmitigated loss or destruction of the property, sites, structures or objects.

Impacts on unique tangible and intangible cultural resources can be direct or indirect and should be addressed in the scoping. Certainly, the continuous bombing and shooting at PTA has resulted in "negative impacts by physical alteration, damage, or destruction of the site or traditional place, alteration of the surrounding environment by introducing visual, audible, or atmospheric elements, instituting other elements out of character with the resource; or reduction of access to traditional places" as defined by the NRHP.

Site-specific impacts to cultural resources should be addressed and avoided, minimized, or mitigated.

Thank you.

Ann Wright, U.S. Army Colonel (Ret)

## Peter Yanan

Study the sound effects on the highway when training is taking place. It is not bothersome to me or my wife, but I have heard that training and its something to be considered. We support the troops, and we hope the land that is owned by the state gets worked out so the troops can train here. Plus, there is alot of economic input to the local commuity, jobs, merchandise, contracts and more so this is important to keep!

## Savory Yarrow

With all respect due to those persons currently living on the Island of Hawaii who claim allegiance to foreign governments, including the United States of America, the primary militarily occupying government, I believe it is now time to relinquish control of this land to the rightful, legal representatives of the internationally recognized Kingdom of Hawaii, rather than the State of Hawaii. By leaving the infrastructure intact and supporting a peaceful transition for use of the property as a Hawaiian Kingdom governmental center, the US Military would garner some respect to offset its years of misconduct. The State of Hawaii is merely a puppet of the US Military, the organization primarily responsible for administering control over occupied territories, thus State governmental agencies should be amenable to this course of action if the Military endorses it through the State Military Courts. In Summary, I suggest that the 'No Action' option be shifted towards 'Affirmative Action' in recognition of Indigenous Hawaiians' existing State, The Kingdom of Hawaii.

**From:** Sandy Yee  
**Sent:** Wednesday, October 14, 2020 9:31 AM  
**To:** USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments  
**Subject:** [Non-DoD Source] Pohakuloa

Aloha, Why don't you use your own backyard i.e. The Pentagon, instead of polluting and destroying our precious land! Instead of putting so much effort into war why don't you put the effort into creating peace through diplomacy and respecting and learning to live with other nations. Mahalo

## Tatiana Young

Pōhakuloa should no longer be used for live fire training. The land should be returned to the Kānaka Māoli, the cultural stewards and caretakers of the land.

**Jim Albertini\***

*Recorded September 23, 2020, 20:47*

Mike Donnelly, this is Jim Albertini of Malu 'Aina XXX-XXXX. I tried to go to the open house and view the videos it kept stalling, there's nobody to talk to in terms of asking questions or clarifications and no way for the public to hear one another's concerns. So your open house wasn't very open for the community. And it's a pattern of stonewalling the public that I've seen you and others be a part of for decades around here, I'm not very happy about it. So you can call me and I'd let to get some explanation. And there is one specific thing I want to know about is - how is this Cantonment Area and Bradshaw - this little island in the center of the lease land - how is that owned by the Federal Government? Was that part of the Presidential Executive Order that was seized in '64? Anyway, let me know the depleted uranium and all the other types of things. And I want to know what's in that water well that's drilled 7 years ago, and nothing's been released on it. So you have a lot of answering to do and I've asked you a year ago to put me on the list for when things are going on at Pōhakuloa, your community alerts. You haven't even done that, that's a disgrace how you treat the public. Alright, aloha.

*\*Transcribed from recorded message.*

**Dexter\***

*Recorded September 23, 2020, 16:12*

Hey aloha, this is Dexter from Hilo. Yah, so I think you guys need support and check out - look at the natural and all the resources that get affected by the lands. And the other thing is, the economy, yah – cause we get hard times now. So we get plenty guys I know work up there. So, you should look at the workforce. That's it. Aloha. Thank you very much.

*\*Transcribed from recorded message.*

**Mia Evans\***

*Recorded September 23, 2020, 20:18*

Aloha. My name is Mia Evans. I live in Kamalō, Moloka'i, Hawai'i and this is my testimony to the military who is occupying Pōhakuloa on Mauna Kea and I do not want you guys to continue to use that place. You guys have done too much for too long and you need to move to a different place, go to Mars already. Once again, I do not want any more destruction of Pōhakuloa, our water, our climate, our Mauna, please stop training at Pōhakuloa. Mahalo for listening to me and take care.

*\*Transcribed from recorded message.*

**Hanalei Fergerstrom\***

*Recorded September 23, 2020, 17:30*

Aloha, my name is Hanalei Fergerstrom last name is F-e-r-g-e-r-s-t-r-o-m. I'm the spokesperson for Na Kupuna Moku o Keawe. My address is XXX, Kurtistown, Hawai'i. My phone number is XXX-XXX-XXXX. My email is XXX. I'm calling in to tell you, I would like to be able to express my views on the EIS, but I need to have a hard copy sent to me as soon as possible. And the reason why is, is that I am the spokesperson for Na Kupuna Moku o Keawe which are located in all six districts of this island. I need a hard copy to take to them immediately to show them what's going on up there. Again, if there's any questions about this, please call me on my home XXX-XXXX. Thank you very much, Aloha.

*Recorded September 23, 2020, 17:33*

Hi, this is Hanalei Fergerstrom last name is F-e-r-g-e-r-s-t-r-o-m. I am the spokesperson for Na Kupuna Moku o Keawe. My mailing address is XXX, Kurtistown, Hawai'i 96760. And I'm calling because I need a hard copy of the EIS that we're speaking of. I need that as soon as possible, as I am the spokesperson for Na Kupuna Moku o Keawe. I have to travel to all six districts to show them what is going on and I can't do that online. So please send me as soon as possible a hard copy. Okay, thank you very much. Aloha.

**Tina Grandinetti\***

*Recorded September 23, 2020, 16:21*

Hi, my name is Tina Grandinetti and I am calling to leave a comment on the scoping virtual open house. I really want to just stress that this is absolutely unacceptable for public participation. There's no opportunity to ask questions or have a conversation or actually engage real members of the public. I am super appalled that it's just a website with pre-recorded slideshows - we could access that on our own. And the point of public participation is supposed to be that we can speak directly to you, hear directly from you, and make sure that our voices are being heard. I find this incredibly unacceptable. If kindergarteners can learn how to use Zoom, I think the U.S. Army should be able to do so as well. I hope that you can maybe schedule an actual virtual town hall / virtual open house very soon, because this is really important for our community.

*\*Transcribed from recorded message.*

**Corey Harden\***

*Recorded September 23, 2020, 16:25*

Hi this is Corey Harden in Hilo. XXX-XXXX. Things to address - I'll send these in writing, also: Past problems - describe the current condition of the lease area, that was the subject of the August 2019 Supreme Court decision. This concerned the failure of DLNR - Department of Land and Natural Resources – to conduct inspections at leased land at Pōhakuloa for almost 50 years. The area had abandoned, unexploded ordnance and other military debris. Describe steps that have been taken to clean up the area and comply with the Supreme Court decision, including any formal inspection, monitoring, and reporting process conducted by DLNR. Include the text of Judge Chang's 2018 circuit court decision and the Hawai'i Supreme Court August 2019 decision regarding the leased land. Looking at other past problems, list all lawsuits and their outcomes that have been filed regarding environmental concerns at Pōhakuloa since 1938. Also describe the status of all old military sites on the island - have they been cleaned up, are they still in mind to get cleaned up, what condition are they in? This should include the illegal dumping of munitions at O'okala Mill recently. Second thing - land control scenarios. Analyze impacts from various forms of land control, including but not limited to title, lease, easement, license, and condemnation by eminent domain. What types of oversight from DLNR or other entities would take place under each scenario? Compare the effectiveness of each type of oversight in protecting the environment. Specify how long each scenario would be in effect. Would it be temporarily or a forever thing? Analyze impacts in light of these timeframes. Describe what steps have already been taken by the Army towards each form of land control. And last, analyze the alternatives. If the Army loses has control over the land in question in this EIS, describe how training would be done. Thank you.

*\*Transcribed from recorded message.*

**Kyle Kajihira\***

*Recorded September 23, 2020, 16:13*

My name is Kyle Kajihira I'm calling on Wednesday, the 23<sup>rd</sup> of September about 4:13 p.m. I was expecting the scoping open house to be an interactive session and I'm quite disappointed that all I see are these recordings and text - things that we could read from the website, and there's no way to actually ask questions. This is not an acceptable public engagement process. So I would urge that the Army actually have a session utilizing webinar technologies and other online tools that would enable us to actually have a conversation. I'm having a difficult time even downloading or having the streaming video and recordings – um, it's taking forever. And it's not very informative for the kinds of questions that we'd like to ask. So that's my comment for today. So please, expand your process to enable some real conversation. Thank you.

*\*Transcribed from recorded message.*

**Gwendolyn Kim\***

*Recorded September 23, 2020, 17:47*

Aloha. This is Gwen Kim lifelong resident of Hawai'i. I'm calling to say that I strongly support the ruling of Judge Chang that the military needs to clean up their mess and destruction as they have said that they would do at the end of their permitted time. I'm also against any further extension of Army lease. So clean up your mess. You have a responsibility to the earth, and to the Hawaiian people to return the land in as best order as possible and follow through on your commitments. Aloha.

*\*Transcribed from recorded message.*

**Kimo\***

*Recorded September 23, 2020, 16:00*

Aloha, this is Kimo. I just want to provide my comments. I think you guys should support the troops and then study what would happen if the troops went away. Because it's important. Anyway, respect the land, the 'āina etc., but you guys gotta talk about and look at the troops. What if they no train? You gotta, you gotta consider that – important 'eh? So, look at the effect on everything the land, the community l'dat. So yeah okay, thanks. Kimo out.

**Mary Beth Laychak\***

*Recorded September 23, 2020, 16:25*

Hi, my name is Mary Beth Laychak. I'm a Waimea resident, and I think that in the EIS for Pōhakuloa Training Area - one aspect that the EIS should definitely feature and focus on is PTA's involvement in community and community engagement. I have collaborated in my, in my position in several instances, with the team at PTA with multiple events - engineers week, celebrating an engineering bash at the Thelma Parker library, multiple open houses at the Pōhakuloa Training Area for local students. They have some tremendous work that they've done on recycling and is of vast interest to the community. I think it would be unfortunate if this was not emphasized and looked at in the EIS and see how PTA is working with the community and also developing partnerships outside of the traditional, you know, what one would expect from the military. Another great example is the work on the Anuenue playground in Waimea. So, thank you for your consideration and mahalo.

*\*Transcribed from recorded message.*

**Nancy Martin\***

*Recorded September 23, 2020, 16:04*

Hi. I live in Waikaloa Village half of the year. My name is Nancy Martin and my number is XXX-XXX-XXXX. I live at XXX in Waikaloa Village and I am very unhappy about the fact that anything would be exploded above my home. The wind comes from the low side to the Kona side of the island, which brings any chemicals or powders or residue from an explosion towards the Village where I live. We have an elementary school here with K through eighth graders, and we have many elderly here as well. But we are thousands of people, and we are downwind from this facility. Also, you should know that we do hear a tremendous amount of helicopter noise above our Village, especially in the evening hours and we also often have trouble driving on the road when there is a convoy of military vehicles, and we are at the back of that. I've missed appointments and had to call a say I can't make it because I'm behind a convoy, so it definitely impacts us to have the training area there and I sincerely request that you discontinue at least the explosion of devices on our island. Thank you for your help, and please contact me if you'd like more information.

*\*Transcribed from recorded message.*

**Cynthia Massa\***

*Recorded September 23, 2020, 17:41*

Aloha. My name is Cynthia Massa, I am a registered voter since 1981 on the Big Island of Hawai'i. I definitely want to see an EIS for Pōhakuloa Training Area. They have not cleaned up their mess and all the explosives and munitions and everything they have not done anything to deserve any lease extension, new lease, any further use of Pōhakuloa Training Area. It's a tragedy what they're doing there. It's a tragedy, how the Army, Navy military all the training goes on there and the destruction that goes on there on Mauna Kea, on grounds that should be used for other things, not war games. Give the EIS for Pōhakuloa training center and give the specifics. I want to know what the pollution level is in the water tables and everything from their overuse and pollution and war games on Pōhakuloa. Thank you very much. No to further use of Pōhakuloa Training Area by the military, the U.S. military needs to clean up their mess and go home. Thank you.

*\*Transcribed from recorded message.*

**Denise Medeiros\***

*Recorded September 23, 2020, 16:00*

My name is Denise Medeiros. I am a resident of Hawai'i Island for 62 years. I am against continuing to lease to the U.S. government for Pōhakuloa Training. The area of question at this point. What is the reasons - there's plenty. I would like more information, on what their intent as far as the springs that are involved in this acquisition. As well as I want someone to truly investigate the history behind the United States co-op against a rightful kingdom and government that owns this land. As you are all doing to the rest of this world – that's mine. You do not belong there. You don't belong here. And I don't want to see you folks any further, but you folks are asking for continued and permanent lease, which I refuse. I will be refusing. I want to see what your folks answer is to my requests. What is the truth behind your presence here? And what is the reality of your acquisition to these springs?

*\*Transcribed from recorded message.*

**Steven Pommier\***

*Recorded September 23, 2020, N/A*

I'd like to ask about the EIS application. My name is Steven Pommier. My number is XXX-XXX-XXXX. I'd appreciate a call back. Thank you very much.

*\*Transcribed from recorded message.*

**Kahu Ricky\***

*Recorded September 23, 2020, 16:29*

Aloha. This is Kahu Ricky. This is, again regarding the State-owned land. This is a misnomer, and it's a fraud. The State of Hawai'i owns no land in Hawai'i - that needs to be changed. I am going to be addressing the State-owned land and military owned land. The military and the State owns no land. It is in a probate trust - the pure probate trusts for the indigenous practitioners, protected by section 106 and Public 103-150. These are supposed to protect the mineral – the mineral of the air, land and sea, which is allodial title metes and bounds for the Hawaiian Archipelago, which is protected for the Hawaiian Archipelago for the indigenous practitioners. Anything other than that is a fraud or is a fake. These are deceptive measures by the federal agents and the State agents to deceive the people of the Hawaiian Archipelago. The Hawaiian Archipelago is protected in a pure probate trusts for the Hawaiian indigenous people, beneficiaries and subjects. These need to be protected and any contract needs to be addressed with indigenous practitioners, all these contracts are fraudulent contracts. They do not have a first party contract from the indigenous people who live in a jurisdiction here in Hawai'i. The jurisdiction here in Hawai'i Archipelago is for the indigenous people on a pure probate trust - we have the pure probate trust. It is to protect our communities, our families. It is being mismanaged by the State and being deceived by the State. They own no land - the State owns no land, and we need to address this. This is going to the court system, the State is going to have to provide a probate, a pure probate trusts and also authority for that pure probate. XXX-XXXX is my phone number. Thank you.

**Matthew Kalani Souza\***

*Recorded September 23, 2020, 17:20*

Yes, my name is Matthew Kalani Souza, and I would like to see environmental studies done of the surface hydrology, where the water either permeates or continues along the surface into what areas? How will it be impacted by this change of status? Also concerned about the agricultural capacity. Want to see EIS about the agricultural capacities of the area both traditionally and what's possible today. Food resources are going to become critical in the upcoming years. And these higher altitudes that do have cloud cover and ensure some rainfall will become essential for food producing areas. Thank you.

*\*Transcribed from recorded message.*

**Julie Stowell\***

*Recorded September 23, 2020, 20:44*

Hi. This is Julie Stowell. I live in Hamakua. I wanted to comment on the EIS. I would like to ask for an extensive EIS. I'm concerned about additional lands being seized illegally by the U.S. military and used for ordinance practice, chemical pollutants such as depleted uranium and the effects that would have on groundwater and soil conditions and in fact on human health, given the winds of the Big Island. You know, Hawai'i was illegally seized; Hawai'i has never gone through the official procedures for recognition and becoming the 50th state. It was made a state in 1959. In fact, the U.S. Congress apologized to the Hawaiian people with a joint resolution that was passed by Congress and signed by President Bill Clinton - Public Law 103-150, the Apology Resolution - apologizing for the 1893 for the overthrow of the Hawaiian Kingdom. The unique relationship with the Hawaiians requires the U.S. to be extra cautious extra judicious, inclusive, and responsive to our consistent allies in the Pacific Theater. At a time when tensions are ramping up, we need alliances, and we need to reduce tensions with the native population, not increase them. Thank you so much.

*\*Transcribed from recorded message.*

**Colonel Ann Wright\***

*Recorded September 23, 2020, 16:16*

Aloha. This is Colonel Ann Wright. I'm a retired U.S. Army Colonel 29 years in the U.S. Military. I live on XXX in Honolulu. And I think it's time that the 23,000 acres that belong to the State of Hawai'i, at Pōhakuloa, be returned to the State of Hawai'i. I think the cultural value of returning that land is very important, and having been in the military for 29 years I know that our own military and our own Army sometimes conflate the value of various pieces of property and I do not think that this property that belongs to the State of Hawai'i is necessary for the national defense of the United States of America. And I think it should be returned to the State of Hawai'i. Thank you very much. My number is XXX-XXX-XXXX. It's Colonel Ann Wright and I live it XXX. Thank you so much.

*Recorded September 23, 2020, 16:28*

Aloha, this is retired Colonel Ann Wright from Honolulu, and I left a message a little while ago on my concerns about the EIS. But I also want to issue some concerns about this virtual open house - we certainly were expecting a webinar, where there would be an actual exchange of ideas and comments, but this pre-recorded stuff is really not right and you know I was in the Army 29 years and I know how you work with communities. I work with communities all over the U.S. and in communities in Europe and Central America, and this recorded stuff is just not the way to do it. It's just going to make people mad and there's a lot of concerns and this is not the way to do it. So I hope you will have another actual webinar, where people can actually see people and talk to people, rather than just reading more slide presentations that you attach. So, I certainly hope you'll consider these comments from somebody that's been in the Army probably longer than any of you all have. My number is XXX-XXX-XXXX – Colonel Ann Wright. Thank you.

*Recorded September 23, 2020, 20:55*

Hello this is retired Colonel Ann Wright from Honolulu and I just wanted to say I think that the open house that you all have on the issue of Hawai'i State lands in Pōhakuloa is pretty sadly that all we do is call in on a line and you record the stuff rather than having an interaction with people, it's not really the way to do it and I would certainly hope that before October 14, you actually create a way to have an actual dialogue about Pōhakuloa, but this isn't the way to do it. And I was 29 years in the Army and I expect more out of the Army than what this is. My number is XXX-XXX-XXXX.

**Ann Wurden\***

*Recorded September 23, 2020, 16:28*

Hi, my name is Ann Wurden, I'm a Waikaloa Village resident, and I would be interested in having the EIS – um - study address concerns of noise pollution. The effects it has on the area animals, the area residents, our vets with PTSD. I know that my dog is severely affected by the continually loud booming that happens. I would be interested in the effects of any fallout or misguided accidental fallout from training. I would also be interested if they are addressing the fact that they continually fly low over our residential areas. And I think that the noise pollution is detrimental to people living with that. Also, if there is any effect to our water source and water systems - headwaters - from their bombing, residual effect of soils and pollutants. And area unexploded ordinances - are those all within the training range? Thank you.

*\*Transcribed from recorded message.*

**Unidentified Caller #1\***

*Recorded September 23, 2020, 18:54*

This is a ridiculous sham of an attempt at a town hall, you f\* coward need to hold a proper one. If my 80-year-old mother can have a Zoom conference with her kindergarteners, you can Zoom with the people you're trying to talk to you f\* coward.

*\*Transcribed from recorded message.*

**Unidentified Caller #2\***

*Recorded September 23, 2020, 17:12*

I think that you should study culture and give all of the land back to the Hawaiians.

*\*Transcribed from recorded message.*

**Unidentified Caller #3\***

*Recorded September 23, 2020, 15:30*

Aloha. I'd like to know why the Office of Hawaiian Affairs isn't involved in this process. I want to mandate that they on behalf of our Hawaiian people must be there and do a report for us on what's happening right now. So again, we call upon the Office of Hawaiian Affairs for us as Hawaiian nationals. Kānaka Maoli. And our people of Hawai'i, get them involved in this process. And I'd like proof of that. Please. Mahalo. A hui hou.

**Unidentified Caller #4\***

*Recorded September 23, 2020, 20:54*

Yes. Vote yes on the EIS. And would like to look at some of the environmental issues. Thank you very much.

*\*Transcribed from recorded message.*

Ua mau ke ea i ka 'āina i ka pono. Genesis all people are separated by perimeters and pirimeters and parameters. Article 43 terms of the 1893 Liliu'okalani assignment of agreement. That needs to be investigated. Jurisdiction...jurisdiction of the United States. Jurisdiction of Hawaiian archipelago authority sovereign authority. Who has the authority, the pure authority that's pure jurisdiction? Who has pure allodial title? Who has pure probate? This all needs to be put in your thing, in your EIS. Air land and free soil just, just soil belongs to indigenous population with a pure probate. National boundaries metes and bounds need to be met. People, natural born, Hawaiian naturalism. People residing a culture a heritage of indigenous people lawfully living in their peaceful people living in the Hawaiian archipelago. Section 106. U.S. Public Law 103-150. Genocide acts of war. Hawaiian culture genocide, Hawaiian culture heritage genocide. This all needs to be investigated. These are crimes against the people by foreign agents. Signing foreign contracts on foreign jurisdiction that needs to be investigated. All terms, second, third party terms from the State are false - pseudo quasi. Without authority from that first person, the people with a pure probate who live in a jurisdiction of that contract. So we need to investigate the contracts and your jurisdiction of those contracts in the Hawaiian archipelago probe miles above our airspace. Our ocean and our land protected in a pure probate for the indigenous population, people who are still residing in continuously. This needs to be investigated. We would like to downsize the Army's footprint here. The Army, the Marines and the Air Force. We will be doing that soon. We'll be looking at evaluating all contracts for the future. There's peoples, indigenous population and the people of the islands will be residing on their islands again and the land. We'll be looking at BRAC base realignment and closure for Marine base at the Mokapu peninsula Waimānalo Bellows Pōhakuloa training, Mākua, possibly Kahuku. In the future we will need some training areas. We do need an agreement and we still need a treaty with indigenous people. We need to evaluate and we can start talking to the Department of Interior, Department of Secretary. Anything other than that is a violation of international law crimes being committed against indigenous people in an archipelago Hawaiian archipelago metes and bounds, allodial title, foreign agents that's illegal. If you tamper, inform. Thank you.

**Unidentified Caller #6\***

*Recorded September 23, 2020, 19:18*

Hi, your town hall is just a pre-recorded website and that is not enough for adequate public participation, so it should be redone. Thanks.

*\*Transcribed from recorded message.*

**Unidentified Caller #7\***

*Recorded September 23, 2020, 21:40*

Hi, I'm actually speaking in regards to the bombing of Pōhakuloa. I'm really concerned with the amount of like air quality and damage to the land that has affected the native plants and animals in the area, especially because in that area alone, there is maybe 1% of native plants in the entire world that only exists in that area, such as koa, māmane, a'ali'i and that one specific variety of a'ali'i. I think that know we are all concerned with the noise that it makes and the amount of pollution in the air that it causes from all the dust being kicked up. And of course, like our water system is underneath the ground in that area. It runs underneath from the Mauna Kea glacial iceberg and it flows underneath the ground out to us, and the public, and I feel that none of these things are being taken care of and I see no reason for the bombings to continue. That is all.

*\*Transcribed from recorded message.*

**Unidentified Caller #8\***

*Recorded September 23, 2020, 19:14*

Aloha, Mr. Army. My mana'o is to clean up the place as the Court ordered in the Supreme Court. You need to clean up the place, all of you. Restore it back to our kanaka on our Hawaiian land our ceded land. Our trust land. Please do that. And one thing more would you folks, stop bombing. We've been hearing the artillery over here and Waikōloa and Waimea, these last few days. I would really appreciate if you folks would stop all that. And it's about time that you give the land and the world back to God, please. It belongs to him. He wants it back. So I thank you very much. So clean up, restore our land. It was stated in the Supreme Court and the circuit court, it is law and you folks, are not abiding by the law. That's your own united states of America's law in the court of the America of the American of the United States, whatever you may call it. Please clean up the land, enough, enough of the desecration of our sacred 'āina. Thank you. Mahalo. You guys take care. Be safe and Aloha.

*\*Transcribed from recorded message.*

**Unidentified Caller #9\***

*Recorded September 23, 2020, 18:58*

Hi, I do not believe that the process you guys are currently doing is adequate public participation and it does not meet the requirements of the scoping process. So you need to redo the whole thing and have a Zoom meeting so the public can properly comments on the situation. Thank you.

*\*Transcribed from recorded message.*

**Unidentified Caller #10\***

*Recorded September 23, 2020, 20:14*

Aloha. Hello. My comments are going to be that no is no - Hawaiian land should be in Hawaiian hands, the land should be returned to the Native Hawaiian people so please give the land back. Clean up, what has been the destruction that has been left and let the Native Hawaiians take care of their land. Mahalo.

*\*Transcribed from recorded message.*

**Unidentified Caller #11\***

*Recorded September 23, 2020, 16:19*

Yes, I'm calling – um, I think the military's footprint is way too large in Hawai'i. On the island of O'ahu – major, way too big, and up on that PTA training site - it's ludicrous that we're bombing stuff in a state like Hawai'i. Maybe in Nevada where it's not populated like Hawai'i. It's not a tourist attraction. There's no whales, there's no dolphins, there's no monk seals. So to do all this where tourists are, and where people have to pay a lot of money to live - so I do agree - some of this military especially Marine Corps Base Hawaii - all their stuff should go up to that PTA training, instead of here in this bay where they're on vacation. It should be somewhere like that. We're a military family, have been for years and we didn't get the scenic view. And no, they just make bad neighbors in an environment like this, so bombing and stuff up - no. No, it's not realistic, and it's not okay. And my cell phone number is XXX-XXX-XXXX and I'll be happy to take a call back. But, no, military footprint, way too large in Hawai'i, and bombing and airplanes and flying over the houses touch-and-goes, especially on Marine Corps Base Hawaii, - bad neighbors, even for the sea life - just bad neighbors.

*\*Transcribed from recorded message.*

**Unidentified Caller #12\***

*Recorded September 23, 2020, 20:49*

Hi, I'm calling to make comments on the virtual town hall. Um, I believe that what you presented is inadequate public participation, um, I believe that people should be able to make their own comments. Um, regarding their concerns. And you need to really consider the opinions of the community. Please make it so that the public is able to adequately participate so you can actually get a better idea for what the community's concerns are. Thank you. Mahalo, goodbye.

**Unidentified Caller #13\***

*Recorded September 23, 2020, 20:11*

Aloha. I'm calling to record a message speaking towards the environmental impact statement for Pōhakuloa, I believe that this is an inadequate method to gather public information, and I would like to see more public hearings held also the EIS needs to contain an accurate assessment of the use of depleted uranium at the training site and that needs and the effects that has upon the watershed of the Big Island of Hawai'i. Again, more public input, public hearings, and a scope of use of depleted uranium at the training site. Aloha.

*\*Transcribed from recorded message.*

**Unidentified Caller #14\***

*Recorded September 23, 2020, 17:51*

Pōhakuloa should be closed and returned to the Hawaiian people. No more. No more destroying of the land. Thank you.

*\*Transcribed from recorded message.*

**Unidentified Caller #15\***

*Recorded September 23, 2020, 17:34*

I am against you guys renewing the lease at Pōhakuloa, and I would like the EIS to look into a soil and plant and all those kinds of things that have been damaged by the bombing and practices and exercises that the military has been doing up there. So if you guys, could please look into that and don't allow them to renew their lease, especially for \$1 for 65 years because they never contributed anything to Hawai'i, let alone the Hawaiians, let alone to the 'āina, other than blow it up. Thank you.

*\*Transcribed from recorded message.*

# **Responses to Scoping Comments**



# Army Training Land Retention at Pōhakuloa Training Area EIS Responses to Scoping Comments

This section of the appendix provides responses to substantive comments received during the 40-day public comment period on the NOI and EISPN from September 4 to October 14, 2020. The topics raised during the scoping comment period are grouped into the following categories: Purpose of and Need for the Proposed Action; Description of Proposed Action and Alternatives; Affected Environment and Consequences; EIS Findings; and Plans and Policies. Multiple people commented on each of the topics and those who commented on each topic is listed below the heading. The Army response to the substantive comments raised is provided under each topic.

## Purpose of and Need for the Proposed Action

### NATIONAL SECURITY

*Army response to comments received from: Jody Brissette; Aaron Stene; David B. Gomes; Amanda Dillon; Helen Jaccard*

Pōhakuloa Training Area (PTA) is the primary tactical training area for United States Indo-Pacific Command (USINDOPACOM), which integrates United States (U.S.) Army, U.S. Navy, U.S. Air Force, and U.S. Marine Corps forces within the USINDOPACOM region to achieve U.S. national security objectives while protecting national interests. PTA provides training capabilities to support home-station training and joint training with other U.S. and multinational military units and supports U.S. military activities throughout the Indo-Pacific theater. PTA also supports U.S. Army Pacific's Joint Pacific Multinational Readiness Capability for a high fidelity, joint and multinational maneuver and live-fire training venue as well as robust after-action reviews.

PTA's mission includes providing modernized training features and facilities for the U.S. Army Pacific and other USINDOPACOM units that train at PTA. These units require a full suite of ranges and maneuver training areas that support live-fire and non-live-fire training requirements. Each soldier and weapon system crew is assigned an annual or semiannual live-fire training and qualification requirement. Facilities at PTA support units by providing doctrinally required training to achieve required readiness levels prior to deployment. PTA is the only U.S. military training facility in the Pacific region where U.S. Army Hawaii (USARHAW) units can complete all mission essential tasks, use weapons systems at maximum capabilities, and conduct larger than company-sized live-fire and maneuver exercises.

PTA must be able to continue to support the following:

1. three battalion level units physically on site
2. two battalions conducting training simultaneously with one battalion in support



3. one battalion conducting collective maneuver and live-fire training at company level or higher
4. one battalion conducting collective maneuver and live-fire training at crew through platoon levels, and situational training exercise lanes.

The State-owned land contains maneuver area and key training facilities, some of which are not available elsewhere in Hawai'i, and provides access between major parcels of U.S. Government-owned land in PTA. Loss of the State-owned land would substantially impact the ability of USARHAW and other military services in USINDOPACOM to meet their training requirements and mission of combat readiness. Without the ability to meet minimal training requirements at PTA, training capabilities for home-stationed troops in Hawai'i would be insufficient and therefore readiness levels in the USINDOPACOM region would be compromised.

### **HAWAI'I'S STRATEGIC LOCATION**

*Army response to comments received from: Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Michael Linnolt; Arlene Larrua; Brandie Oye; Shelly Aina; Joseph Nobriga; Scott Malis; Sasha Davis; M. Kalani Souza; Charley Ice; Amanda Dillon; Sofronio Estores; Helen Jaccard*

Hawai'i is a strategic location for national defense and rapid deployment of military forces. The USINDOPACOM region is critical to National Security and covers more of the globe than - and shares borders with all - the other five geographic combatant commands. Army training facilities in Hawai'i provide a range of environments that cannot be replicated at other U.S. training areas located in the continental United States or Alaska, specifically the tropical climate typically found throughout the Indo-Pacific region, and the remote and austere high-altitude environment of PTA on the island of Hawai'i. There are significantly high financial costs associated with the transportation of Army personnel and equipment stationed in Hawai'i to train in the continental United States or Alaska.

PTA is the only training area in the State that is classified as a Major Training Area. Loss of the State-owned land would substantially impact the ability of USARHAW and other military services in USINDOPACOM to meet their training requirements and mission of combat readiness. Without the ability to meet minimal training requirements at PTA, training capabilities for home-stationed troops in Hawai'i would be insufficient and readiness levels in the USINDOPACOM region would be compromised. **Chapter 1** of the Draft Environmental Impact Statement (EIS) provides additional information on the importance of Hawai'i and PTA to the U.S. military.

Relocating training elsewhere does not satisfy the purpose and need for the Proposed Action. **Chapter 1** of the EIS describes the purpose and need for the Proposed Action, and **Chapter 2** describes the Proposed Action and identifies the alternatives considered in the EIS.



## EIS PROCESS

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; County of Hawaii Planning Department; Temple of Lono; Hawai'i Peace and Justice; Environmental Caucus of the Democratic Party of Hawai'i; Na Kupuna Moku O. Keawe; Sierra Club, Hawai'i Island Group; Judy Tiktinsky; Seanna Pieper-Jordan; Sofronio Estores; Helen Jaccard; Brenda Bailey-White; Kyle Kajihira*

The EIS addresses National Environmental Policy Act of 1969 (NEPA) and Hawai'i environmental laws (Hawai'i Revised Statute [HRS] Chapter 343 and Hawai'i Administrative Rules [HAR] Chapter 11-200.1), collectively referred to as the Hawai'i Environmental Policy Act (HEPA). The Notice of Intent was published prior to the September 14, 2020, effective date of the update to the regulations implementing the procedural provisions of the NEPA; therefore, the EIS is being developed in accordance with Council on Environmental Quality and Army NEPA implementation regulations in Title 40 Code of Federal Regulations (CFR) Parts 1500-1508 (1978 version) and Title 32 CFR Part 651, respectively.

Under HEPA, HRS Chapter 343 identifies the accepting authority as the agency with the greatest responsibility for approving the Proposed Action. The State-owned land is held by the Hawai'i Department of Land and Natural Resources (DLNR) Land Division, so DLNR is the accepting authority for the EIS. So as to not overlook any potentially significant impacts, the accepting authority has authorized the applicant to prepare an EIS without first completing an Environmental Assessment, as allowed under HAR Section 11-200.1-14(d)(2).

The scoping process initiated by publication of the Notice of Intent and the Environmental Impact Statement Preparation Notice (EISPN) is described in **Chapter 1** of the EIS. **Chapter 8** lists all parties contacted as part of the scoping effort, and all those who provided comments.

The scoping process fulfilled the requirements of NEPA and HEPA implementation regulations. Project information was made publicly available on the U.S. Army Garrison-Hawaii website, and a contact name and telephone number were provided for requests of materials in a printed format. The Army decided not to hold in-person public scoping meetings to protect public health and safety due to the coronavirus (COVID-19) pandemic. National and local orders and proclamations in response to the pandemic in the U.S. included the County of Hawai'i Mayor's COVID-19 Emergency Rule No. 11 (dated August 25, 2020), the State of Hawai'i Office of the Governor's Twelfth Proclamation Related to the COVID-19 Emergency (dated August 20, 2020), and Army guidance. An online EIS Scoping Virtual Open House was held on September 23, 2020, and included the same components that would have been made available at an in-person open house event. The Army believes that sufficient information was provided during the public scoping period and provided four ways for the public to comment: oral comments via a telephone line during the Scoping Virtual Open House; and written comments via the website, email, or U.S. Postal Service mail throughout the 40-day scoping period.

What constitutes a substantive comment is defined under HEPA. In deciding whether a written comment is substantive, the Army considered the validity, significance and relevance of the comment to the scope, analysis or process of the EIS, as noted in HAR 11-200.1-26(a). The EIS includes all scoping comments received (**Appendix B**), and responses to the substantive topics are also provided.

## Description of Proposed Action and Alternatives

### PROPOSED ACTION

*Army response to comments received from: Sierra Club, Hawai'i Island Group; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Jeffrey Mermel; Jim Albertini; Amy Smith; Alexandra Bernstein; Mary Macmillan; Charles Ota; Seanna Pieper-Jordan; Sofronio Estores; Brenda Bailey-White; Dr. Noe Wong-Wilson*

The Proposed Action (i.e., retention of up to approximately 23,000 acres of State-owned land at PTA) is a real estate action (administrative action) that would enable continuation of ongoing activities on the retained State-owned land. It does not include construction, modernization, or changes in ongoing activities. Additionally, the Proposed Action does not include changes to the use, size, or configuration of the special use airspace overlying the State-owned land. Current ongoing activities within the State-owned land were previously analyzed in separate NEPA documents, as applicable, and future construction, modernization, or changes in ongoing activities within the retained State-owned land would require separate NEPA (and potentially HEPA) compliance, as applicable.

The Proposed Action does not include a timeline for the length of retention because the timeline is unknown and subject to future negotiations between the Army and the State based on the land retention estates available to the Army (i.e., title, lease, easement, and license).

In addition to the Proposed Action and alternatives, **Chapter 2** of the EIS provides a summary of the training areas, facilities, utilities, and infrastructure within the State-owned land; current activities conducted within the State-owned land; and land retention estates available to the Army. The purpose of and need for the Proposed Action are explained in **Chapter 1** of the EIS, and **Chapter 3** of the EIS details the affected environment, including region of influence, and potential environmental consequences of the Proposed Action alternatives.

### ALTERNATIVES

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Temple of Lono; Hawai'i Peace and Justice; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Helen Jaccard; Brenda Bailey-White; Dr. Noe Wong-Wilson; Michael Jones*

The EIS analyzes potential impacts from implementation of the Proposed Action (general action of retention of the State-owned land) via a range of reasonable alternatives (specific actions for retention of



the State-owned land). The alternatives vary in extent and location of retention based on the areas and features that are most critical to the U.S. military. Therefore, the alternatives are based on usefulness or criticality of the land, facilities, utilities, and infrastructure to the U.S. military, not acreage. The alternatives are Alternative 1 (full retention), Alternative 2 (modified retention), Alternative 3 (minimum retention and access), and the No Action Alternative (no retention), and provide a reasonable range of alternatives, including reduced action alternatives. As with the Proposed Action, the alternatives do not include construction or changes in ongoing activities. Additionally, the alternatives do not include modernization of ranges, facilities, utilities, and infrastructure on the State-owned land but do not prohibit future modernization.

Where available, the alternatives in **Chapter 2** include quantitative information (e.g., acres, miles), and **Chapter 3** contains additional quantitative information for each of the alternatives. Because the State-owned land and various alternatives are only portions of PTA, the number of activities conducted within those areas is not known for all features (e.g., miles travelled on roads, air quality emissions from vehicles and munitions). In these instances, the alternatives present qualitative statements regarding the assumed level of activity reduction associated with each alternative based on the land, facilities, utilities, and infrastructure that would not be retained under each alternative.

Reasonable alternatives must satisfy the purpose of and need for the Proposed Action, and meet the screening criteria, which are based on the purpose and need statements. **Chapters 1** and **2** of the EIS elaborate on the Proposed Action purpose and need statements and the screening criteria, which have been consolidated and simplified. Alternatives 1, 2, and 3 adequately meet the purpose and need statements and all the screening criteria. Alternatives that were considered by the Army but do not adequately meet one or more of the screening criteria (i.e., Alternatives 4: Retention of Only Access, Utilities, and Infrastructure; Alternative 5: Retention with Limits on the Types of Training and Future Modernization; and Alternative 6: Short-term Retention) are addressed in **Chapter 2** of the EIS but are not carried forward for detailed analysis.

Prior to the initiation of the EIS, the Army evaluated alternatives to the Proposed Action (e.g., virtual-only training, relocation of training infrastructure from the State-owned land to other parts of PTA, move training to other areas within and outside of Hawai'i), which are briefly discussed in **Chapter 1** of the EIS. These alternatives are not reasonable alternatives because they are alternatives to implementing the Proposed Action, not alternatives for implementing the Proposed Action. These alternatives do not satisfy the purpose and need statements and do not meet the screening criteria and therefore are not discussed in **Chapter 2** of the EIS. Likewise, alternatives that are not associated with the Proposed Action (e.g., return all of PTA to the State, change training types) are not reasonable alternatives and are not discussed in **Chapter 2** of the EIS.

The alternatives do not incorporate the various land retention estates because the conditions that would be negotiated between the Army and State for each land retention estate are not known and it would be extremely cumbersome and difficult for readers to understand, particularly for alternatives that might work best with a combination of land retention estates. Therefore, to account for the range of potential



impacts that could result from the Proposed Action alternatives, the EIS analyzes potential impacts associated with obtaining title, which generally would have the potential to result in the greatest impacts because it would not involve the conditions that could be associated with the other land retention estates. As discussed in the EIS **Section 3.1**, the Army considered whether different land retention estates would have greater impacts than title but did not identify any instances where this would apply.

The alternatives described in **Chapter 2** of the EIS do not include mitigation measures or additional resource protections; however, **Chapter 3** of the EIS discusses current best management practices, standard operating procedures, and mitigation requirements for existing actions within the State-owned land as well as potential mitigation measures for the alternatives.

**Chapter 2** of the EIS provides a brief summary of potential impacts (reductions) on training under each alternative so all resource area analyses use the same assumptions. The Proposed Action alternatives do not include actions for accommodating training lost due to return of the State-owned land to the State. If the Army proposes actions in the future to accommodate lost training, it would require separate NEPA (and potentially HEPA) compliance.

Because the Proposed Action is a real estate action, not a training action, the alternatives do not contain specifics regarding type and number of munitions used within the State-owned land. Alternatives 2 and 3 and the No Action Alternative include reductions in the land retained by the military, which would reduce the levels and types of training that can be conducted within the State-owned land retained. The EIS qualitatively discusses the potential impacts of the various alternatives on training, including munitions use and safety.

Preferred Alternative: The Army will identify the preferred alternative in the Final EIS and Record of Decision.

Alternative 3: Alternative 3 is not limited to providing access through the State-owned land because that would not meet several elements of the purpose and need statements and several screening criteria. Consequently, Alternative 3 includes access and minimum retention of vital training and support facilities and associated maneuver areas necessary for USARHAW to continue to meet its current training requirements on the State-owned land.

**Chapter 2** of the EIS identifies and describes the areas proposed to be retained under Alternative 3. Alternative 3 continues to include land use rights to enable the firing of indirect-fire weapons from U.S. Government-owned land northwest of the State-owned land into the impact area to enable continued use of firing points that are among the furthest from the impact area. These firing points allow for long distance firing by indirect-fire weapons, which is essential for training. Land use rights associated with firing from these firing points over State-owned land not retained would consider necessary safety requirements.



## **NO ACTION ALTERNATIVE**

*Army response to comments received from: Temple of Lono; Environmental Caucus of the Democratic Party of Hawai'i; Sierra Club, Hawai'i Island Group; Kelsey Amos; Christopher Baker; Danielle West; Amy Perruso; Antoinette Freitas; Bianca Isaki; Jerard Jardin; Sam Jacobs; Wendy Volkmann; Michael Gast; Erika Leaf; Ariana Thompson-Lastad; Sam Warren; Sydney Ji; Aurora Cole; Jonathan & Jamaica Osorio; Elisabeth Mehana Makainai; Mailani Makainai; AziaLynne Bird; Helen Jaccard; Dexter Ka'iama*

The No Action Alternative in the EIS elaborates on the impacts (including training impacts) associated with not retaining the State-owned land and associated training facilities, many of which cannot be located elsewhere within PTA due to operational, safety, and environmental constraints. Under the No Action Alternative, all of the State-owned land would be controlled and managed by the State following lease expiration.

Lease Compliance Actions and Return of Land: **Chapter 2** of the EIS includes additional information describing lease compliance actions (e.g., reforestation, removing signs, removing or abandoning structures, and removing weapons and shells) and return of State-owned land not retained that would be triggered via lease expiration under Alternative 2, Alternative 3, and the No Action Alternative. Per the lease, the lease compliance actions may occur after expiration of the lease. The lease includes provisions regarding the technical capabilities and economic costs associated with the lease compliance actions. The Army would conduct the lease compliance actions and return the State-owned land not retained in accordance with the lease or otherwise negotiated with the State. The parameters for lease compliance actions would be defined and determined after completion of the EIS. It is assumed lease compliance actions would occur under various Department of Defense programs. Additionally, it is assumed removal, investigation, and cleanup of hazardous and toxic materials and wastes, including munitions and explosives of concern, within the State-owned land not retained would occur under the Comprehensive Environmental Response, Compensation, and Liability Act.

## **LAND RETENTION ESTATES**

*Army response to comments received from: Temple of Lono; Hawai'i Peace and Justice; Sierra Club, Hawai'i Island Group; Helen Jaccard; Dr. Noe Noe Wong-Wilson; Alexandra Bernstein*

The EIS clarifies that the current lease of State-owned land cannot be renewed or extended under current State laws. If the Army decides to proceed with the Proposed Action, the Army would negotiate with the State regarding one or more new land retention estates (i.e., title, lease, easement, and license) and methods (e.g., purchase, negotiation, donation, exchange, eminent domain) for the selected alternative. Each of the parties, the Army and State, would negotiate based on its needs and obligations as is typical of any negotiation. Because negotiation options cannot be known prior to initiation of negotiation, which cannot formally begin before the conclusion of the EIS process, the potential conditions, duration, land valuation methods, and fees associated with the various land retention estates are outside the scope of the EIS.



Hawai'i County is not the land owner of the State-owned land; therefore, the Army would not negotiate with the county.

The EIS does not consider the potential land retention methods for conducting the various land retention estates because the potential impacts on the State-owned land would be the same regardless of the land retention method.

## Affected Environment and Consequences

### LAND USE

*Army response to comments received from: U.S. Department of the Interior, National Park Service, National Natural Landmarks Program; Department of Hawaiian Home Lands; Department of Health, Hazard Evaluation and Emergency Response Office; Temple of Lono; Maunakea Observatories; Hawai'i Peace and Justice; University of Hawai'i Institute for Astronomy; Sierra Club, Hawai'i Island Group; Native Hawaiian Legal Corporation; Sheena Lopes; Jeffrey Mermel; Jon Sabati; Keith Okamoto; Laurie Jenkins; Jim Albertini; Henrietta Jeremiah; Jerard Jardin; Hanalei Fergerstrom; Joel Nakamoto; Maka'ala O Ka Hana Wai; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Carl Christensen; Michael Linnolt; Aaron Stene; Kelsey Amos; Christopher Baker; Danielle West; Amy Perruso; Antoinette Freitas; Bianca Isaki; Selah Levine; Carl Geise; Wendy Volkmann; Michael Gast; Erika Leaf; Michael Reimer; Ariana Thompson-Lastad; A'ohē 'Oihana; Sam Warren; Sydney Ji; Aurora Cole; James Anthony; Elisabeth Mehana Makainai; Mailani Makainai; AziaLynne Bird; Amanda Dillon; Sofronio Estores; Helen Jaccard; Dr. Noe Noe Wong-Wilson; Dexter Ka'īama; Linnea Heu; Nancy Redfeather*

**Section 3.2**, the Land Use section of the EIS, encompasses recreation (including hunting), encroachment management, vistas, and land tenure. Hunting is the primary recreational use in State-owned land at PTA; which unit(s) are open for hunting depend on military training schedules. Public hunting within PTA is governed by State rules, and the schedule is subject to training schedule compatibility. State management of hunting areas within PTA is outside the scope of this EIS.

Potential impacts on visual resources, including the Mauna Kea National Natural Landmark, are analyzed in **Section 3.2**.

The EIS describes the State-owned land currently leased by the Army based on federal, State of Hawai'i, and County of Hawai'i laws and classifications of land tenure. The EIS presents the current federal and state laws and legal rulings that affirm the State-owned land at PTA was legally transferred to the State. The EIS analyses is based on these existing legal precedents.

The parcel descriptions attached to the lease provide the legal definition of the land, based on land surveys. The lease identifies DLNR as the lessor of the State-owned land. On the eastern boundary of the area defined as Parcel C in the lease, 250 acres appear to be owned by the State of Hawai'i and managed



and administered by DHHL. **Section 3.2** of the EIS provides further information regarding the status of the lease.

Ceded land was either Crown or government land until 1893, when the Hawaiian Kingdom was overthrown. Tenure of ceded land has evolved over time and ownership is currently held by both the State and federal governments. An overview of ceded land tenure in Hawai'i is provided in EIS **Section 3.2**.

The Proposed Action stated in the EIS, "to retain... State-owned land at PTA," does not specify the estate(s) and method(s) of land retention. This is due to several factors, including (1) negotiation options cannot be known prior to negotiations being initiated, which cannot formally begin before the conclusion of the EIS process, (2) the potential conditions associated with the various land retention estates are not known and would be subject to negotiation, and (3) the final negotiation could include multiple land retention estates and methods. Army Regulation 405-10 authorizes various estates for Army retention of non-federal government-owned land including title (full ownership), lease, easement, and license.

The Army strives to comply with lease terms and was not a party to the lawsuit brought by Ching and Kaha'ulelio (referred to as Ching v. DLNR). **Section 3.5** of the EIS summarizes the current conditions and potential impacts related to hazardous materials and wastes on the State-owned land.

In 1964, all lands in the State were classified into four land use districts: urban, rural, agricultural and conservation. The conservation district encompasses lands in the forest and water reserve zones established prior to 1957. The conservation district statute, HRS Section 183C, considers lawful use of lands established prior to October 1, 1964 as nonconforming. The lease for PTA was executed prior to that date and therefore has not been required to conform to the statute. HAR Chapter 13-5 provides for authorization of additional uses as discussed in EIS **Section 3.2**.

## **BIOLOGICAL RESOURCES**

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Maunakea Observatories; Hawai'i Peace and Justice; Sierra Club, Hawai'i Island Group; Hawai'i Island Chamber of Commerce; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Jared Bernard; Jody Brissette; Jon Sabati; Kelsey Amos; Christopher Baker; Danielle West; Amy Perruso; Antoinette Freitas; Bianca Isaki; Shelly Aina; Wendy Volkmann; Michael Gast; Erika Leaf; William Greentree; Cindy Kester; Ariana Thompson-Lastad; Sam Warren; Sydney Ji; Colonel Ann Wright; Aurora Cole; Amanda Dillon; Seanna Pieper-Jordan; Linnea Heu; Nancy Redfeather; Joel Nakamoto*

Federal activities are guided by Endangered Species Act as discussed in EIS **Section 3.3.2**. All U.S. military installations are required to have an *Integrated Natural Resource Management Plan* (INRMP) to provide technical guidance to those responsible for land use planning and decision-making. The INRMP incorporates information and responsibilities outlined in biological opinions issued by the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. Obligations of the federal government



with respect to all trust resources at PTA are spelled out in the INRMP and pertain to the State-owned land until the land is no longer under U.S. military control.

Conservation efforts have been undertaken at PTA for threatened and endangered plant species. Approximately 28 miles and 8,500 acres of ungulate exclusion fencing has been installed to form seven units located in part, or entirely, on State-owned land (**Figure 3-5**). Fencing enclosure areas allow the Army to manage sensitive species more efficiently and effectively. The distribution of native plants and animals within the State-owned land is described in the EIS, and federally- and State-listed species identified in previous surveys provided in **Tables 3-3, 3-4** and **3-5**. While approximately 5,095 acres of State-owned land in PTA was designated as Palila critical habitat in 1977, *Loxioides bailleui* (finch-billed honeycreeper) is generally seen only at elevations well above those of the State-owned land at PTA (**Figure 3-5**). There have been no observations of this species on State-owned land at PTA.

Hunting opportunities are provided to the public in designated areas outside the ungulate exclusion fencing units. Measures to address ungulate control are included in the existing INRMP. The EIS considers the impact of potential changes to access for hunting on the State-owned land related to the alternatives in **Section 3.2**.

#### **ARCHAEOLOGICAL AND HISTORIC RESOURCES**

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Sierra Club, Hawai'i Island Group; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Ariana Thompson-Lastad; Sam Warren; Sydney Jj; Colonel Ann Wright; Charley Ice; Seanna Pieper-Jordan; Sofronio Estores; Jojo Tanimoto; James Head; Nancy Redfeather*

The EIS presents a thorough review of baseline archaeological and historic resource conditions, including summaries of previous archaeological studies conducted within State-owned land and an inventory of identified archaeological and historic architecture properties. The EIS includes this information in narrative and tabular form. The scope of this EIS covers the alternatives of full to minimum retention of the State-owned land only, and addresses only the current baseline conditions for the State-owned land.

The Proposed Action for this EIS is a real estate action. It does not include proposed changes to the current levels and types of activities conducted at PTA. Potential future actions that are not part of the current Proposed Action would require separate NEPA analysis.

Rigorous avoidance measures for historic properties known to be extant within PTA are defined in two documents: *Programmatic Agreement Among The U.S. Army Garrison, Pōhakuloa Training Area, U.S. Army Garrison, Hawaii, The Hawai'i State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai'i, Hawai'i and Integrated Cultural Resources Management Plan for the U.S. Army Garrison*. The EIS summarizes the applicable elements of the following documents, which can be referenced by the public:



[https://home.army.mil/hawaii/application/files/7215/6262/2746/USAG-P\\_ICRMP\\_Hawaii\\_Final\\_Signed.pdf](https://home.army.mil/hawaii/application/files/7215/6262/2746/USAG-P_ICRMP_Hawaii_Final_Signed.pdf);  
[https://home.army.mil/hawaii/application/files/3916/0210/3455/USAG-P\\_Hawaii\\_Island\\_Training\\_PA\\_Signed\\_27SEP18\\_PUBLIC\\_RELEASE\\_VERSION.pdf](https://home.army.mil/hawaii/application/files/3916/0210/3455/USAG-P_Hawaii_Island_Training_PA_Signed_27SEP18_PUBLIC_RELEASE_VERSION.pdf)

The EIS discusses Proposed Action in relationship to relevant historic preservation laws, including the National Historic Preservation Act (NHPA) and Hawai'i Revised Statutes Chapter 6E.

## **CULTURAL RESOURCES**

*Army response to comments received from: County of Hawaii Planning Department; Hawaii County Council, District 9 (North and South Kohala); Temple of Lono; Ola'a First Hawaiian Church; Hawai'i Peace and Justice; Mālama Mākuā; Sierra Club, Hawai'i Island Group; Maka'ala O Ka Hana Wai; Hawai'i Island Chamber of Commerce; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Et Al. Native Tenants; Tara Rojas; Sheena Lopes; Cat Orlans; Thomas Lenchanko; Donna Grabow; Kelsey Amos; Christopher Baker; Danielle West; Amy Perruso; Antoinette Freitas; Bianca Isaki; Jim Albertini; Shelly Aina; Ellen Schomer; Carol McMillan; Wendy Volkmann; Michael Gast; Erika Leaf; Kinion Wahineali'i Carroll; Savory Yarrow; Ellen Wilhite; Colonel Ann Wright; M. Kalani Souza; Aurora Cole; Jonathan & Jamaica Osorio; Sofronio Estores; Helen Jaccard; Hanalei Fergerstrom; Dr. Noe Noe Wong-Wilson; Dexter Ka'iama; Pearl Kaiama; Jim Albertini; Jojo Tanimoto; Kahumu Rasi*

Archaeological surveys and Cultural Impact Assessments (CIAs) are concerned with distinct and different foci. Archaeological studies are primarily concerned with historic properties and tangible heritage, whereas CIAs consider cultural practices and beliefs, which can be associated with a specific location but are also often intangible in nature. Articles IX and XII of the State Constitution, other state laws, and the courts of the state require state government agencies to protect and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups. To assist state decision makers in the protection of cultural resources, HRS Chapter 343 and HAR 11-200.1 rules for the environmental impact assessment process require project proponents to assess proposed actions for their potential impacts to cultural properties, practices, and beliefs.

This process was clarified by the Act 50, Session Laws of Hawai'i 2000, which recognizes the importance of protecting native Hawaiian cultural resources and requires that an EIS include the disclosure of the effects of a proposed action on the cultural practices of the community and state, and the native Hawaiian community in particular. Specifically, the Environmental Council suggested the CIAs should include information relating to practices and beliefs of a particular cultural or ethnic group or groups. Such information may be obtained through public scoping, community meetings, ethnographic interviews, and oral histories. The EIS highlights the process undertaken to prepare a CIA for the Pōhakuloa area.

The CIA (**Appendix E**) presents a comprehensive collection of information about the state lands, federal lands, and cultural landscape as the geographic extent of study. It fills gaps in data from previous studies by thoroughly identifying place names and cultural resources found in English and Hawaiian language resources. The comprehensive list of data serves as a critical baseline from which cultural resources and



traditional practices were identified. Numerous historic maps previously excluded from past studies are included in the CIA. Appropriate information concerning the related ahupua'a was collected, focused on areas near or adjacent to the project area, and a thorough analysis of the project's potential impacts to cultural resources and traditional practices (including access rights) was conducted. All the comments from the scoping period related to these issues are summarized in the CIA and were responded to within the analysis framework. Summaries of interviews with recognized cultural experts are included in the CIA.

The State and its agencies have an affirmative obligation to preserve and protect the reasonable exercise of customarily and traditionally exercised rights of Hawaiians to the extent feasible. State law further recognizes that the cultural landscapes provide living and valuable cultural resources where native Hawaiians have and continue to exercise traditional and customary practices, including to hunting, fishing, gathering, and religious practices. In *Ka Pa'akai*, the Hawai'i Supreme Court provided government agencies an analytical framework to ensure the protection and preservation of traditional and customary native Hawaiian rights while reasonably accommodating competing private development interests. The CIA further describes how this is accomplished.

Any analysis of land ownership is outside the scope of these documents. The EIS provides an overview of land tenure in Hawai'i in **Section 3.2**, but land ownership history is not analyzed.

#### **HAZARDOUS MATERIALS AND WASTES**

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Department of Hawaiian Home Lands; Department of Health, Hazard Evaluation and Emergency Response Office; Temple of Lono; Hawai'i Peace and Justice; Environmental Caucus of the Democratic Party of Hawai'i; Sierra Club, Hawai'i Island Group; Maka'ala O Ka Hana Wai; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Carl Christensen; Alexis Cox; Kelsey Amos; Christopher Baker; Danielle West; Amy Perruso; Antoinette Freitas; Bianca Isaki; Dana Keawe; Wendy Volkmann; Michael Gast; Erika Leaf; Lorrie Beggs; Kalai S. Posiulaj; Kinion Wahineali'i Carroll; Michael Reimer; Ariana Thompson-Lastad; Sam Warren; Sydney Ji; Colonel Ann Wright; Mailani Makainai; AziaLynne Bird; Seanna Pieper-Jordan; Sofronio Estores; Brenda Bailey-White; Dr. Noe Noe Wong-Wilson; Jim Albertini; Michael Jones; Nancy Redfeather*

The Army adheres to federal requirements to address potential spills and releases including the Installation Restoration Program, Underground Storage Tank/Aboveground Storage Tank Inspection Program, and the Spill Prevention Control and Countermeasures/ National Pollution Discharge Elimination System. If spills occur at PTA, the extent of the spill is investigated, characterized, and remediated in compliance with regulatory requirements, thus minimizing potential pollutants.

The Army has been working with and continues to work closely with the National Response Center and the State of Hawai'i Department of Health to identify soil and surface water contamination. The Army will continue this collaborative effort to ensure the protection of human health and the environment.



The Resource Conservation and Recovery Act of 1976 provides guidelines and standards for the disposal of hazardous waste. This act is the federal program for management and control of hazardous wastes from “cradle to grave” and is the basic law for the regulation of hazardous waste management practices. The Department of the Army Pamphlet 200-1, *Environmental Protection and Enhancement* governs the use, transport, and disposal of all hazardous materials and regulated waste by military or civilian personnel and on-post tenants and contractors at all Army facilities. In addition to these procedures, USAG-HI follows its own Installation Hazardous Waste Management Plan.

Guidance and procedures for the remediation of Formerly Used Defense Sites can be found in the Department of Defense Ammunition and Explosives Safety Standards (DoDD 6055.9E, 2019).

UXO: Between 1960 and 1968, up to 100 20-millimeter spotting rounds containing a depleted uranium (DU) alloy were fired from three ranges into specific areas of the impact area. These ranges and the impact area represent a small fraction of PTA’s total area, and the State-owned land only contains a portion of one of the three ranges. The Army completed a Baseline Human Health Risk Assessment Report in 2010 to assess the potential risk posed by DU at PTA. The risk assessment report indicated that there are no likely adverse impacts to current and potential future persons working on or living near PTA.

In 2011, the DU data and analysis were presented to the Nuclear Regulatory Commission (NRC), which issued a license for the DU at PTA. Under this license, the Army follows approved Safety and Environmental Radiation Monitoring plans to monitor potential DU migration by periodically sampling groundwater and surface water. The license requires the Army to comply with NRC regulations and standards for protecting the public and the environment from radiation and is subject to NRC inspections and periodic reviews. These requirements are meant to ensure the DU will not pose a future health risk. The license does not authorize the Army to use DU or decommission the sites. Any cleanup would require additional review and approval by the NRC to ensure that public health and safety would continue to be protected. Monitoring data indicates no measurable migration of DU to nearby surface water. An airborne uranium monitoring program concluded that the DU had not impacted air quality, and the uranium levels in the collected particulate matter samples were within the range of naturally occurring uranium in Hawaiian soils and rock.

The vast majority of munitions and explosives of concern, which consists of unexploded ordnance, discarded military munitions, and munitions constituents, at PTA has been found on training areas, ranges, and firing points that are not open to the public and are being actively used for military training. The EIS fully discusses the extent of munitions and explosives of concern within the State-owned land and the Army’s cleanup procedures and status of cleanup. If unexploded ordnance is discovered anywhere on PTA, the Army’s Explosive Ordnance Disposal staff uses various methods, including explosives, to disarm or destroy the item.

The Army performed a surface cleanup of the Former Bazooka Range to remove over 1,000 pounds of visible munitions and munitions debris and to eliminate the imminent and substantial health and safety



risk. The EIS provides the latest information on the cleanup of the Former Bazooka Range and other training area/range sites on the State-owned land.

## **AIR QUALITY**

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Sierra Club, Hawai'i Island Group; Hawai'i Peace and Justice; Jeffrey Mermel; Sofronio Estores*

The Army used the Davy Crocket Weapons System at PTA from 1962 to 1968. The system used a 20-millimeter spotting round (M101) to show where the weapon system was aimed. The body of the spotting round was made of a DU alloy. The Davy Crocket Weapons System was fired on four ranges at PTA, and one of the four ranges is partially on the State-owned land (i.e., Range 13 on TA 9). Fugitive dust downwind of the ranges was suspected to have higher than average levels of uranium. The Army completed a 1-year airborne uranium monitoring program in 2009 to determine if the decay and vaporization of DU fragments has impacted local air quality. The monitoring program collected 210 air samples from three sites upwind and downwind of PTA to provide a basis of comparison. The monitoring program concluded that the DU had not impacted air quality at PTA or in the surrounding area because the total airborne uranium levels in the collected particulate matter samples were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below U.S. and international chemical and radiological health guidelines.

Air emission sources at PTA include exhaust from military vehicles, aircraft flight operations, liquefied petroleum gas-fired boilers servicing four buildings, and ten internal combustion engines; dust from vehicle use on gravel and dirt roads and near-ground helicopter operations; and ordnance use and explosives detonation. The installation's potential and actual air emissions were last enumerated in 2010 and are summarized in EIS **Section 3.6**. These emissions have not appreciably changed since 2010 because installation activities have remained largely consistent, and no additional major facilities have been constructed. Air emission sources associated with training and other activities within the State-owned land include exhaust from military vehicles and aircraft flight operations, dust from vehicle use on gravel and dirt roads and near-ground helicopter operations, ordnance use and explosives detonation, and a 45-kilowatt (60 horsepower) internal combustion engine for an emergency generator at Building 601.

The Army follows a Dust and Soils Management and Monitoring Plan to identify, monitor, and minimize fugitive dust emissions from PTA. While the predominate source of fugitive dust emissions at PTA is maneuver activities on unpaved roads and trails, rotor downwash from helicopter activities have been identified as a lesser source. The Army can implement restrictions on helicopters hovering and landing if soil and atmospheric conditions indicate that excessive dust generation would occur.

In accordance with EO 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, and the Army's 4 March 2021 memorandum titled Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in Army National Environmental Policy Act Reviews, the



EIS will follow CEQ's August 2016 guidance titled Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews. **Section 3.6** of the EIS addresses direct and indirect greenhouse gas emissions from the Proposed Action alternatives and the impacts of ongoing climate change on the Proposed Action alternatives. Because the Proposed Action is a real estate transaction, a full life-cycle analysis of greenhouse gas emissions from non-scope considerations such as manufacturing and shipping equipment and materiel and troop movements to and from PTA is beyond the scope of the EIS.

## **NOISE**

*Army response to comments received from: Hawai'i Peace and Justice; Sierra Club, Hawai'i Island Group ; Mahina Embers; Debora Letelier; Anna Lindsey-Robles; Arlene Larrua; Jhonele Gambill; Alana Carvalho; Dangelo McIntyre; Lillian Merle; Andrew Cooper; Kaiki Gunderson-Cook; Nikki Kepano; Mark Gordon; Matilda Keith; Jane Taylor; Selah Levine; Carl Geise; Jhernie Evangelista; Carol McMillan; Valerie Poag; Robert Gerard; Peter Yanan; Brittney Hedlund; Charley Ice; Amanda Dillon; Dr. Noe Noe Wong-Wilson; Alexandra Bernstein; Jojo Tanimoto*

The Proposed Action is a real estate action. It does not include construction, modernization, or changes to the ongoing activities conducted within the State-owned land; however, the alternatives include various levels of retention of the State-owned land, which would affect the levels of training and resulting noise. The EIS provides detailed information on the existing ambient noise environmental from activities associated with the State-owned land as well as the potential effects associated with the Proposed Action alternatives. Health and safety concerns associated with noise are analyzed within the **Section 3.16** and aircraft entering and exiting the restricted area R-3103, or transiting to PTA airspace are addressed within **Section 3.13** of the EIS.

PTA complies with all State of Hawai'i noise laws and regulations. The U.S. Army Garrison-Pōhakuloa Public Affairs Office routinely sends out community updates advising community members of training schedules and convoy alerts. This notification is submitted via the PTA website. Additionally, the Army provides newspaper training notifications and routinely participates in community meetings and events where information is shared with and received from the public.

Because the Proposed Action does not include construction, modernization, or changes to ongoing activities conducted within the State-owned land, noise modeling is beyond the scope of the EIS. Consequently, the EIS presents the qualitative effects of the Proposed Action alternatives on noise.

## **GEOLOGY AND SOILS**

*Army response to comments received from: Hawai'i Peace and Justice; Jeff Bond; Alexandra Bernstein; Linda Manabe; Nancy Redfeather*

The Proposed Action is a real estate action (i.e., retention of the State-owned land). The EIS does not include proposed changes to the current levels and types of activities conducted within the State-owned



land. Use of the area for farming is not considered as part of the Proposed Action and is therefore beyond the scope of this study.

The island of Hawai'i is geologically active, with many volcanic eruptions recorded in historic times. Mauna Loa is an active basaltic volcano southwest of PTA, and has erupted 33 times since its first documented historic eruption in 1843. Mauna Kea last erupted about 3,500 years ago and is considered dormant. Lava from Mauna Loa's last eruption in 1984, from the Northeast Rift Zone, spread lava that extends northeast from the Mauna Loa crater and skirts the southeast boundary of PTA. Five Mauna Loa flows of known age traverse PTA. Flows from Mauna Loa that have entered the PTA boundary last occurred in 1935.

The U.S. Geological Survey recognizes nine Lava Hazard Zones, based on historical records of eruptions and seismic events. Lava Hazard Zones are discussed in EIS **Section 3.8**. The southeastern portion of the property is located in Zone 2; the southwestern portion of the property is located in Zone 3; and the northern portions of the property located on the upslope of Mauna Kea are located in Zone 8. Zone 8 represents areas where only a few percent of the area has been covered by lava during the past 10,000 years, while Zone 2 represents areas adjacent to and downslope of active rift zones with a 15 to 25 percent of the area being covered by lava since 1800 and 25 to 75 percent of area being covered by lava in the last 750 years, and Zone 3 is slightly less hazardous because of its greater distance from recently active vents or due to the area's topography, which reduces the inundation risk of the area.

The State-owned land is in an area with a 10 percent probability that an earthquake could cause a ground acceleration of more than 40 to 60 percent of gravity in the next 50 years, with the likely size of the earthquake increasing to the south in the direction of Kilauea and the southern coast. Sometimes large regional earthquakes (greater than magnitude six) are related to a subsequent eruption or to some type of unrest at a nearby volcano if the volcano is poised to erupt and meets two significant conditions: (1) enough "eruptible" magma within the volcanic system, and (2) significant pressure within the magma storage region.

The area's relatively young geologic age, low precipitation, and rapid runoff, results in mostly thin and poorly developed soils inadequate for farming. Much of the land surface is characterized by sparsely vegetated basaltic rock in the early stages of decomposition and soil formation.

The conclusions of an Operational Range Assessment Program assessment of PTA conducted in 2009 found that the migration pathways that munitions constituents of concern resulting from operations would use to leave the range area do not exist at PTA. As a result, contaminants are generally confined to the range areas and within the impact area at PTA.

The EIS includes a description of the geologic conditions within the State-owned land and analyzes the potential impacts from the Proposed Action. More information is provided in EIS **Section 3.8**.



## **SOCIOECONOMICS**

*Army response to comments received from: County of Hawaii Planning Department; Girl Scouts of Hawai'i; Associated Universities Inc.; Maunakea Observatories; Hawai'i Peace and Justice; Pacific Resource Partnership; Kona-Kohala Chamber of Commerce; University of Hawai'i Institute for Astronomy; Sierra Club, Hawai'i Island Group; Hawai'i Island Chamber of Commerce; Hawaii County Council, District 9 (North and South Kohala); Jody Brissette; Marco Jablonowitz; Aaron Stene; Marcia Goldman-Manker; Blake Doll; Dale Ross; Keith Marrack; Mark Gordon; John Makoff; Amanda Dillon; Sofronio Estores; Helen Jaccard*

The Army strives to be a good neighbor and adheres to federal, state, and local laws and Army regulations and policies regarding the protection of the human and natural environment.

The Army has not calculated the potential costs associated with the lease compliance actions and investigation, removal, and cleanup of hazardous and toxic materials and wastes within the State-owned land. The parameters for lease compliance actions are subject to the terms of the 1964 lease and negotiation with the State, which cannot be done until the EIS is complete and an alternative has been selected.

If the Army selects to proceed with the Proposed Action, the Army would consider the most appropriate land retention estate(s) method(s) for the selected alternative. Because negotiation options cannot be known prior to negotiations being initiated, which cannot formally start before the conclusion of the EIS process, potential land valuation methods and fees associated with the various land retention estates and methods cannot be evaluated in the EIS.

The Proposed Action is a real estate action. It does not include construction, modernization, or changes in ongoing activities. The EIS provides discussion of the economic benefits PTA has on the local economy, as well as potential socioeconomic impacts of the Proposed Action.

## **WATER RESOURCES**

*Army response to comments received from: Hawaii Department of Land and Natural Resources; Hawai'i Peace and Justice; Sierra Club, Hawai'i Island Group; Maka'ala O Ka Hana Wai; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Jeffrey Mermel; Jim Albertini; Jerard Jardin; Carol McMillan; Kinion Wahineali'i Carroll; Brittney Hedlund; Charley Ice; Seanna Pieper-Jordan; Linnea Heu*

PTA lies within the Northwest Mauna Loa and the West Mauna Kea watersheds of the island of Hawai'i, which drain to the northern Kona and southern Kohala coasts. The highly permeable rock and soil deposits generally absorb precipitation without forming stream channels or gulches, which is why intermittent streams typically only appear during periods of steady rain. The lack of surface water and groundwater greatly reduces the probability of contaminant migration within the State-owned land.

The closest drinking water well is 4,260 to 4,280 feet deep at the Waikiʻi Ranch (14 miles from PTA’s main gate). The state monitors all drinking water sources for water quality. Since August 1989, the State of Hawaiʻi Department of Health has issued “Groundwater Contamination Maps” for Hawaiʻi. According to these maps, most of the well locations where contamination is detected on the island of Hawaiʻi are located along the eastern coast, and groundwater quality generally diminished towards the coasts due to increased saltwater intrusion. Detected contamination levels are below federal and state drinking water standards and do not pose a significant risk to humans. Groundwater quality beneath the State-owned land is likely of higher quality due to its distance inland from the coast. The EIS provides additional information available on groundwater resources on the State-owned land.

Two small-diameter holes were drilled for testing within the U.S. Government-owned land at PTA and were not designed to develop potable water. A non-aerially extensive perched aquifer was encountered in the test hole drilled near the main base at a depth of between 700 to 1,181 feet below ground surface. A more aerially extensive perched aquifer is believed to be present at approximately 1,800 feet below ground surface below the State-owned land. PTA is a remote facility, there are currently no plans to develop potable water within the State-owned land. Potable water is currently trucked to PTA from 40 miles away.

The State-owned land is within Flood Hazard Zone X, which corresponded to an area determined to be outside the 0.2 percent annual chance floodplain. There are no perennial streams, rivers, wetlands, marine waters, or coastal resources within or with a relationship to State-owned land. Lake Waiau, located near the summit of Mauna Kea approximately 4.5 miles from PTA, is the nearest known permanent surface water body, and is not used by PTA.

Additional information regarding groundwater resources is provided in EIS **Section 3.9**.

#### **TRANSPORTATION AND TRAFFIC**

*Army response to comments received from: Hawaiʻi Department of Transportation Statewide Transportation Planning Office; Sierra Club, Hawaiʻi Island Group; Hawaiʻi Peace and Justice; Shelly Aina; Jojo Tanimoto*

The Proposed Action is a real estate transaction (retention of the State-owned land) and does not include construction, modernization, changes to ongoing activities conducted within the retained State-owned land, or changes to use of the local airports, roadways, and harbors. The Proposed Action alternatives vary from full retention to no retention of the State-owned land, which would result in the same or less use of existing PTA and regional transportation networks.

U.S. Army Garrison-Hawaii publishes media releases to local newspapers, radio stations, and online (via the PTA website) to provide advanced notice of upcoming convoys and training activities occurring at PTA. The PTA Public Affairs Office also provides routine community updates and FLASH alerts regarding trainings and convoys via email (upon request). The Army acknowledges the jurisdiction and responsibilities of the State of Hawaiʻi, Department of Transportation Airports, Highways, and Harbors



Divisions. Additional information, including a summary of existing PTA and regional transportation networks and traffic conditions and analysis of potential impacts from the Proposed Action alternatives, is provided in the EIS. In addition, effects from Proposed Action activities near public roadways on human health and safety are summarized in the EIS. **Section 2.3** of the EIS presents the land retention estates available to the Army.

## **AIRSPACE**

*Army response to comments received from: Richard Schulherr; Megan Ploski; Sharon Torbert; Alexandra Bernstein; William Greentree; Kathleen Slaughter*

PTA aircraft comply with all Federal Aviation Administration guidelines and requirements to ensure safe airspace usage and minimize airspace usage conflicts. All aircraft pilots and crew visiting PTA receive a briefing from the Bradshaw Army Airfield Air Traffic and Airspace Chief designed to minimize noise impacts and disruption to local communities. The briefing specifies the flight route to PTA devised specifically to avoid populated areas as much as possible. Additionally, aircraft are directed to fly at 2,000 feet above ground level during transition to PTA airspace, unless low cloud cover necessitates flying lower for safety reasons. Current aircraft and airspace activities were previously analyzed in separate NEPA documents. Bradshaw Army Airfield is located on U.S. Government-owned land.

The Proposed Action is a real estate action (retention of State-owned land) that would enable continuation of ongoing activities within the State-owned land. It does not include changes in ongoing activities conducted within the State-owned land. Aircraft and airspace activities not associated with the State-owned land are outside the scope of the EIS.

## **UTILITIES**

*Army response to comments received from: Department of Water Supply - County of Hawaii; Hawaii Department of Land and Natural Resources; Shelly Aina; Elisabeth Mehana Makainai; Mailani Makainai; AziaLynne Bird; Dexter Ka'iama*

The Proposed Action is a real estate action (i.e., retention of the State-owned land). It does not include construction, modernization, or changes in ongoing activities within the retained State-owned land. Solid waste generated on PTA (including the State-owned land) is managed on the Cantonment (U.S. Government-owned land) and no new solid waste actions would occur under the Proposed Action. Solid waste impacts would be the same under Alternative 1, but less solid waste would be generated under Alternatives 2 and 3 and the No Action Alternative due to Army not retaining State-owned land and therefore not conducting ongoing activities in those areas of the State-owned land or associated activities on U.S. Government-owned land.

Septic tank and portable latrine waste from training events is and would continue to be hauled to county wastewater disposal facilities by commercial haulers. Large capacity cesspools formerly used within the U.S. Government-owned land have been cleaned, backfilled, and abandoned as part of a recent sewer



system upgrade. The Army expects to be in full compliance with Act 125 by the 2050 deadline. The cesspools are not discussed in the EIS because they are not on the State-owned land or impacted by activities on the State-owned land. Wastewater disposal facilities and quantities would remain the same under Alternatives 1 and 2 (due to retention of all or the vast majority of the State-owned land) and decrease under Alternative 3 and the No Action Alternative (due to loss of all or a substantial portion of the State-owned land).

## **HUMAN HEALTH AND SAFETY**

*Army response to comments received from: U.S. Environmental Protection Agency, Region 9 Environmental Review Branch; Temple of Lono; Maunakea Observatories; Sierra Club, Hawai'i Island Group; Mariana Monasi; Jim Albertini; Nancy Martin; Kimi Abbott-Jackson; Aurora Cole; Elisabeth Mehana Makainai; Sofronio Estores; Dexter Ka'iama; Alexandra Bernstein; Jojo Tanimoto*

Ongoing activities within the State-owned land were previously analyzed in separate NEPA documents. Activities not associated with the State-owned land are outside the scope of the EIS.

The EIS characterizes the health and safety conditions of military personnel and the surrounding communities from ongoing activities on the State-owned land. Characterization of the existing health and safety conditions includes consideration of relevant PTA safety reports and health studies, as well as additional information such as how the Army works with the Mauna Kea Observatories and provides essential police and emergency medical services to PTA and surrounding communities. **Section 3.16** of the EIS discusses the potential health and safety effects on military personnel and the community under each of the Proposed Action alternatives.

Between 1960 and 1968, 20-millimeter spotting rounds containing a depleted uranium (DU) alloy were fired from three ranges into specific areas of the impact area. These ranges and the impact area represent a small fraction of PTA's total area, and the State-owned land only contains a portion of one of the three ranges. A Baseline Human Health Risk Assessment Report completed by the Army in 2010 indicated there are no likely adverse impacts to persons working on or living near PTA as a result of DU at PTA. In 2011, the data and analysis were presented to the Nuclear Regulatory Commission, which issued a license for DU at PTA. Under this license, the Army follows approved Safety and Environmental Radiation Monitoring plans to monitor potential DU. **Sections 3.5** and **3.6** in the EIS present information on DU and monitoring results, which conclude that the uranium levels in the collected particulate matter samples are within the range of naturally occurring uranium in Hawaiian soils and rock.

Debris from artillery training is contained within PTA training areas, ranges, firing points, and impact areas that are not open to the public and are closely monitored by the Army. The Army monitors the potential for offsite migration of contamination under the Operational Range Assessment Program and has determined groundwater and surface waters are unlikely to be contaminated by explosive residues. Information regarding contaminants, groundwater, and surface waters at PTA is included in **Section 3.5**



and **Section 3.9** of the EIS. All health and safety concerns, including the potential for lead contamination in water and soils, is summarized in the EIS.

## EIS Findings

### CUMULATIVE

*Army response to comments received from: County of Hawaii Planning Department; Hawai'i Peace and Justice; Sierra Club, Hawai'i Island Group; Mauna Kea Moku Nui 'Aelike/Consensus Building 'Ohana; Native Hawaiian Legal Corporation; Sasha Davis; Jonathan & Jamaica Osorio; Brenda Bailey-White*

NEPA analyses must assess cumulative effects, which are the impact on the environment resulting from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. The EIS considers the effects of past activities at PTA in combination with the effects of the action alternatives, and a set of reasonably foreseeable actions proposed by federal, non-federal agencies, and private parties on the island of Hawaii. (See full discussion in the EIS **Chapter 4**.)

The cumulative impact analysis considers actions where impacts of the proposed action would have a connection, in space or time, with impacts from other actions and consequently have the potential to contribute to cumulative impacts. This connection includes one between individuals or groups who may incur impacts related to events of a historical nature (e.g., the connection between native Hawaiians and the maintenance of customary practices). The timeframe for actions addressed in the cumulative analysis is 10 years, which is approximate to the timeframe anticipated for implementation of any of the action alternatives.

Impacts of past activities at PTA are addressed for each resource, including hazardous and toxic materials and waste. Information in **Section 3.5** draws from numerous sources including Environmental Condition of Property Reports, which the Army undertakes to investigate the potential for environmental contamination of a property for hazardous substances, petroleum products, or other environmental concerns. The most recent ECOP investigation at PTA was conducted in 2017 in order to protect the health of those who formerly, currently, or will potentially in the future occupy the property.

## Plans and Policies

*Army response to comments received from: Department of Hawaiian Home Lands; Environmental Caucus of the Democratic Party of Hawai'i; Carl Christensen; William W. Milks; Charles Ota*

**Chapter 5** of the EIS provides decision makers with an overview of the Proposed Action's conformance with relevant federal, State, and county land use plans, policies and regulations.





# **Draft EIS Comments and Responses**

**Federal Agencies**

**State of Hawai'i Agencies**

**County of Hawai'i Agencies**

**Elected Officials**

**Organizations**

**Individuals**

**Petition Letter**

**Responses to Draft EIS Comments**



# **Federal Agencies**



# Federal Agencies

U.S. Department of the Interior,  
U.S. Fish and Wildlife Service  
Pacific Islands Fish and Wildlife Office..... US-1  
U.S. Environmental Protection Agency  
Pacific Islands Office Region 9..... US-5



# U.S. Fish and Wildlife Service

Dear PTA Project Team,

Attached please find a file with our comments on the ATLR PTA DEIS.

Sincerely,  
James Kwon

U.S. Fish and Wildlife Service  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Blvd., Rm. 3-122  
Honolulu, Hawai'i 96850



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawai'i 96850

In Reply Refer To:  
01EPIF00-2022-0041786-NEPA

May 13, 2022

PTA Project Team  
Group 70  
111 S. King Street, Suite 170  
Honolulu, Hawaii 96813

**Subject:** Draft Environmental Impact Statement for the Army Training Land Retention at Pohakuloa Training Area, Hawaii Island, Hawaii

Dear PTA Project Team:

The U.S. Fish and Wildlife Service (Service) received your notification of the opportunity for agency comment on March 28, 2022, for review of the U.S. Army's (Army) Draft Environmental Impact Statement (DEIS) for Army Training Land Retention (ATLR) at Pohakuloa Training Area (PTA), Hawaii Island, Hawaii. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. The Service offers the following comments to assist you in your planning process so that impacts to trust resources can be addressed. Our comments are provided under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C 1531 et seq.).

Based on review of the documents provided, ATLR PTA DEIS Volumes I and II, and information in our files, we offer the following comments for your consideration. The proposed action is a real estate action that would enable the continuation of ongoing activities (military training; facility, utility, and infrastructure maintenance and repair activities; resource management actions; and associated activities such as emergency services) on State-owned land. Alternatively, no new activities (e.g., military construction, operations and maintenance, training) are proposed. Impacts of ongoing activities to threatened and endangered species and designated critical habitat are addressed by existing consultations in accordance with section 7 of the ESA (Enclosure).

We appreciate the opportunity to provide comments regarding the conservation of threatened and endangered species and their habitats. If you have questions regarding this response, please contact James Kwon, Fish and Wildlife Biologist (phone: 808-792-9433, email: james\_kwon@fws.gov). When referring to this project, please include this reference number: 01EPIF00-2022-0041786-NEPA.

Sincerely,

Lorena Wada  
Planning and Consultation  
Team Manager

Enclosure

Cc: Janet Whitlock, DOI Regional Environmental Officer

## Enclosure – List of Recent ESA Section 7 Consultations at PTA

USFWS. 2003. Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light)(12200-2003-F-0002).

- . 2007. Informal Section 7 Consultation on the Disposal of Two High Explosive Rounds at Pohakuloa Training Area (12200-2007-I-0088).
- . 2008. Reinitiation of Formal Section 7 Consultation for Additional Species and New Training Actions at Pohakuloa Training Area, Hawaii (12200-2008-F-0278).
- . 2013. Informal Consultation and Formal Consultation with a Biological Opinion for the Construction, Maintenance, and Operation of an Infantry Platoon Battle Area and Installation-wide Impacts of Military Training on Hawaiian Geese (*Branta sandvicensis*) at Pohakuloa Training Area, Hawaii (01EPIF00-2012-F-0241).
- . 2013. Informal Consultation for Urban Close Air Support, Pohakuloa Training Area, U.S. Army, Hawaii (01EPIF00-2013-I-0364).
- . 2013. Informal Consultation for Four New Landing Zones, Pohakuloa Training Area, U.S. Army, Hawaii (01EPIF00-2013-I-0363).
- . 2014. Informal Consultation for Exploratory Well Hole No. 2 in the Keamuku Maneuver Area, Hawaii (01EPIF00-2014-I-0083).
- . 2017. Biological Opinion for Installation of Sewer Line Through Pohakuloa Training Area Interpretive Garden (01EPIF00-2017-F-0306).
- . 2020. Informal consultation for Predator Control at Band-rumped storm petrel colony during the breeding season, Pohakuloa Training Area, Hawaii (01EPIF00-2020-I-0286).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

June 2, 2022

Michael Donnelly  
ATLR PTA EIS Comments  
P.O. Box 3444  
Honolulu, Hawaii 96801-3444

Subject: Draft Environmental Impact Statement for the Army Training Land Retention  
at Pōhakuloa Training Area, Hawaii (EIS No. 20220046)

Dear Mr. Donnelly:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Army proposes to retain up to approximately 23,000 acres of State-owned land at Pōhakuloa Training Area (PTA) in support of continued military training. Retention would occur through attainment of a land interest (i.e. real estate action) prior to the August 16, 2029 expiration of the 1964 lease, so the Army could continue ongoing activities on the retained State-owned land. The Draft Environmental Impact Statement evaluates the potential environmental impacts of 3 alternatives: Alternative 1- Full retention of 23,000 acres; Alternative 2 – modified retention of 19,700 acres; and Alternative 3 -Minimum retention of approximately 10,100 acres and 11 miles of select roads and training trails. The Army does not identify a preferred alternative.

The DEIS emphasizes that the Proposed Action is a *real estate action* that would enable continuation of ongoing activities on the retained State-owned land; however, the DEIS does not evaluate or specify how impacts would differ among the potential land retention estates (title, lease, easement, and license). The decision on the type of land retention estate to be used is deferred to the period after the Record of Decision is signed when the Army negotiates with the State regarding this decision. The impact assessment is based on land retention via title (ownership through fee simple title) only, reasoning that this option would have the most impacts because it would not include potential conditions associated with the other land retention estates.

The impact assessment requirement under the National Environmental Policy Act is meant to inform decision-makers of impacts prior to decision-making. The DEIS evaluates the question of *how much* land would be retained, but not *how* the land would be retained. Both questions will be the subject of decision-making; therefore, we recommend both questions be considered in the impact assessment, particularly because it is not clear whether the post-ROD negotiation and decision-making process would include the opportunity to compare impacts or allow for public involvement. We recommend the final EIS include discussions for those resources where important impact differences exist among land retention methods. We suggest this occur for environmental justice, and for impacts from munitions and explosives of concern (MEC), which includes unexploded ordinance, discarded military munitions, and

munitions constituents, but other resource areas may also call for such evaluation. Please see our attached detailed comments for additional discussion of our suggestions on this and other topics, including cultural resources and climate change effects.

The EPA appreciates the opportunity to review this DEIS. When the FEIS is released for public review, please provide an electronic copy to Karen Vitulano, the lead reviewer for this project, at [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov). If you have any questions, please contact me at (415) 947-4167, or contact Karen at 415-947-4178 or via email.

Sincerely,

**JEAN PRIJATEL**

Digitally signed by JEAN  
PRIJATEL  
Date: 2022.06.02 17:04:18  
-07'00'

Jean Prijatel  
Manager, Environmental Review Branch

Enclosure: EPA's Detailed Comments

cc: Sina Pruder, Hawaii Department of Health  
Russell Tsuji, Hawaii Department of Land and Natural Resources

### **Impacts from Land Retention Methods**

We note that the DEIS is a joint federal and state impact assessment and the Hawaii EIS Preparation Notice in 2020 indicated that the DEIS would only evaluate title (full ownership), because that land retention method would result in the greatest impacts. Our scoping comments (October 8, 2020) suggested that alternatives could be created to compare impacts of the different possible retention methods; however, the DEIS states that the appropriate land retention estate and method would be determined after the EIS process during negotiations with the State of Hawaii. It is not clear whether any impact assessment would be part of the post-EIS negotiations and decision-making, nor whether the public would be invited to comment.

There are important differences in potential impacts from different land retention methods for at least two impact areas: environmental justice and MEC (munitions and explosives of concern, which includes unexploded ordinance, discarded military munitions, and munitions constituents). We recommend these impacts be disclosed and compared in the FEIS, even if not evaluated as full NEPA alternatives. Our concerns and recommendations are discussed below.

### ***Environmental Justice***

We appreciate the discussion in the DEIS regarding the history of land tenure, documented in the Land Use section. There are continuing effects from this history that weigh on members of the Native Hawaiian community, expressed through comments during scoping, that are not captured in the EIS; these remarks were reiterated during public meetings for the DEIS.<sup>1</sup> These comments reference cultural attachment to the land, distress that their native lands were wrongly taken, and a general sense of historical inequity. The comments specifically describe the \$1.00 fee paid by the Army in 1964 for the 65-year lease as an example of inequity. While the post-EIS negotiations could offer the opportunity to remedy historical injustices, without a clear documentation of differing impacts among land retention options in the EIS, some impacts may not be fully considered.

Recent Executive Orders direct the entire Federal Government to advance equity and racial justice for underserved communities including Native Hawaiian/Pacific Islander communities. Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 20, 2021) directs federal agencies to evaluate whether their policies produce racially inequitable results when implemented, and to make the necessary changes to ensure underserved communities are properly supported. Executive Order 14031: *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders* (May 28, 2021) seeks to eliminate barriers to equity and justice for these populations. We also note that the Department of Defense's Equity Action Plan, pursuant to EO 13985, includes a strategy "to advance equity and rectify past harms" resulting from environmental and other impacts from defense activities on ancestral lands.<sup>2</sup> These directives and DoD's Equity Action Plan should be considered in the context of the project to help guide decision-making.

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<sup>1</sup>Public meetings held on April 25 and 26, 2002, recordings available at <https://home.army.mil/hawaii/index.php/ptaeis/public-involvement>

<sup>2</sup> DoD Equity Action Plan p. 8. Available: <https://media.defense.gov/2022/Apr/13/2002976515/-1/-1/0/DOD-EQUITY-ACTION-PLAN.PDF>

Additionally, the guidance document *Promising Practices for EJ Methodologies in NEPA Reviews*<sup>3</sup> may be helpful to consult when determining how non-chemical stressors (e.g., chronic stress related to environmental or socio-economic impacts) amplify impacts. “The cumulative ecological, aesthetic, *historic* (emphasis added), cultural, economic, social, or health effects of a proposed action can arise from and also include non-chemical stressors” (Promising Practices, p. 32).

**Recommendations:** In the FEIS, consider how the permanent loss of State land through fee simple retention differs from retention through non-permanent mechanisms such as leases, etc. and discuss impacts related to these land retention mechanisms. Consider how these mechanisms could be received by the public, including communities with environmental justice concerns, in the unique historic context of the affected environment. We recommend that conclusions regarding environmental justice impacts attempt to reflect the mental and emotional health impacts and the larger cumulative sense of loss and injustice, and not only the impacts to specific resources (e.g., transportation, recreation/hunting, or to cultural resource access). After reviewing comments on the DEIS and identifying these additional military land use impacts on environmental justice, identify mitigation measures in the FEIS. Examples could be establishing regular communication channels to strengthen relationships with the Native Hawaiian community, and in consultation, exploring other State-owned military lands that may be underutilized and could be repurposed for community use.

### ***Munitions and Explosives of Concern***

It appears that lease conditions could offer some resource protections regarding MEC that would be absent under fee simple retention. The DEIS does not include a discussion of the differences in management of MEC under fee simple ownership by the Army – pursuant to the Resource Conservation and Recovery Act (RCRA) Military Munitions Rule – and under a lease with the State that could contain conditions to address contamination while the range is still active. While future negotiated lease conditions are not known, some reasonable assumptions can be made for the purposes of the assessment. The DEIS includes such assumptions, for example on page 3-83 it states, “If the State-owned land were to be retained via lease, it is assumed a lease compliance monitoring plan would be implemented by [Department of Land and Natural Resources] to confirm lease compliance, particularly with respect to military munitions and MEC.” Statements like these in the DEIS allude to possible differences in environmental impacts from MEC under different land retention methods, but the impacts are not assessed nor presented in a manner that evaluates their comparative merits.

**Recommendation:** Include a table or discussion in the FEIS that presents a comparison of impacts from managing unexploded ordinance, discarded military munitions, and munitions constituents for the different land retention methods. Identify assumptions as applicable.

### **Cultural Resource Impacts**

The DEIS identifies long-term, adverse impacts associated with ongoing training activities (p. 128),<sup>4</sup> but concludes that these impacts would be moderate but less than significant under its current management and mitigations via Army cultural resource programs and the 2018 Programmatic Agreement pursuant to the National Historic Preservation Act. Impacts to traditional and customary practices and cultural access were evaluated for the first time in the DEIS and determined to be long-term, adverse and significant due to current access restrictions (p. 3-63). The DEIS conclusion is “significant but

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<sup>3</sup> Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee, March 2016. Available: [https://www.epa.gov/sites/default/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)

<sup>4</sup> Including damage to sites from subsurface excavations related to troop training, damage from maneuvers and ground troops, possible damage from live fire, cleanup of UXO, and accidental damage or vandalism.

mitigable” with mitigation being consultation with Native Hawaiians and providing access to promote and protect cultural beliefs, practices, and resources.

While the cultural resources section does not state whether this mitigation would reduce impacts to less than significant, the environmental justice section of the DEIS concludes that providing access for traditional and customary practice would reduce impacts for cultural resources to less than significant (p. 3-152). It is unclear whether this conclusion is supported by the Native Hawaiian community. For example, for Makahiki, a ceremonial practice, the Cultural Impact Assessment reveals that Native Hawaiian practitioners have continuously sought access within the project area, and in recent years, practitioners have been allowed limited day access with escorts to conduct the ceremony (App. E p. 310).

**Recommendation:** Disclose in the FEIS whether the impacted Native Hawaiian community agrees that proposed mitigation is sufficient to conclude impacts to access are less than significant. We recommend continued coordination with Native Hawaiian practitioners to ensure mitigation measures allow for the most authentic practice during access opportunities, and a commitment to such measures in the Record of Decision.

### **Climate Change**

According to the Army Climate Assessment Tool, drought is by far one of the greatest climate change threats to PTA and is predicted to be the greatest threat by 2050 (p. 3-91). The DEIS also states that wildfire risk at PTA is relatively low, despite other statements that “wildfires at PTA are considered frequent and the average yearly wildfire occurrence from 2012 through 2017 was 37 per year” (p. 3-205). The DEIS acknowledges the connection between fires and military activity; however, the climate change analysis does not mention increased wildfire risk, nor its connection with predicted increased drought at PTA.

The DEIS also states that unlike the criteria pollutants, greenhouse gases (GHGs) are global pollutants that have no impact on local and regional air quality (p. 3-89). While it’s true that GHGs are pollutants with global impacts, the sentence as written implies GHG emissions are not a local or regional concern, despite indirect air quality impacts from climate change caused by GHGs. We note that the 2018 Intergovernmental Panel on Climate Change Report<sup>5</sup> indicates that regions that experience excessive periods of drought and higher temperatures will have increased frequency of wildfires and more windblown dust from soils. It also states there is robust evidence from models and observations that climate change is worsening ozone pollution.

The criterion used to assess whether an alternative would result in potential significant impacts on GHG emissions is the “extent or degree to which an alternative would meaningfully (measurably) contribute to the potential impacts of global climate change” (p. 3-92). This is not a reasonable methodology for a cumulative impact such as climate change and does not appear to be consistent with the 2016 CEQ climate change guidance (“CEQ recognizes that the totality of climate change impacts is not attributable to any single action, but are exacerbated by a series of actions”).<sup>6</sup>

**Recommendation:** Include a discussion of wildfire risk, and its relation to drought and air quality in the climate change impact analysis in the FEIS. Clarify the statement regarding GHGs and how they relate to local air quality impacts to include the indirect impacts to local air quality

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<sup>5</sup> See <https://nca2018.globalchange.gov/chapter/13/>

<sup>6</sup> Council on Environmental Quality, 2016. *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, p. 11

identified above and in the IPCC Report. We recommend improving the impact assessment and conclusions by discussing GHG emissions relative to State GHG emission reduction targets, consistent with CEQ Guidance, and how current training can reduce emissions going forward.

**Utilities - Wastewater**

The DEIS states that portable latrine facilities are permanently sited at the Battle Area Complex (p. 3-195). We understand that State of Hawaii regulations generally prohibit the use of portable toilets in permanent situations (See section 11-62-06(e) of Hawaii Administrative Rules).<sup>7</sup>

***Recommendation:*** Work with the Hawaii Department of Health to confirm approval of the permanent portable latrines and include this information in the FEIS.

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<sup>7</sup> <https://health.hawaii.gov/opppd/files/2015/06/11-62-Wastewater-Systems.pdf>

# **State of Hawai'i Agencies**



# State of Hawai'i Agencies

|                                                                                          |       |
|------------------------------------------------------------------------------------------|-------|
| Department of Business, Economic<br>Development & Tourism Office of Planning .           | HI-1  |
| Department of Defense .....                                                              | HI-3  |
| Department of Hawaiian Home Lands.....                                                   | HI-15 |
| Department of Health, Clean Air Branch ....                                              | HI-19 |
| Department of Health, Hazard Evaluation and<br>Emergency Response Office .....           | HI-21 |
| Department of Land and Natural Resources,<br>Division of Forestry and Wildlife .....     | HI-24 |
| Department of Land and Natural Resources,<br>Engineering Division.....                   | HI-30 |
| Department of Land and Natural Resources,<br>Land Division .....                         | HI-34 |
| Department of Land and Natural Resources,<br>Land Division – Hawaii District.....        | HI-50 |
| Department of Land and Natural Resources,<br>Office of Conservation and Coastal Lands .. | HI-54 |
| Office of Hawaiian Affairs .....                                                         | HI-59 |





**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE  
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Telephone: (808) 587-2846  
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Web: <https://planning.hawaii.gov/>

DTS 202204041431NA

Coastal Zone  
Management  
Program

June 6, 2022

Environmental  
Review Program

To: Suzanne Case, Chairperson  
State of Hawai‘i, Department of Land and Natural Resources

Land Use  
Commission

From: Mary Alice Evans, Director *Mary Alice Evans*  
Office of Planning and Sustainable Development

Land Use Division

Special Plans  
Branch

Attention: Russel Tsuji, Administrator  
Land Division

State Transit-  
Oriented  
Development

Subject: Draft Environmental Impact Statement – Army Training Land  
Retention at Pōhakuloa Training Area, Hawai‘i Island  
TMK: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 &  
022

Statewide  
Geographic  
Information System

Statewide  
Sustainability Branch

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) on the U.S. Army Land Retention Study for the Pōhakuloa Training Area (PTA), Hawai‘i Island. The notification request was sent via email on April 1, 2022.

It is our understanding that the U.S. Government leases approximately 23,000 acres at PTA from the State of Hawai‘i. The 65-year lease expires on August 16, 2029. The U.S. Army Garrison – Hawai‘i (USAG-Hawai‘i) proposes to retain up to 23,000 acres of State-owned land in support of continued military training. The retention will preserve maneuver area, provide austere environment training, enable access between major parcels of government-owned land, retain infrastructure, allow for future modernization, and maximize use of the impact area. The loss of this land would negatively affect the ability of the U.S. military’s ability to meet training requirements and meet its mission readiness for potential conflicts within the Pacific region.

The Office of Planning and Sustainable Development (OPSD) has reviewed the transmitted material, and have the following comment to offer:

1. Coastal Zone Management Act (CZMA), Federal Consistency  
We acknowledge that Section 3.2.2, page 3-6 of the DEIS declares the need for a CZMA federal consistency review. The DEIS states “Section 307 of the federal CZMA requires federal agency activities and development projects affecting any coastal use or resource to be undertaken, in a manner consistent to the maximum extent practicable, with a state’s CZM program.” It goes on to affirm that the Army has

initiated coordination with the State to meet CZM consistency review requirements. We can confirm that the USAG-Hawai'i federal consistency determination for the Army Training Land Retention at Pōhakuloa Training Area on the island of Hawaii was received on July 23, 2021 and that our office deemed it to be incomplete by written notice dated July 27, 2021, in accordance with 15 CFR § 930.41(a). Our office received no further response or information. Please provide your consistency determination in accordance with Subpart C of 15 CFR 930. The CZMA federal consistency review period can begin upon our receipt of all necessary information.

2. Hawai'i Coastal Zone Management (CZM) Program

Section 5.3.2, Table 5-2, pages 5-14 to 5-18 of the DEIS provides a tabular analysis of the project and its alignment with the objectives and supporting policies of the Hawai'i CZM Program, Hawai'i Revised Statutes (HRS) § 205A-2.

HRS § 205A-2, serves as the foundation of the Enforcable Policies of the CZM Program for the State of Hawai'i. Disclosure of impacts from this project as it relates to the provisions found in HRS § 205A-2 will aid the State in determining the effect of the proposed action on resources of the coastal zone. This analysis can also serve as support and reference material for the forthcoming federal consistency submittal.

If you have any questions, please contact Joshua Hekekoa on Environmental Assessment concerns as they relate to this OPSD response letter at (808) 587-2845 or Debra Mendes on CZMA federal consistency at (808) 587-2840.

cc: DLNR Land Division, Attn: Kevin Moore (via email)  
USAG-HI, Attn: Daisy Pate (via email)  
G70, Attn: Jeff Overton (via email)



DAVID Y. IGE  
GOVERNOR



KENNETH S. HARA  
MAJOR GENERAL  
ADJUTANT GENERAL

STEPHEN F. LOGAN  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

May 23, 2022

Mr. Michael Donnelly  
U.S. Army Garrison-Hawaii  
Directorate of Public Works - Environmental  
948 Santos Dumont Avenue, Building 105, 3rd Floor  
Schofield Barracks, Hawaii 96857-5013

Dear Mr. Donnelly:

**Subject:** Draft Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area, Island of Hawaii, Hilo, Hawaii, TMKs: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

Thank you for the opportunity to comment on the above project. The State of Hawaii Department of Defense would like to express its support for Alternative 1: Full Retention. This area, with its features and capabilities not found elsewhere in Hawaii, is also utilized by the Hawaii Army and Air National Guard to ensure troop readiness in support of federal and state missions. Please see attached for additional comments.

Should you have any questions or concerns, please contact Captain Shao Yu Lee at (808) 369-3488 or [shaoyu.l.lee@hawaii.gov](mailto:shaoyu.l.lee@hawaii.gov).

Sincerely,

Kenneth S. Hara  
Major General  
Hawaii National Guard  
Adjutant General

Attachment

c: HIARNG  
HIANG

**COMMENTS ON PŌHAKULOĀ TRAINING AREA, ISLAND OF HAWAII**

**Document (s):** DEIS-Army Training Land Retention at PTA

**Commenter (s):** HIARNG ENV

**Point-of-Contact (s):** Jose Balignasay, NEPA; Karl Bromwell Compliance Manager

**Proposed Action:** A real-estate action that would enable continued ongoing activities on the state-owned lands. The current activities were analyzed in a separate NEPA document.

**Purposed and Need:** The purpose of the Proposed Action is to enable USARHAW to continue to conduct military training on the State-owned land within PTA and to meet its ongoing training requirements.

The HIARNG ENV is in favor of the Preferred Alternative because:

| The Proposed Action will:                                                                                                           | The Army needs to retain the State-owned land (Land) at PTA because:                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Continue to preserve limited maneuver area.                                                                                         | The Land provides essential connections for maneuvering and there are Critical U.S. Government-owned facilities, utilities, and infrastructure located on the land.                                                                                                                                                                                                                                                                              |
| Continue to provide austere environment training.                                                                                   | Retention of maneuver area on Land at PTA is important for maneuver, live-fire, and non-live-fire training, and to accommodate larger than company-sized units.                                                                                                                                                                                                                                                                                  |
| Enable access between U.S. Government-owned parcels/lands located within PTA.                                                       | PTA is the only training area in Hawai'i that can accommodate collective live-fire training at larger than company size (> 3-4 platoons or ~ 200 soldiers)                                                                                                                                                                                                                                                                                       |
| Retain substantial infrastructure investments.                                                                                      | PTA is the primary ground maneuver tactical training area for U.S. Indo-Pacific Command and is used for joint and multinational training exercises.                                                                                                                                                                                                                                                                                              |
| Allow for future facility and infrastructure modernization and maximize use of the area in support of USARHAW-coordinated training. | Loss of the State-owned land at PTA would result in substantial impacts to training at PTA and Hawai'i because several of the training features and capabilities within the Lands are not available elsewhere within PTA or Hawai'i and several of the training and support facilities & features within the Lands cannot be rebuilt within the U.S. Government-owned portions of PTA due to operational, safety, and environmental constraints. |

Additionally, the geographical location of Hawai'i is a strategic one for national defense and rapid deployment of military forces, and the island plays a key role within the U.S. Indo-Pacific Command area of responsibility to help achieve U.S. national security objectives and protect national interests. PTA is the only Army Major Training Area in Hawai'i, making it the Army's primary ground maneuver tactical training area supporting home-station, joint, and multinational training in the State. PTA can accommodate collective live-fire and maneuver training above the company level (i.e., battalion and brigade). No other training area in Hawai'i can accommodate collective live-fire training at larger than company size. Additionally, PTA is the largest contiguous live-fire range and maneuver training area in the State. It is the only training area where U.S. Army Hawaii (USARHAW) units can use weapons systems at maximum capabilities and complete all their training requirements without leaving Hawai'i.

| Draft Environmental Impact Statement                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commenter/EIS Topic                                    | Comments (General and Technical)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Jose Balignasay/<br><br>NEPA Analysis,<br>Socio and EJ | I would like to provide support to the NEPA consideration labelled "Alternative 1 (Full Retention)" of the ceded land use under the proposed renewal of the General Lease (G.L.) to which the current Army land use is assigned at G.L. 3849. Under this resource management proposal for land use (at the Pohakuloa Training Area in the vicinity of the slope of Mauna Kea), the Army will be able to leverage the request for the optimum amount of funds to manage the identified resources (air, environmental, cultural and natural resources) to the maximum extent practicable. This also may translate to appreciating the greatest yield to the heightened awareness and protection of resources in the area of Environmental Justice, focusing on the interplay between culture and the physical (natural) environments. Less than this optimum amount would subject the land to natural erosion and neglect including resource pilfering, desecration and possible vandalism, all qualifying under egregious acts of violence and destruction. These acts of violence to natural resources and property are specified and safeguarded by the Antiquities Act (1906). Under natural, community social organization in the ROI, there is no policemen for such acts of violence to natural and cultural resources. With the Army as steward of this land, it can, by extension, enforce the federal Antiquities Act. By this means, the Army is able to satisfy the ends of "malama aina" to which Kanaka O'iwi hold dear to themselves and their community (U.S. Army Corps of Engineers, Honolulu District, 2022). |

The righting of "Environmental Justice" is viewed from the integrated interplay between the 'physical environment (natural environment)' and cultural factors (Mohai, Pellow, & Roberts, 2009) to which 'minorities', 'low-income' and 'children (public health and safety)' factors are subjected to (determinants) --- (U.S. Army Corps of Engineers, Honolulu District, 2022). A recapitulation of these determinants to impacts that violate the domain of Environmental Justice, done by contract and led by the U.S. Army Corps of Engineers, Honolulu District, conclude that the impacts are "less than significant" for minorities, low-income and children (Block Groups) exposed to natural and cultural stressors relative to:

Land use, biological resources, cultural resources, hazardous & toxic materials & wastes, air quality and greenhouse gases, noise; geology, topography & soils, water resources, socioeconomic, transportation and traffic, airspace, electromagnetic spectrum, utilities, human health and safety, protection of children (U.S. Army Corps of Engineers, Honolulu District, 2022, p. 217 of 397 - 225 of 397).

Under this land use agreement and management, there would be no identified issues slated for mitigation under the consideration of "Environmental Justice" (U.S. Army Corps of Engineers, Honolulu District, 2022, p. 217 of 397, 225 of 397).

In the greater scope of Environmental Justice, the above responses also generally speak for the topics:

- Traditional and Contemporary Cultural Practices
- Sites of Traditional, Religious, and/or Cultural Importance
- Traditional or Customary Practices
- Environmental Justice Minority Areas in the POI (2019)
- Environmental Justice Low-Income Areas in the ROI (2019), and
- Native Hawaiian Population in the ROI (2005)

(U.S. Army Corps of Engineers, Honolulu District, 2022, p. 3-50, 3-58, 3-59, 3-149, 3-150).

The Army would bring a robust management to the principle of "malama aina" as it would have the economic resources, material resources and manpower to moderate positive impacts. In fact, military personnel are cited to volunteer to be stewards to natural and cultural resources to the leased land and to its surrounding communities (U.S. Army Corps of Engineers, Honolulu District, 2022, p. 214 of 397). According to the Draft Environmental Impact Statement, there are natural and resource management impacts that act synergistically and additively which result in positive, "concurrent beneficial impact" (U.S. Army Corps of Engineers, Honolulu District, 2022, p. 222 of 397). This approach would lend credence to the approach for the maximum

financial package to bring about a comprehensive (programmatic) protection for the resources of interest at the Pohakuloa Training Area (i.e., NEPA resources directed to air, environmental, cultural and natural resources as they relate to minorities, low-income and the protection of children) --- (U.S. Army Corps of Engineers, Honolulu District, 2022).

Moreover, according to conceptual reasoning by Opiyo & Çelebi (2008), political isolation has a propensity, in principle, to decay and manifest into the following negative social behaviors:

- Rejecting and condemning the identity of others, simultaneously summons the identity of others in order to organize and establish the identity of the rejecting and condemning party
- Accusing others of being is a reflection of the opposing and denying party of others' identity
- The cognitive imagery of being an "integral totality" is a defense mechanism to protect against private fears of its own "immanent dissolution at the hands of 'others'"
- There is great probability that rejecting and condemning other identities is an "internal dislocated nature" and not a "crisis or threat"

(Opiyo et al., 2008, p. 13 of 37).

Conversely, Donovan and Blazer (2020) and Lee and Bearman (2020) confirm the findings of the Draft Environmental Impact Statement (U.S. Army Corps of Engineers, Honolulu District, 2022) that political isolation is detrimental to individual health, including increased suicide for all ages (Donovan et al., 2020, para. 24) and "premature mortality" (Donovan et al., 2020, para. 21) within the equilibrated cycle between physical (natural) and cultural environments for exposed minority, low-income and children-factor sub-populations. The renewal of this land lease would positively mediate these inherent negative effects on the community, and the Army would be active stewards in effectuating objective outcome results to attest to the principle of "malama aina" for minorities and Kanaka Oiwi alike.

On a real-world application or applied practice for the renewal of the land lease at Pohakuloa, to train military personal to be ready and fit to fight, threats from Asia and south-east Asia, for example, summon such a demand to secure a valuable training area. For example, the instability in Ukraine is a strong argument for an army to train and to be ready for defense and combat against hostile world players. For example, China is looking to set up a military base in the Solomon Islands (Singh, 2022), including the willingness to test its military capability against the United States (Webb, 2022). Being militarily unprepared and being subjugated to destruction of the land and eventual conquest by the hostile, foreign adversary would be a worse and

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                                    | <p>inexcusable fate than having the option to commit to being a good steward of ceded land in the face of pockets of domestic opposition to the renewal of the land lease for military training and defense of the homeland. Truly, the defense of a nation is a social good for the general welfare of the people and is a broader program that champions and protects “malama aina,” including ‘the life of the land is perpetuated in righteousness’ (Ua mau ke Ea o ka aina I ka pono) and the principles rightful to Environmental Justice.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>Jose Balignasay/NEPA Analysis, Socio and EJ</p> | <p style="text-align: center;">References</p> <p>Donovan, N. J., &amp; Blazer, D. (2020). Social isolation and loneliness in older adults: Review and commentary of a National Academies report. <i>The American journal of geriatric psychiatry - official journal of the American Association for Geriatric Psychiatry</i>, 28(12), 1233–1244. <a href="https://doi.org/10.1016/j.jagp.2020.08.005">https://doi.org/10.1016/j.jagp.2020.08.005</a><br/> <a href="#">Social Isolation and Loneliness in Older Adults: Review and Commentary of a National Academies Report - PMC (nih.gov)</a></p> <p>Lee, B., &amp; Bearman, P. (2020). Political isolation in America. <i>Network Science</i>, 8(3), 333-355.<br/> <a href="#">Lee_Bearman_political_isolation_in_america.pdf (hsungkyulcc.com)</a></p> <p>Mohai, P., Pellow, D., &amp; Roberts, J. T. (2009). Environmental justice. <i>Annual review of environment and resources</i>, 34, 405-430.<br/> <a href="#">Environmental Justice (researchgate.net)</a></p> <p>Opiyo, B., &amp; Çelebi, S. I. (2008). Public relations and nation-building under political isolation: The case of Northern Cyprus. <i>Communication in Peace/Conflict in Communication</i>, 47, 1 – 37.<br/> <a href="#">Com_Peace_Conflict_Com_2007.pdf (emu.edu.tr)</a></p> <p>Singh, N. (2022, April 25). US threatens military action if China sets up Solomon Islands base: ‘Would very naturally respond’. <i>Independent</i>.<br/> <a href="#">US threatens military action if China sets up Solomon Islands base: ‘Would very naturally respond’ (yahoo.com)</a></p> <p>U.S. Army Corps of Engineers, Honolulu District. (2022, April). <i>Army training land retention at Pohakuloa Training Area, Draft Environmental Impact Statement, Volume I: EIS document</i>, 1 – 397.<br/> <a href="#">2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf (hawaii.gov)</a></p> <p>Webb, J. (2022, February 16). China now more willing, able to challenge US military, report says. <i>AirForceTimes</i>. <a href="#">China now more willing, able to challenge US military, report says (yahoo.com)</a></p> |

|                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Kekapala Dye/Cultural & Historic Resources                                                                                       | <p>Cultural 3.4 –</p> <p><b>Alternative 1</b>, full retention. Overall impact less than significant. Cultural resource management continues, ongoing activities will follow existing SOPs.</p> <p><b>Alternative 2 and 3</b>, modified retention. Similar impacts to Alternative 1, overall, less than significant for modified retained. Land not retained - short term minor to moderate adverse impact from ground disturbance associated with lease compliance, overall minor beneficial impact.</p> <p><b>No Action Alternative</b>, no retention of land. Similar impacts to no retention in Alt. 2 and 3, short term minor to moderate adverse impact from ground disturbance associated with lease compliance. Long-term significant beneficial impact for cultural resources.</p> |
| Craig Blaisdell (and Clint Sores, Tony Chen/ Biological Resources (Flora and Fauna) including Pest Management / Invasive Species | <p>Alternatives 2, 3 and the No Action Alternative would result in negative impacts to both federal and state listed protected species (flora and fauna) and migratory bird species. Increasing public access could negatively affect current restoration areas and increase non-native/invasive species which could potentially also increase fire fuel loads and costs for the state to control. Full retention of state land under Alternative 1 would ensure that state and federal listed species (flora and fauna) would remain protected as required under the Sikes Act, Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Hawaii Revised Statute (HRS) 195D laws, and as required by the PTA Environmental INRMP, IWFMP, PIP, SOPs, and BMPs.</p>               |
| Art Javier and Ian Cevallos /HazMat/Haz-Tox Waste and Disposal                                                                   | <p>All HazMat/Haz-Tox Waste and Disposal locations and potential issues have been identified for all alternatives. If alternative 1 is not approved it is stated on p.64, 2.2.2 Alternative 2: Modified Retention, under Lease Compliance Actions "investigation, removal, and cleanup of hazardous and toxic materials and wastes, including MEC, within the State-owned land not retained, would occur under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)". There is also mention of rebuilding facilities lost should alternative 1 or 2 not be selected. HM/HW structures/buildings would need to be included in the rebuild as applicable.</p>                                                                                                  |
|                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Karl Motoyama/<br>Land Use<br>Background and<br>Training<br>Operations   | Alternative 1 is preferable to HIARNG as HIARNG is dependent on live fire/maneuver training provided via the use of PTA. Therefore, maintaining current connectivity and training areas provided by the maximum area of State-owned lands in conjunction with the federal training areas, at PTA, would maximize field and maneuver training for HIARNG units. The reduced retention of State-owned lands in the other alternatives or relinquishment of use and management of all State-owned PTA training areas would reduce the training capacity and effectiveness of PTA, which would be reflected in the availability and effectiveness of HIARNG units utilizing PTA. A state benefit that would be realized by maintaining the current acreage of State-owned PTA training lands would be retention, by the U.S. Army of the responsibility and cost for management and protection of the State-owned lands as well as any associated cultural and natural resources as well as the maintaining of the State-owned lands as open, Conservation lands. |
| Mike Carberry/<br>Water Resources                                        | "The action alternatives would not generate any new impacts, but the continued <b>negligible adverse impacts</b> to the watershed, underlying aquifer systems and stormwater and flooding described above would continue over the long term." Concerned with the term – " <b>negligible adverse impacts</b> " who is making use of this term and has these negligible impacts been determined by any regulatory authority that they are indeed negligible? Any increase in impervious surfaces will increase stormwater runoff and increase depositional movement of sediment, nutrients, etc – including movement of trace metals. Where is the wastewater being discharged?                                                                                                                                                                                                                                                                                                                                                                                 |
| Karl Bromwell/<br>CH3.12 - 3.16,<br><br>Summary of<br>Effects<br><br>and | <b>Summary of Effects (per Table 3.17.1)</b><br><i>CH3.12 Transportation and Traffic: All alternatives, except NA Alt., would have negligible negative impacts (LSI) with beneficial impacts slightly increasing from Alt 2, Alt. 3. The NA Alt would see beneficial effects (SI) due to the decreased traffic load on regional transportation systems</i><br><i>CH3.13 Airspace: All alternatives would have negligible impacts due to the need for civilian air traffic control</i><br><i>CH3.14 Electromagnetic Spectrum: All alternatives would have negligible negative impacts due to use of EMS equipment, except the NA alternative, which would see beneficial effects from discontinued use</i><br><i>CH3.15 Utilities: Alt 1-3 would see negligible adverse impacts (LSI) due to the use of public and U.S. Government-owned utilities. A beneficial effect would be seen</i><br><i>CH3.17 Human Health and Safety: No comment</i>                                                                                                                 |

|                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Mitigation Measures<br/>(CH 3.17)</p> <p>and</p> <p>CH4 Cumulative Impacts.</p> <p>Other General Comments provided as necessary.</p> | <p>In general, there could be further identification of the required clean-up effort necessary in the No Action Alternative column. For example under land use the beneficial impact identified under the No Action Alternative would not be realized by human receptors in the long-term 10-15 years.</p> <p><b>Cumulative Impacts:</b> Table 4-1 identifies Past, Present, and foreseeable future actions (FFA's), Table 4-2 presented a summary of cumulative effects analysis for each resource area, reviewed against past impacts at PTA, action alternatives, and impacts of present and reasonably foreseeable future actions to provide a cumulative impact determination.</p> <p>The EIS identified potential cumulative impacts from implementation of the Proposed Action, when combined with past, present, and reasonably FFA's, which include military, public, and private actions. Cumulative impacts for all resource areas, except for cultural resources and socioeconomics, were found to be adverse impacts, but mitigatable to less than significant. Cultural resources were analyzed to have significant, adverse cumulative impacts were based on potential destruction of historical resources and reduced access to cultural sites that have occurred over-time and are not specific to the Proposed Action. Cumulative impacts for socioeconomics were determined to likely remain moderate and beneficial.</p> |
| <p>Leslie Chau/<br/>CH3.12 - 3.15</p>                                                                                                   | <p>I have reviewed my assigned sections and have no comment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Alexa Jacroux<br/>Biggs/CH 3.6-3.8</p> | <p>3.6 - Air Quality and Greenhouse Gasses – all actions produce less than significant impacts.<br/> 3.7 – Noise – Appropriate studies conducted and cited. All actions produce less than significant impacts.<br/> 3.8 - Geology, Topography and Soils - Appropriate studies conducted and cited. All actions produce less than significant impacts.</p> <p>All maps - Recommend representing Bradshaw Army Airfield and FARPs as a linear or point feature instead of as an area on all maps.<br/> Recommend adding Cooper Air Strip and BAAF to maps.<br/> Figure 3-12 clean up legend<br/> Figure 3-14 a map with simple, legible labels and a legend would be helpful.</p> |
|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

PTA Draft EIS comments  
HIARNG CFMO, Designs and Projects, Shawn Naito

| Item | Location                                                      | Comment                                                                                                                                                                                                                                                                                                     |
|------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | Figure 2-1: Training Areas and Facilities on State-Owned Land | Recommend identifying Ammunition Holding Areas, Ammunition Supply Points, and Explosive Safety Quantity Distance (ESQD) as applicable.                                                                                                                                                                      |
| 2    | Table 2-2 Comparison of Alternatives to Screening Criteria    | For Alternatives/Screening Criterion, recommend adding a short description for criterion at the top of the table.<br>E.g. Criterion 1: Maintenance/Repair; Criterion 2: Maneuver – Collective Training; Criterion 3: Long-Term Access; Criterion 4: Long Range/Ind Weapons; Criterion 5: Cost Effectiveness |

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

JOSH GREEN  
LT GOVERNOR  
STATE OF HAWAII

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P O BOX 1879  
HONOLULU HAWAII 96895

May 20, 2022

Ref.: PO-22-145

Mr. Michael Donnelly  
U.S. Army Garrison-Hawaii Directorate of Public Works -- Environmental  
948 Santos Dumont Ave., Building 105, 3<sup>rd</sup> Floor, Wheeler Army Airfield  
Schofield Barracks, HI 96857-5013

Dear Mr. Wahl:

RE: Department of Hawaiian Home Lands (DHHL) Comments on the Draft  
Environmental Impact Statement for the Army Training Land Retention at Pōhakuloa  
Training Area; TMKs: (3) 4-4-015:008; (3) 4-4-016:005, (3) 7-1-004:007,  
(3) 3-8-001:013 & (3) 3-8-001:022

DHHL hereby submits the following comments regarding the Draft Environmental Impact  
Statement that was published in the Environmental Notice Bulletin on April 8, 2022.

**History of Land Ownership**

DHHL appreciates that the DEIS references DHHL ownership of TMK (3) 3-8-001:013 &  
(3) 3-8-001:022 (approx. 250 acres) and as such, these parcels are under the jurisdiction of the  
Hawaiian Homes Commission. The DEIS should mention and acknowledge that the  
subsequent leasing of these two TMK parcels by the state Board of Land and Natural  
Resources (BLNR) to the Army without the consent of the Hawaiian Homes Commission was an  
unauthorized use of Hawaiian Home Lands. Further, the DEIS should note that the re-issuance  
of a 65-year lease by the Board of Land and Natural Resources to the U.S. Army cannot move  
forward until this matter is resolved to the satisfaction of the Hawaiian Homes Commission.

In order to resolve the issue, the applicant and approving agency should allocate their  
own time and resources to conduct a robust and meaningful consultation process with the  
Hawaiian Homes Commission and its native Hawaiian beneficiaries on proposals to resolve the  
matter of unauthorized use of Hawaiian Home Lands. DHHL staff time and resources should be  
prioritized to implement the Hawaiian Homes Commission Act rather than be used to clean-up  
the historic mistakes of other agencies.

Mr. Michael Donnelly  
May 20, 2022  
Page 2

### **Hazardous and Toxic Materials and Wastes**

The EISPN for this project acknowledged the presence of hazardous materials within the project area of PTA including the presence of uranium and other harmful substances. Hazardous materials like uranium may decompose over time into tiny sediment particles. The DEIS references a short-term air monitoring program was performed at PTA during January 2006 to 2007 to determine the impact of fugitive dust from training and activities at PTA. As a neighboring land owner, DHHL is very concerned that the presence of hazardous materials within the project area when decomposed could easily be transmitted to neighboring lands via wind, rain run-off, or other methods. Water table testing and air quality testing should be part of a long-term monitoring program incorporated into the PTA activities. Annual reports of air quality monitoring and water table testing should be submitted to the State DOH and DHHL.

### **Relationship to Plans, Policies, and Controls**

DHHL appreciates references to its related plans in the DEIS.

Mahalo for the opportunity to comment. Should you have any questions please feel free to contact the DHHL Planning Office at [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov) .

Sincerely,



William J. Ailā Jr., Chairman  
Hawaiian Homes Commission

C: Members of the Hawaiian Homes Commission (via email)  
Hawaii Island Homestead Associations (via email)  
Department of Land and Natural Resources (via email)  
U.S. Department of Interior Office of Native Hawaiian Relations (via email)

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII



WILLIAM J. AILA, JR.  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

JOSH GREEN  
LT. GOVERNOR  
STATE OF HAWAII

TYLER I. GOMES  
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96895

October 14, 2020

Ref.:PO-20-237

Mr. Gregory Wahl  
U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command  
948 Santos Dumont Ave., Building 105, 3<sup>rd</sup> Floor, Wheeler Army Airfield  
Schofield Barracks, HI 96857-5013

Dear Mr. Wahl:

RE: Department of Hawaiian Home Lands (DHHL) Comments on the Environmental Impact Statement Preparation Notice for the Army Training Land Retention at Pōhakuloa Training Area; TMKs: (3) 4-4-015:008; (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

DHHL hereby submits the following comments regarding the Environmental Impact Statement Preparation Notice (EISPN) that was published in the OEQC Bulletin on September 8, 2020.

**EISPN Section 3.3.1 History of Land Ownership**

DHHL appreciates that the DLNR EISPN preparation notice letter dated August 27, 2020 acknowledges that TMK (3) 3-8-001:013 & (3) 3-8-001:022 (approx. 250 acres) are Hawaiian Home Lands. However, absent in the discussion of section 3.3.1 of the EISPN regarding the history of land ownership is the acknowledgement that these two parcels of land were set-aside as Hawaiian Home Lands via the Hawaiian Homes Commission Act, 1920 (HHCA), 42 Stat. 108 and are under the jurisdiction of the Hawaiian Homes Commission. Furthermore, this section did not acknowledge that the subsequent leasing of these two TMK parcels by the state Board of Land and Natural Resources (BLNR) to the Army without the consent of the Hawaiian Homes Commission was an unauthorized use of Hawaiian Home Lands.

To remedy the unauthorized use of Hawaiian Home Lands across the state, the Hawai'i State Legislature approved the Act 14 SpSLH 1995 (Act 14). Twenty-five years after the passage of the Act 14 Settlement, the state still has not completed land exchanges with DHHL for the unauthorized use of Hawaiian Home Lands. It should also be noted that a land exchange between DHHL and DLNR is now also subject to the approval of the U.S. Department of Interior (DOI) per 43 CFR Part 47. DHHL looks forward to working with DLNR and U.S. DOI to execute a land exchange agreement and complete this portion of the Act 14 Settlement.

Should a section on the history of land ownership be included in a Draft EIS, then the above discussion should be included in that section.

#### **EISPN Section 3.4 Hazardous and Toxic Materials and Wastes**

The EISPN acknowledges the presence of hazardous materials within the project area of PTA including the presence of uranium and other harmful substances. Hazardous materials like uranium may decompose over time into tiny sediment particles. As a neighboring land owner, DHHL is very concerned that the presence of hazardous materials within the project area when decomposed could easily be transmitted to neighboring lands via wind, rain run-off, or other methods. Water table testing and air quality testing should be conducted not just within the project area, but also on neighboring landowner properties as part of the studies undertaken during the EIS process in order to detect the potential spread of hazardous materials onto neighboring properties. Furthermore, the EIS should describe in detail the Army's plans to clean-up and contain hazardous materials within the project area.

#### **EISPN Section 4 Relationship to Plans, Policies, and Controls**

The EIS should also include a discussion of this proposed action with conformance to the DHHL Aina Mauna Legacy Plan and DHHL Hawaii Island Plan. We note that DHHL's plans were not included under the list of State of Hawai'i plans and policies.

Mahalo for the opportunity to comment. Should you or the Army have any questions please feel free to contact the DHHL Planning Office at [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov).

Sincerely,



William J. Ailā Jr., Chairman  
Hawaiian Homes Commission

- C: Members of the Hawaiian Homes Commission (via email)
- Hawaii Island Homestead Associations (via email)
- Department of Land and Natural Resources (via email)
- U.S. Department of Interior Office of Native Hawaiian Relations (via email)

## Hawaii State Department of Health, Clean Air Branch

Aloha, Thank you for the opportunity to provide comments on the subject project. Based on review of the Army Training Land Retention at Pohakuloa Training Area Draft EIS, CAB has no further comments at this time. Please see our standard comments at:

<https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022.pdf>

Please let me know if you have any questions or concerns.

--- Kristen Caskey, EHS [Kristen.caskey@doh.hawaii.gov](mailto:Kristen.caskey@doh.hawaii.gov)

Clean Air Branch Hawaii State Department of Health

**From:** Cab General <Cab.General@doh.hawaii.gov>  
**Sent:** Tuesday, May 17, 2022 12:05 PM  
**To:** usarmy.hawaii.nepa@army.mil; G70 - ATR PTA EIS  
**Subject:** Army Training Land Retention at Pohakuloa Training Area -- Draft EIS

Aloha,

Thank you for the opportunity to provide comments on the subject project. Based on review of the *Army Training Land Retention at Pohakuloa Training Area Draft EIS*, CAB has no further comments at this time.

Please see our standard comments at:

<https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022.pdf>

Please let me know if you have any questions or concerns.

---

Kristen Caskey, EHS  
[Kristen.caskey@doh.hawaii.gov](mailto:Kristen.caskey@doh.hawaii.gov)  
Clean Air Branch  
Hawaii State Department of Health



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:  
**184516 SL**

June 3, 2022

Mr. Michael Donnelly  
PTA Public Affairs Officer  
ATLR PTA EIS Comments  
P.O. Box 3444  
Honolulu, Hawaii 96801-3444

**Facility/Site:** Pohakuloa Training Center

**Subject:** Comments on the Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement, Pōhakuloa Training Area, Island of Hawai'i, Hawai'i; dated April 2022

Dear Mr. Donnelly:

The Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office has reviewed the Draft Environmental Impact Statement (DEIS) referenced above and has the following comments:

1. Although the lease agreement states that the Government will have 60 days to clean up unexploded ordnance (UXO) and munitions debris (MD) after surrendering the land back to the state, this is not sufficient time to conduct a thorough evaluation and cleanup of munitions hazards at the site. The HEER Office oversees clean-up activities at DoD sites in Hawaii under a DoD-State Memorandum of Agreement (DSMOA) Cooperative Agreement. The HEER Office does not oversee clean-up at *active* ranges. Cleanup of former munitions site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process required by DoD takes years, sometimes decades to complete. Investigation of potential munitions hazards and clean-up while the Army still controls the property is preferable so that the State will not be forced to wait an indeterminate amount of time to recover the property following the expiration of the lease agreement. The HEER Office recommends that language be included in the DEIS to encourage the Army to begin munitions response activities on the state-owned land as soon as possible. In the event that the lease is extended, the HEER Office recommends that a requirement be included in the lease to conduct ongoing UXO investigations and clean up during the lease period and a final UXO cleanup *prior to* the return of the land to the State.

2. The DEIS references an Environmental Condition of Property (ECOP) study, but this document was not made available on the project website. The HEER Office requested this document from Army Garrison Hawaii, but it was not provided. According to the DEIS, the ECOP identified potential munitions-related hazards on the state-owned land, as well as other potential environmental hazards. The HEER Office recommends that the Army address all of these hazards and provide documentation to the HEER Office for our records. The sites that are described as *former* Munitions and Explosives of Concern (MEC) sites or ranges should be assessed and cleaned-up under CERCLA since the Environmental Protection Agency (EPA) Military Munitions Rule only exempts *operational* ranges for EPA regulations. If a new lease is to be prepared for the state-owned land, the HEER Office recommends that a requirement of the lease include the identification and cleanup of all environmental hazards on the state-owned land.
3. Section 1.2.5 of the DEIS states that more than 20,000 acres of the state-owned land is designated as “maneuver area.” The HEER Office recommends that this area be investigated for historic munitions use *prior to* the end of the lease and cleaned-up if necessary. In fact, Section 3.5.4.11 states that “there is a potential for MEC to be found anywhere on the State-owned land,” so this recommendation should extend to all the state-owned land. The HEER Office also recommends that any future lease include a requirement to investigate and cleanup munitions across the state-owned land, including at current and former maneuver areas, and to restrict future activities in maneuver areas on state land such that munitions use is not allowed or requires cleanup following use.
4. Figure 1-3 depicts many “Firing Points” located within the state-owned land, with the impact area located on Federal Government property to the south. According to Section 2.1.2, 91% of the firing points at the Pohakuloa Training Area are on the state-owned land. Munitions Constituent (MC) contaminants such as heavy metals, explosives, and propellants are often associated with firing points; discarded military munitions (DMM) can also sometimes be found at or near firing points. The HEER Office recommends investigating and cleaning up of these firing points prior to the end of the current lease period and, should the lease be extended, making ongoing investigation and cleanup of firing points a requirement of the new lease agreement.
5. Section 3.5.4 discusses the findings of the ECOP. Several of these sites, including the Former Bazooka Range(s), the Former Tank Gunnery Range, the Potential Former Burn Pan, and the Former Davy Crockett Weapons System Range are not in HEER Office’s files. The HEER Office recommends that the Army provide documents for these sites to the HEER Office and engage the HEER Office regarding the investigation and cleanup of these sites. The HEER Office recommends that cleanup of all the sites in the ECOP on state-owned land, including potential depleted uranium contamination associated with the former Davy Crockett range, be conducted prior to returning the land to the State. The HEER Office further recommends that investigation and cleanup of these sites be prioritized in any new lease agreement.
6. Section 3.5.6.4” Please clarify here and elsewhere in the document (e.g., Section 3.8.6.4) that in the event of a No Action Alternative, the Army would retain responsibility for ongoing management of the POTA-06 former landfill on the state-owned land and an

Mr. Michael Donnelly

June 3, 2022

Page 3 of 3

agreement will be required to allow the Army access for necessary inspection and maintenance of the controls at that site.

7. Table 3-24 describes conditions under Alternative 1 as “Adverse impacts from continued contamination but minimized with the management of MEC and radioactive contaminants.” Please include a description of current management of MEC and radioactive materials on the state-owned land. Previous descriptions of these hazards did not describe any active management of these hazards other than possibly restricted access.

Should there be any questions, please do not hesitate to contact me at 808-586-5815 or via e-mail at [sven.lindstrom@doh.hawaii.gov](mailto:sven.lindstrom@doh.hawaii.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sven Lindstrom', with a long horizontal flourish extending to the right.

Sven Lindstrom

Site Discovery, Assessment, and Remediation  
Hazard Evaluation and Emergency Response Office  
Hawaii Department of Health

cc: Karen Vitulano (EPA Region 9, via e-mail)



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 9, 2022

G70

Attention: Mr. Jeff Overton  
111 South King Street, Suite 170  
Honolulu, Hawaii 96813

via email: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design)

Dear Mr. Overton:

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area** located at Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022 on behalf of the U.S. Army Garrison-Hawaii

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments submitted by Chairperson Suzanne Case and our office dated June 7, 2022, enclosed are comments from the Division of Forestry & Wildlife on the subject matter. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov). Thank you.

Sincerely,

*Russell Tsuji*

Russell Y. Tsuji  
Land Administrator

Enclosures

cc: Central Files



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Apr 8, 2022

**MEMORANDUM**

TO: **DLNR Agencies:**  
 \_\_\_ Div. of Aquatic Resources  
 \_\_\_ Div. of Boating & Ocean Recreation  
 X Engineering Division ([DLNR.ENGR@hawaii.gov](mailto:DLNR.ENGR@hawaii.gov))  
 X Div. of Forestry & Wildlife ([rubyrosa.t.terrago@hawaii.gov](mailto:rubyrosa.t.terrago@hawaii.gov))  
 X Div. of State Parks ([curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov))  
 X Commission on Water Resource Management ([DLNR.CWRM@hawaii.gov](mailto:DLNR.CWRM@hawaii.gov))  
 X Office of Conservation & Coastal Lands ([sharleen.k.kuba@hawaii.gov](mailto:sharleen.k.kuba@hawaii.gov))  
 X Land Division – Hawaii District ([gordon.c.heit@hawaii.gov](mailto:gordon.c.heit@hawaii.gov))

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area**

LOCATION: Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022

APPLICANT: U.S. Army Garrison-Hawaii

Transmitted for your review and comment is information on the above-referenced subject matter. The DEIS was published on April 8, 2022, by the State Environmental Review Program (formerly the Office of Environmental Quality Control) at the Office of Planning and Sustainable Development in the periodic bulletin, The Environmental Notice, available at the following link:

[https://files.hawaii.gov/dbedt/erp/The Environmental Notice/2022-04-08-TEN.pdf](https://files.hawaii.gov/dbedt/erp/The_Environmental_Notice/2022-04-08-TEN.pdf)

Please submit any comments by **May 19, 2022**. If no response is received by this date, we will assume your agency has no comments. Should you have any questions, please contact Darlene Nakamura directly via email at [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov). Thank you.

**BRIEF COMMENTS:**

( ) We have no objections.  
 ( ) We have no comments.  
 ( ) We have no additional comments.  
 ( ) Comments are included/attached.

Signed:   
 Print Name: DAVID G. SMITH, Administrator  
 Division: Division of Forestry and Wildlife  
 Date: Jun 9, 2022

Attachments  
cc: Central Files

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET, ROOM 325  
HONOLULU, HAWAII 96813

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
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KALEO L. MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 6, 2022

ATLR PTA EIS Comments  
P.O. Box 3444  
Honolulu, HI, 96801-3444

*Log no. 3620*

**Subject: Hawaii Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) Comments on PTA Draft EIS Alternatives**

The following reflects input from Administrative and Hawaii Branch staff on the PTA Draft EIS Alternatives. Staff members prefer Alternative 2 or Alternative 3. Both would allow for better public and resource management access in the area. Under Alternative 2, all leased land north of Daniel K. Inouye Highway (DKI) (a total of 3,300 acres) would be excluded from the lease renewal, returned to DLNR, and added to the Mauna Kea Forest Reserve and Kaohe Game Management Area (GMA). The PTA water tanks north of DKI should be carved out and retained by PTA. This will allow access to the forest reserve and game management area from DKI. Currently, the gates are locked from DKI. This will allow for access to hunting, recreation, and federally mandated sheep and goat removal.

Alternative 3, which excludes training areas 1, 2, 10, 11, 16, 17, 19, 20, 21, and 22 from the lease, for a total of 12,900 acres would provide the above access and activities, and would further provide additional lands for management of native species and ecosystems, including Threatened and Endangered (T&E) species, forest management, and forest and outdoor recreation, including public hunting. There may be additional areas not included in Alternative 3 that would provide additional opportunities to protect and manage natural, cultural, and recreational resources if they were included in this alternative. This should be further discussed with DLNR/DOFAW.

Training areas 20 and 22 are adjacent to portions of the Pu'u Anahulu GMA contain some of the highest concentration of T&E species in the area along with the highest quality forest and shrubland. Training action could pose threats to those resources. The Anahulu I conservation area contains six endangered species and at least six locally rare species (or species of concern).

All lands that are to be excluded from the lease renewal should be swept for UXO and other hazardous materials prior to returning the lands to DLNR.

## **Access**

1. DOFAW would like access to rock quarries within training areas 5, 9, 13, and 21 on PTA lease land for DOFAW projects on adjoining managed lands such as road and firebreak maintenance, provided that the materials are safe from hazardous materials.
2. Water wells on leased land could provide water to DOFAW for forest restoration, fire suppression, plant nursery, and facilities.
3. Appropriate signage marking the boundary of PTA should be posted.
4. DOFAW would like public and management access to Pu'u Anahulu GMA from DKI through the Army's fee simple land (Keamuku) in three locations.
5. The public, DLNR, and the Hawaii Police Department should be provided access to the military shooting range for firearms training.
6. Units 20 and 22 of the State-owned lease lands abut Pu'u Anahulu GMA. DLNR-DOFAW has a fence in progress along this boundary (REPI-funded fencing, the fence will attach to PTA fence on the boundary). DOFAW is in the process of getting access permits so that DOFAW and PCSU staff may utilize the PTA/Pu'u Anahulu boundary road. The road is primarily located on the State-owned lease lands but also crosses over the boundary into Pu'u Anahulu GMA. An access buffer along that road would allow DOFAW staff and their contractors to access these areas without needing to get permits for access or contact range control when they are accessing the area. Permits are annual and require a criminal background check, which is cumbersome.
7. We recommend allowing non-exclusive use of the leased areas that are outside of the fenced portions bordering Pu'u Anahulu ahupua'a.

## **Hunting**

1. DOFAW requests DoD provide mammal and bird hunting on lease land on days when there is no training. Details of how PTA and DLNR will cooperate on hunting should be more clearly defined. Feral sheep and goats are overgrazing the existing vegetation and causing damage to native dry forests. Animal numbers should be significantly reduced, preferably with increased public hunting.

## **Fire Suppression**

1. There is a need to establish additional fire suppression dip tanks to protect PTA and surrounding DOFAW-managed lands. PTA currently has 11 fire suppression dip tanks. DOFAW would suggest consideration for tanks in the following locations:
  - a. Below Pu'u Ke'eke'e in the bottom corner of TA 20 or off old Ke'eke'e road.
  - b. Near the bottom of DKI on the south side of DKI adjacent to Pu'u Anahulu GMA.
  - c. A dip tank in TA 1 that would serve the eastern portions of PTA and help to protect remaining unfenced areas of Palila Critical Habitat as well as the state lease lands in that vicinity.
  - d. A tank near the Girl Scout camp is at a high point where helicopters could fly with a full load of water down in elevation.

## **T&E Plant Species**

2. Any federally listed plant species on state lands leased to PTA should be fenced individually or collectively where appropriate. A 50-foot managed fuel break should be

installed around each plant or plant cluster and maintained for the life of the lease. Signage informing active-duty personnel, contractors, and the public informing them of the status of the area should be included and marked as appropriate for each plant or cluster.

3. On pages 3-27, 3-28, and Table 3-3. The narrative and table showing the State T/E status are not current - all 20 Federal T&E plants have the same status at the State level. Page 3-23 lists impacts of invasive plants but does not include the risk of moving invasive species to PTA from other Training Areas (i.e. *Chromolaena odorata*, CRB). This potential should be included in the NEPA documents.
4. The areas not retained in Alternative 2 do not have any records of T&E plants. The areas not retained in Alternative 3 have a number of T&E plant species and are important areas for the recovery of those plants.

### Comments on Invertebrates

1. In Section “3.3.4.2 - Wildlife Invertebrates”, the following is stated: *Not much is known about invertebrates at PTA, although more than 500 species of arthropods have been identified on PTA from surveys conducted in the 1990s.* This statement is inadequate, as there is no attempt to characterize the invertebrate fauna at the site. The 500 species should be adequately described with adequate avoidance, minimization, and mitigation described for impacts to each native species and/or habitat area.
2. The document states: *“Two federally listed invertebrates—Hylaeus anthracinus and Manduca blackburni—have been documented on PTA. In 2004, a single specimen of H. anthracinus was collected at PTA but the exact location is unknown (USAG-PTA, 2020c). This bee species, typically found along coasts, was found in a K. coriacea fruit capsule in an unknown location and was suspected to have been accidentally transported. A 2018 Hylaeus survey did not record any H. anthracinus.”* It should be noted thatn Hylaeus anthracinus is known from dryland forests, not just coastal areas, so transport to the site seems unlikely.

### Trails

1. Ancient and Historic trails and associated archeologic features data should be shared with DLNR’s Nā Ala Hele Trails and Access Program. Per HRS 198D, the Nā Ala Hele program serves as the consulting agency regarding trails. All 6E and 106 compliance processes should include consultation with the Hawai‘i Island Nā Ala Hele staff. Additionally, the applicant should facilitate site visits with Nā Ala Hele staff.
2. Typically, an Archeological Inventory Survey is included in the EIS process. DLNR recommends they include an AIS in the next iteration of the EIS.

### Endangered Wildlife

1. The last final paragraph on page 3-31 discusses the occurrence of a Band-rumped Storm Petrel (*Oceanodroma castro*) nest discovered on PTA in 2015. Activity at this burrow was confirmed and subsequent monitoring determined the occurrence of up to eight potential nests, with video evidence of four active nests/burrows on US Government land. The last sentence on this page further speaks of the importance of this observation. We see no mention in relevant sections of the document, however, of any subsequent of further monitoring at the site or actions taken (or to be taken) to protect this probable

nesting site/colony. What is the current status of these nests or what was their fate? Will there be any predicted impacts to the colony via the proposed alternatives?

The description of impacts on wildlife and natural resources is vague and the discussion of avoidance or mitigation actions is limited. This needs to be addressed in the final version of the EIS.



David G. Smith  
Administrator

## State, Department of Land and Natural Resources, Engineering Division

In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.

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Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

In addition to comments submitted separately by Chairperson Suzanne Case, attached are responses from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.

Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov).

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We have no additional comments.

**From:** Nakamura, Darlene K <darlene.k.nakamura@hawaii.gov>  
**Sent:** Tuesday, June 7, 2022 3:58 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Jeff Overton  
**Subject:** Request for Comments - DEIS for the Proposed Army Training Land Retention at Pohakuloa Training Area - Island of Hawaii  
**Attachments:** [PTA.signed.pdf](#); [PTA.ENGR Comments.pdf](#); [PTA.HDLO Comments.pdf](#)  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha Jeff Overton,

In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter.

We understand the Division of Forestry and Wildlife may also submit comments separately.

Mahalo,  
Darlene

\*\*\*\*\*

State of Hawaii  
Department of Land and Natural Resources  
Land Division  
1151 Punchbowl Street, Room 220  
Honolulu, Hawaii 96813  
Ph. No. (808) 587-0417  
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Email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov)

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 7, 2022

G70

Attention: Mr. Jeff Overton  
111 South King Street, Suite 170  
Honolulu, Hawaii 96813

via email: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design)

Dear Mr. Overton:

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area** located at Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022 on behalf of the U.S. Army Garrison-Hawaii

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Sincerely,

*Russell Tsuji*

Russell Y. Tsuji  
Land Administrator

Enclosures  
cc: Central Files



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Apr 8, 2022

**MEMORANDUM**

FROM: ~~TO:~~

**DLNR Agencies:**

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division ([DLNR.ENGR@hawaii.gov](mailto:DLNR.ENGR@hawaii.gov))
- Div. of Forestry & Wildlife ([rubyrosa.t.terrago@hawaii.gov](mailto:rubyrosa.t.terrago@hawaii.gov))
- Div. of State Parks ([curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov))
- Commission on Water Resource Management ([DLNR.CWRM@hawaii.gov](mailto:DLNR.CWRM@hawaii.gov))
- Office of Conservation & Coastal Lands ([sharleen.k.kuba@hawaii.gov](mailto:sharleen.k.kuba@hawaii.gov))
- Land Division – Hawaii District ([gordon.c.heit@hawaii.gov](mailto:gordon.c.heit@hawaii.gov))

TO: ~~FROM:~~

Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT:

Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area**

LOCATION:

Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022

APPLICANT:

U.S. Army Garrison-Hawaii

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**BRIEF COMMENTS:**

- We have no objections.
- We have no comments.
- We have no additional comments.
- Comments are included/attached.

Signed:

Print Name:

Carty S. Chang, Chief Engineer

Division:

Engineering Division

Date:

May 13, 2022

Attachments

cc: Central Files

# State, Department of Land and Natural Resources, Land Division

Please find attached comments from DLNR Land Division. Should you have any questions or concerns regarding our letter, please feel free to contact me to discuss.

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Thank you for the opportunity to review and comment on the subject Draft Environmental Impact Statement (DEIS). The following comments have been forwarded by the Land Division:

While the subject document is a joint National Environmental Policy Act (NEPA)/Hawai'i Environmental Policy Act (HEPA) document, the Land Division offers comments specifically as the document relates to the HEPA process as prescribed in Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Chapter 11-200.1.

After review of the document, the Land Division finds that the document, as currently written, does not meet the requirements of Chapter 343, HRS and Chapter 11-200.1, HAR. Further, Land Division notes that given the major data gaps in the current document, should those data gaps be filled, the revised EIS may be subject to further public review and comment.

The document does not meet the requirement of Chapter 343, HRS and Chapter 11-200.1, HAR for the following reasons 1:

The DEIS analyzes a fee simple acquisition by the Federal government and does not analyze a lease or other disposition scenario in which the land remains under ownership and jurisdiction of the State. As currently written, the DEIS does not comply with HRS §343-5, which states that "except for otherwise provided, an environmental assessment [or EIS] shall be required for actions that: (1) Propose the use of state or county lands...; (2) Propose any use within any land classified as a conservation district...." In its current form, the DEIS analysis is based on the Federal Government retaining the State lands via title (ownership through fee simple title) which would not trigger the need for a HEPA EIS. Furthermore, the DEIS should thoroughly analyze the lands being retained via lease and/or other type of land disposition in which the land still remains under ownership and jurisdiction of the State in order to be in compliance with HRS §343-5, as well as analyze other alternative retention methods being considered by the Applicant. While we understand that the Applicant decided to analyze the fee retention method as they believe it to be the most impactful, a lease or similar disposition with ongoing monitoring, preservation, and mitigation obligations, is a viable alternative that would require a different and more detailed analysis under HEPA. The absence of any meaningful analysis under a lease or other land disposition scenario fails to address compliance with applicable State laws which also ensures proper mitigation for probable impacts. Finally, the DEIS should more thoroughly justify its assertion that fee title ownership results in the greatest impact.

The DEIS makes statements throughout that allude to future projects such as modernization of "facilities, utilities, and infrastructure that will eventually require separate NEPA compliance". An additional statement is made under Section 2.2.5, subheading Alternative 6, which states "The Army must have at least a 25-year lease to permit permanent construction." While it is unclear whether such modernization projects or construction projects would occur on State land, if the

intent is for these projects to occur on State land then pursuant to §11-200.1-10, “A group of actions shall be treated as a single action when: (1) The component actions are phases or increments of a larger total program; (2) An individual action is a necessary precedent to a larger action; (3) An individual action represents a commitment to a larger action; or (4) The actions in questions are essentially identical and a single EA or EIS will adequately address the impacts of each individual action and those of the group of actions as a whole.” Thus, should these “future” uses be on State land, those uses would need to be adequately included and analyzed within this document or you may want to consider preparing a Programmatic EIS which would commit the Army to conducting further HEPA compliance as those future projects come on-line.

In the Executive Summary, there are missing items as prescribed under HAR §11-200.1-24(d). Specifically, ES.12 should include “Unresolved Issues” as a part of the heading to be consistent with §11-200.1-24(d)(5) and there is no list of permits or approvals as required under §11-200.1-24(d)(6). Also, as the document makes references to previous NEPA documents for Army activities on these lands, pursuant to §11-200.1-24(d)(7), there should be a list of relevant EAs or EISs considered in the analysis of the preparation of the EIS.

Pursuant to HAR §11-200.1-24(g)(6), the DEIS shall contain a summary of “technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public...”

The Land Division finds that the document is insufficient in this matter. There are numerous studies and plans referenced in the document, but were not included. At minimum, any study, plan, or document referenced that is used to lay the basis of the existing environmental setting of the project or as evidence to support appropriate management practices/mitigation measures currently in practice should be included in the appendices.

We also note that many of the referenced studies and/or plans are over 10 years old. While there is nothing specifically written within State Statute or Rules, it has been the policy that should any of these documents be over 10 years old, they should be reviewed and updated as appropriate so that the DEIS is based on current information. Therefore, for those studies, reports, plans, etc. that have passed this 10-year threshold, we request that those studies be updated as appropriate and included.

Pursuant to HAR §11-200.1-24(i), “The draft EIS shall include a description of the environmental setting...Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance).”

There are several sections within the document in which the information is insufficient and would appear that the Applicant has made little to no effort to fill in any data gaps. Examples include the following:

Under Section 3.3.4.2, subheading invertebrates, the only information provided is that “Not much is known about invertebrates, although more than 500 species of arthropods have been identified on PTA from surveys conducted in 1990s.” This level of information is unacceptable, and appropriate invertebrate surveys and/or updates to existing arthropod surveys should be conducted and included in the DEIS as appropriate.

Under Section 3.3.4.3, subheading Protected Birds, regarding the Band-rumped storm petrel, it states that “it is unknown how this species may use habitats in PTA.” This information appears to be important to determine appropriate mitigation measures or management activities as it pertains to the species.

Further, Section 3.3.4.3 Protected Species and Areas states that the Army is preparing a programmatic biological assessment which “covers newly listed species and critical habitats.” It would appear that none of this information is included within the DEIS and that this assessment

would be a critical study that should be included the DEIS.

Regarding archaeological investigations, the DEIS basically states that only a little over half of the State lands have been surveyed for archaeological resources. While we recognize that a Literature Review was done for the State lands in October 2021, we note that it was specifically done to meet NEPA requirements, and the information provided is not sufficient to cover the data gaps for the un-surveyed portion of State lands.

Further, while we are not suggesting that an Archaeological Inventory Survey (AIS) be done for the remaining, un-surveyed portions of State lands, we would, at minimum, request an archaeological field inspection be done so that the entire area of potential effect (APE), which would include all the lands being considered in the lease, be covered. This would also support HRS Chapter 6E review and compliance which would support mitigation to any archaeological resources.

Pursuant to HAR §11-200.1-24(j), “The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant had decided to proceed, notwithstanding the absence of full reconciliation.

As currently written, the DEIS does not meet the above stated requirement. We note that, the project area is located within an area now designated as the State Land Use Conservation District, Resource Subzone. However, the DEIS lacks information on how the Applicant’s proposed action conforms with the purpose of the Conservation District and objective of the Resource subzone. The DEIS should be revised to include a discussion on how the proposed action and mitigating measures are consistent with the purpose of the Conservation District and the objective of the Resource subzone.

In addition, the DEIS makes several problematic statements regarding this land use designation which appear to either be incorrect or contradictory.

Section 1.4.1 basically alludes to the uses at PTA being non-conforming and states that “HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources.” This statement is problematic as non-conforming uses within the Conservation District are regulated by §13-5-7, HAR. This section mainly allows for maintenance and repair of non-conforming uses, however, nowhere does it suggest that “additional” uses can be authorized.

Section 1.5.2 states that one of the possible decisions that may need to be made by State agencies is “if presented with a CDUP application to permit military uses of lands in the State’s conservation district (resources subzone), consider allowable uses and management actions to meet the purpose of the conservation district.” This is an incorrect statement as it is the Applicant’s (the Army) responsibility to propose how their “uses” fit within the land uses as described in Chapter 13-5, HAR.

Section 3.2.5 states that “The current nonconforming use of State conservation district land is assumed to cease with the lease term. Army could be brought into conformance with conservation district rules as part of the land retention process following the EIS process when the land retention method is known.” Please clarify how the Army could be “brought into conformance with conservation district rules.”

Pursuant to HAR §11-200.1-24(k), “The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described.”

The DEIS does not appear to include such a list. The closest thing that Staff could identify is Table 1-1 which is a table of “Anticipated Reviews.” Unfortunately, it would appear that this is not a list of approvals, nor does it provide the status of each review.

Pursuant to HAR §11-200.1-24(l), “The Draft EIS shall include an analysis of the probable impact of the proposed action on the environment and impacts on the natural or human environment on the action. This analysis shall include consideration of all phases of the action and consideration of all consequences on the environment, include direct, and indirect effects...”

As currently written, the DEIS fails to meet this requirement. The impact analysis sections for each of the Environmental Resource sections (as determined by the Applicant) are weak and are based on whether the impact is considered “new” versus an ongoing impact which would most likely continue to occur should the Proposed Action move forward. As currently written, it requires the reader to extract these continuing impacts from the existing environmental setting descriptions and it appears that even that information may not be complete. Examples of this include the following: Section 3.3.4.3 states that there are Incidental Take Statements to offset military activity effects on nēnē birds. However, just because Incidental Take Statements exist, does not mean that there is no impact. Rather it would appear that the continuation of military training would continue to impact nēnē birds. Another example of this is with the Hawaiian hoary bat in which there have been several incidences in which loss of roosting habitat has exceeded the annual take limit. It would appear that the continuation of military training exercises could continue to impact the Hawaiian hoary bat and its habitat. However, neither of these are addressed in the Environmental Analysis section for biological resources.

Section 3.4.6.1 states that “The 2018 PA determined that...some undertakings (activities) may continue to have adverse effects on historic properties” as well as stating that “The continued presence of training personnel may also continue to impact resources through accidental damage or vandalism.” However, the document still states that “the proposed action will result in no new impacts.” The impact analysis of the continuation of military activities and training is not taken into account in the Environmental Analysis section for cultural resources.

Section 3.7.4, subheading Noise Impacts on Community and Wildlife, states that “Noise generated on PTA is expected to cause wildlife startle, alarm, and alert behaviors, potentially causing rapid movement or flight in avoidance behavior. This could increase the risk of wildlife being struck by live-fire, abandoning nest or young, receiving auditory damage, or increasing energy expenditure and food demands. It is also possible that habituation to noise of distraction cause by noise could cause wildlife to be less aware of surrounding and more prone to predation. Staff notes that none of this information is included in the Environmental Analysis.

Pursuant to HAR §11-200.1-24(p), “The Draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts, including provision for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources, including the acquisition of land, waters, and interests therein. Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation has been chosen from among several alternatives, the measures shall be discussed and the reasons given for the choice made. The draft EIS shall include, where possible, specific reference to the timing of each step proposed to be taken in any mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to ensure that the mitigation measures will in fact be taken in the event the action is implemented.”

Overall, the DEIS lacks adequate presentation of mitigation measures. Should the impact analysis sections be revised to be in accordance with HAR §11-200.1-24(l) and include analysis of impacts

that would continue to occur due to the proposed project, that analysis may be subject to further public review and comment.

From the portions of the document that we were able to review, we have three points of significant concern. The first is regarding archaeological resources. Although the document states that there is a potential for adverse effects on historic properties, no mitigation measures were recommended due to the Applicants adherence to standard operating procedures (SOPs), the Programmatic Agreement (PA), and the Integrated Cultural Resources Management Plan (ICRMP). However, Staff notes that no details of these plans, nor the plans themselves were included in the DEIS, thus the lack of mitigation appears to be problematic.

In addition, the CIA found that the current military activities on State lands have an adverse effect/significant impact to cultural practices. We find it strange that there are no proposed mitigation measures within the CIA report itself and the only mitigation proposed by the Applicant is “through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources.” This single mitigation measure proposed in response to the CIA is grossly insufficient.

Also, as stated in the preceding bulleted section, there appears to be a significant impact to wildlife due to noise yet no mitigation is proposed.

Please be aware that due to the deficiencies and lack of data found in Chapters 1 through 3, Staff will not be providing any in depth comment on Chapters 4 and 5 as they rely on information presented in the earlier chapters. Therefore, we choose to withhold our comments on those sections until more data is made available for review and comment.

We also offer the following general comments regarding the DEIS as well comments regarding specific sections of the document (including appendices) 2:

There are many sections within the DEIS that discuss the NEPA requirements/process for that particular section (i.e. Section 5.6 Relationship Between Short-term Use of the Environment and Long-Term productivity), however, there is no discussion of the HEPA requirements. As this is a joint NEPA/HEPA document, what is done for one should be done for the other. Within the Executive Summary, under Section ES.11 Potential Mitigation Measures, it says that “The Army could propose mitigation to reduce the severity of adverse impacts from the Proposed Action.” The use of “could propose” is problematic as it gives the impression that the Army has a choice not to do any mitigation. This would be unacceptable from the Department’s perspective.

Please recheck your calculations for the Maneuver Area under Section 1.2.5.

Section 2.1.1 lists various training area (TA) numbers without any context and the figure showing these TAs is not referenced until the end of the section. We would suggest moving the figure reference up front for more clarity.

Under Section 3.2.4.1 where ceded lands are discussed, we suggest that you make it explicitly clear that all the State lands included in the Proposed Action are ceded lands.

As stated in Section 3.2.4.2 Recreation, please clarify if the “funds collected from hunting activities” are used for conservation management specifically within the PTA or elsewhere. If elsewhere, please provide that information.

Under section 3.2.6.4 No Action Alternative, we note that there are no potential mitigation measures proposed even though the summary of impacts states that there would be “new, long-term moderate, adverse impacts on encroachment management.” We are curious as to why the installation of fencing and signage would not also be applicable to this alternative. We also note that mitigation regarding the installation of such fencing and signage is not addressed in the DEIS. For example, fencing should not include the use of barbed wire due to the presence of the Hawaiian hoary bat at PTA.

For Section 3.3 Biological Resources, we would like to see a list of all native biological resources located on the State Lands. We would also suggest using the common, local name of the species rather than the scientific name in the body of the text for ease of reading, rather than having the reader consult with the different tables. Under Section 3.3.4.3, subheading Protected Invertebrates, you reference a 2005 USFWS Recovery Plan for Blackburn's Sphinx Moth (*Manduca blackburni*). This is a rather old plan (over 17 years old) and we would request that you confirm with USFWS that this Plan is still applicable and that the information you have provided in the DEIS is still accurate.

Please clarify where your assumptions came from in Section 3.3.5.

Please check your calculations in Section 3.4.4.3, subheading Archaeological Investigations.

Section 3.6.4, subheading Air Emission Sources at PTA, states that last short-term air monitoring program was done January 2006 to 2007 to determine the impact of fugitive dust from training and other activities. Please confirm that the activities conducted are still the same today as they were back in 2007 or include an updated study.

Section 3.7.4, subheading Noise Impacts on Community and Wildlife, states that the Ke'āmuku parcel landing and drop zones were not a part of the 2020 noise model even though the closest community is outside the northern boundaries of the Ke'āmuku parcel. Please elaborate on why that information was excluded from the 2020 noise model and please clarify if the Ke'āmuku parcel landing and drop zones could have a potential noise impact to the nearest community.

Section 3.8.4.3, subheading Erosion Management, states that there is supposed to be a Dust and Soils Management and Monitoring Plan which "includes the monitoring of actual fugitive dust levels during training" and references Section 3.6. However, this contradicts what is presented in Section 3.6 as Section 3.6.4, subheading Air Emission Sources at PTA, states that last short-term air monitoring program was done January 2006 to 2007. Please clarify this discrepancy.

Section 5.2 should also include "Unresolved Issues" in the heading as this is specific to HEPA.

In Chapter 7, we note that there are specific NEPA Analysis teams as well as NEPA subject matter experts, yet there are only two contributors to the DEIS that have HEPA experience. Staff notes that expertise in HEPA requirements is essential.

In the Archaeological Literature Review (Appendix D), we note that while Section 3.2 specifically refers readers to Figures 14 through 18, those figures appear to have been redacted with the explanation of "Sensitive cultural resource location information withheld." While we recognize that locations of some cultural resources, such as burials, are normally withheld, most often the type of archaeological sites as listed in Table 4 are normally shown. Please provide the appropriate figures or a reasonable explanation as why that data has been withheld.

Should you have any questions or concerns regarding this correspondence, please contact Lauren Yasaka of the Land Division at (808) 587-0431.

**From:** Yasaka, Lauren E <lauren.e.yasaka@hawaii.gov>  
**Sent:** Tuesday, June 7, 2022 3:12 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Jeff Overton; rhonda.l.suzuki.civ@army.mil; Case, Suzanne D; Masuda, Robert K; Hirokawa, Ian C; Tsuji, Russell Y; Moore, Kevin E; Kim, Sang P  
**Subject:** Comments on Pohakuloa DEIS  
**Attachments:** [DLNR Pohakuloa DEIS Comment Letter - Signed.pdf](#)

Good Afternoon,

Please find attached comments from DLNR Land Division. Should you have any questions or concerns regarding our letter, please feel free to contact me to discuss.

Thank you,

Lauren Yasaka, Planner  
Land Division  
Department of Land and Natural Resources  
(808) 587-0431





**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 7, 2022

Mr. Jeffrey Overton  
G70  
111 S. King Street, Suite 170  
Honolulu, HI 96813  
Sent via E-mail: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design)

Dear Mr. Overton:

**SUBJECT:** Comments on the Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i  
Tax Map Keys (TMKs): (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013; 3-8-001:022

Thank you for the opportunity to review and comment on the subject Draft Environmental Impact Statement (DEIS). The following comments have been forwarded by the Land Division:

While the subject document is a joint National Environmental Policy Act (NEPA)/Hawai'i Environmental Policy Act (HEPA) document, the Land Division offers comments specifically as the document relates to the HEPA process as prescribed in Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Chapter 11-200.1.

After review of the document, the Land Division finds that the document, as currently written, does not meet the requirements of Chapter 343, HRS and Chapter 11-200.1, HAR. Further, Land Division notes that given the major data gaps in the current document, should those data gaps be filled, the revised EIS may be subject to further public review and comment.

The document does not meet the requirement of Chapter 343, HRS and Chapter 11-200.1, HAR for the following reasons<sup>1</sup>:

- The DEIS analyzes a fee simple acquisition by the Federal government and does not analyze a lease or other disposition scenario in which the land remains under ownership and jurisdiction of the State. As currently written, the DEIS does not comply with

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<sup>1</sup> Please keep in mind that this list is not exhaustive. The document as written is so insufficient as it relates to HEPA requirements that we were unable to review it in its entirety even though the review period was extended to 60 days.

HRS §343-5, which states that "*except for otherwise provided, an environmental assessment [or EIS] shall be required for actions that: (1) Propose the use of state or county lands...; (2) Propose any use within any land classified as a conservation district...*" In its current form, the DEIS analysis is based on the Federal Government retaining the State lands via title (ownership through fee simple title) which would not trigger the need for a HEPA EIS. Furthermore, the DEIS should thoroughly analyze the lands being retained via lease and/or other type of land disposition in which the land still remains under ownership and jurisdiction of the State in order to be in compliance with HRS §343-5, as well as analyze other alternative retention methods being considered by the Applicant. While we understand that the Applicant decided to analyze the fee retention method as they believe it to be the most impactful, a lease or similar disposition with ongoing monitoring, preservation, and mitigation obligations, is a viable alternative that would require a different and more detailed analysis under HEPA. The absence of any meaningful analysis under a lease or other land disposition scenario fails to address compliance with applicable State laws which also ensures proper mitigation for probable impacts. Finally, the DEIS should more thoroughly justify its assertion that fee title ownership results in the greatest impact.

- The DEIS makes statements throughout that allude to future projects such as modernization of "*facilities, utilities, and infrastructure that will eventually require separate NEPA compliance*". An additional statement is made under Section 2.2.5, subheading Alternative 6, which states "*The Army must have at least a 25-year lease to permit permanent construction.*" While it is unclear whether such modernization projects or construction projects would occur on State land, if the intent is for these projects to occur on State land then pursuant to §11-200.1-10, "*A group of actions shall be treated as a single action when: (1) The component actions are phases or increments of a larger total program; (2) An individual action is a necessary precedent to a larger action; (3) An individual action represents a commitment to a larger action; or (4) The actions in questions are essentially identical and a single EA or EIS will adequately address the impacts of each individual action and those of the group of actions as a whole.*" Thus, should these "**future**" uses be on State land, those uses would need to be adequately included and analyzed within this document or you may want to consider preparing a Programmatic EIS which would commit the Army to conducting further HEPA compliance as those future projects come on-line.
- In the Executive Summary, there are missing items as prescribed under HAR §11-200.1-24(d). Specifically, ES.12 should include "Unresolved Issues" as a part of the heading to be consistent with §11-200.1-24(d)(5) and there is no list of permits or approvals as required under §11-200.1-24(d)(6). Also, as the document makes references to previous NEPA documents for Army activities on these lands, pursuant to §11-200.1-24(d)(7), there should be a list of relevant EAs or EISs considered in the analysis of the preparation of the EIS.
- Pursuant to HAR §11-200.1-24(g)(6), the DEIS shall contain a summary of "*technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public...*"

The Land Division finds that the document is insufficient in this matter. There are numerous studies and plans referenced in the document, but were not included. At minimum, any study, plan, or document referenced that is used to lay the basis of the existing environmental setting of the project or as evidence to support appropriate management practices/mitigation measures currently in practice should be included in the appendices.

We also note that many of the referenced studies and/or plans are over 10 years old. While there is nothing specifically written within State Statute or Rules, it has been the policy that should any of these documents be over 10 years old, they should be reviewed and updated as appropriate so that the DEIS is based on current information. Therefore, for those studies, reports, plans, etc. that have passed this 10-year threshold, we request that those studies be updated as appropriate and included.

- Pursuant to HAR §11-200.1-24(i), *“The draft EIS shall include a description of the environmental setting...Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance).”*

There are several sections within the document in which the information is insufficient and would appear that the Applicant has made little to no effort to fill in any data gaps. Examples include the following:

Under Section 3.3.4.2, subheading invertebrates, the only information provided is that *“Not much is known about invertebrates, although more than 500 species of arthropods have been identified on PTA from surveys conducted in 1990s.”* This level of information is unacceptable, and appropriate invertebrate surveys and/or updates to existing arthropod surveys should be conducted and included in the DEIS as appropriate.

Under Section 3.3.4.3, subheading Protected Birds, regarding the Band-rumped storm petrel, it states that *“it is unknown how this species may use habitats in PTA.”* This information appears to be important to determine appropriate mitigation measures or management activities as it pertains to the species.

Further, Section 3.3.4.3 Protected Species and Areas states that the Army is preparing a programmatic biological assessment which *“covers newly listed species and critical habitats.”* It would appear that none of this information is included within the DEIS and that this assessment would be a critical study that should be included the DEIS.

Regarding archaeological investigations, the DEIS basically states that only a little over half of the State lands have been surveyed for archaeological resources. While we recognize that a Literature Review was done for the State lands in October 2021, we note that it was specifically done to meet NEPA requirements, and the information provided is not sufficient to cover the data gaps for the un-surveyed portion of State lands.

Further, while we are not suggesting that an Archaeological Inventory Survey (AIS) be done for the remaining, un-surveyed portions of State lands, we would, at minimum, request an archaeological field inspection be done so that the entire area of potential effect (APE), which would include all the lands being considered in the lease, be covered. This would also support HRS Chapter 6E review and compliance which would support mitigation to any archaeological resources.

- Pursuant to HAR §11-200.1-24(j), *“The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant had decided to proceed, notwithstanding the absence of full reconciliation.”*

As currently written, the DEIS does not meet the above stated requirement. We note that, the project area is located within an area now designated as the State Land Use Conservation District, Resource Subzone. However, the DEIS lacks information on how the Applicant’s proposed action conforms with the purpose of the Conservation District and objective of the Resource subzone. The DEIS should be revised to include a discussion on how the proposed action and mitigating measures are consistent with the purpose of the Conservation District and the objective of the Resource subzone.

In addition, the DEIS makes several problematic statements regarding this land use designation which appear to either be incorrect or contradictory.

Section 1.4.1 basically alludes to the uses at PTA being non-conforming and states that *“HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources.”* This statement is problematic as non-conforming uses within the Conservation District are regulated by §13-5-7, HAR. This section mainly allows for maintenance and repair of non-conforming uses, however, nowhere does it suggest that “additional” uses can be authorized.

Section 1.5.2 states that one of the possible decisions that may need to be made by State agencies is *“if presented with a CDUP application to permit military uses of lands in the State’s conservation district (resources subzone), consider allowable uses and management actions to meet the purpose of the conservation district.”* This is an incorrect statement as it is the Applicant’s (the Army) responsibility to propose how their “uses” fit within the land uses as described in Chapter 13-5, HAR.

Section 3.2.5 states that *“The current nonconforming use of State conservation district land is assumed to cease with the lease term. Army could be brought into conformance with conservation district rules as part of the land retention process following the EIS”*

*process when the land retention method is known.” Please clarify how the Army could be “brought into conformance with conservation district rules.”*

- Pursuant to HAR §11-200.1-24(k), *“The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described.”*

The DEIS does not appear to include such a list. The closest thing that Staff could identify is Table 1-1 which is a table of “Anticipated Reviews.” Unfortunately, it would appear that this is not a list of approvals, nor does it provide the status of each review.

- Pursuant to HAR §11-200.1-24(l), *“The Draft EIS shall include an analysis of the probable impact of the proposed action on the environment and impacts on the natural or human environment on the action. This analysis shall include consideration of all phases of the action and consideration of all consequences on the environment, include direct, and indirect effects...”*

As currently written, the DEIS fails to meet this requirement. The impact analysis sections for each of the Environmental Resource sections (as determined by the Applicant) are weak and are based on whether the impact is considered “new” versus an ongoing impact which would most likely continue to occur should the Proposed Action move forward. As currently written, it requires the reader to extract these continuing impacts from the existing environmental setting descriptions and it appears that even that information may not be complete. Examples of this include the following:

Section 3.3.4.3 states that there are Incidental Take Statements to offset military activity effects on nēnē birds. However, just because Incidental Take Statements exist, does not mean that there is no impact. Rather it would appear that the continuation of military training would continue to impact nēnē birds. Another example of this is with the Hawaiian hoary bat in which there have been several incidences in which loss of roosting habitat has exceeded the annual take limit. It would appear that the continuation of military training exercises could continue to impact the Hawaiian hoary bat and its habitat. However, neither of these are addressed in the Environmental Analysis section for biological resources.

Section 3.4.6.1 states that *“The 2018 PA determined that...some undertakings (activities) may continue to have adverse effects on historic properties”* as well as stating that *“The continued presence of training personnel may also continue to impact resources through accidental damage or vandalism.”* However, the document still states that *“the proposed action will result in no new impacts.”* The impact analysis of the continuation of military activities and training is not taken into account in the Environmental Analysis section for cultural resources.

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*potentially causing rapid movement or flight in avoidance behavior. This could increase the risk of wildlife being struck by live-fire, abandoning nest or young, receiving auditory damage, or increasing energy expenditure and food demands. It is also possible that habituation to noise of distraction cause by noise could cause wildlife to be less aware of surrounding and more prone to predation. Staff notes that none of this information is included in the Environmental Analysis.*

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Overall, the DEIS lacks adequate presentation of mitigation measures. Should the impact analysis sections be revised to be in accordance with HAR §11-200.1-24(l) and include analysis of impacts that would continue to occur due to the proposed project, that analysis may be subject to further public review and comment.

From the portions of the document that we were able to review, we have three points of significant concern. The first is regarding archaeological resources. Although the document states that there is a potential for **adverse effects** on historic properties, no mitigation measures were recommended due to the Applicants adherence to standard operating procedures (SOPs), the Programmatic Agreement (PA), and the Integrated Cultural Resources Management Plan (ICRMP). However, Staff notes that no details of these plans, nor the plans themselves were included in the DEIS, thus the lack of mitigation appears to be problematic.

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Also, as stated in the preceding bulleted section, there appears to be a significant impact to wildlife due to noise yet no mitigation is proposed.

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We also offer the following general comments regarding the DEIS as well comments regarding specific sections of the document (including appendices)<sup>2</sup>:

- There are many sections within the DEIS that discuss the NEPA requirements/process for that particular section (i.e. Section 5.6 Relationship Between Short-term Use of the Environment and Long-Term productivity), however, there is no discussion of the HEPA requirements. As this is a joint NEPA/HEPA document, what is done for one should be done for the other.
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- Section 2.1.1 lists various training area (TA) numbers without any context and the figure showing these TAs is not referenced until the end of the section. We would suggest moving the figure reference up front for more clarity.
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- As stated in Section 3.2.4.2 Recreation, please clarify if the “*funds collected from hunting activities*” are used for conservation management specifically within the PTA or elsewhere. If elsewhere, please provide that information.
- Under section 3.2.6.4 *No Action Alternative*, we note that there are no potential mitigation measures proposed even though the summary of impacts states that there would be “*new, long-term moderate, adverse impacts on encroachment management.*” We are curious as to why the installation of fencing and signage would not also be applicable to this alternative. We also note that mitigation regarding the installation of such fencing and signage is not addressed in the DEIS. For example, fencing should not include the use of barbed wire due to the presence of the Hawaiian hoary bat at PTA.
- For Section 3.3 Biological Resources, we would like to see a list of all native biological resources located on the State Lands. We would also suggest using the common, local

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<sup>2</sup> Again, this list is not exhaustive.

name of the species rather than the scientific name in the body of the text for ease of reading, rather than having the reader consult with the different tables.

- Under Section 3.3.4.3, subheading Protected Invertebrates, you reference a 2005 USFWS Recovery Plan for Blackburn’s Sphinx Moth (*Manduca blackburni*). This is a rather old plan (over 17 years old) and we would request that you confirm with USFWS that this Plan is still applicable and that the information you have provided in the DEIS is still accurate.
- Please clarify where your assumptions came from in Section 3.3.5.
- Please check your calculations in Section 3.4.4.3, subheading Archaeological Investigations.
- Section 3.6.4, subheading Air Emission Sources at PTA, states that last short-term air monitoring program was done January 2006 to 2007 to determine the impact of fugitive dust from training and other activities. Please confirm that the activities conducted are still the same today as they were back in 2007 or include an updated study.
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- Section 5.2 should also include “Unresolved Issues” in the heading as this is specific to HEPA.
- In Chapter 7, we note that there are specific NEPA Analysis teams as well as NEPA subject matter experts, yet there are only two contributors to the DEIS that have HEPA experience. Staff notes that expertise in HEPA requirements is essential.
- In the Archaeological Literature Review (Appendix D), we note that while Section 3.2 specifically refers readers to Figures 14 through 18, those figures appear to have been redacted with the explanation of “*Sensitive cultural resource location information withheld.*” While we recognize that locations of some cultural resources, such as burials, are normally withheld, most often the type of archaeological sites as listed in Table 4 are

normally shown. Please provide the appropriate figures or a reasonable explanation as why that data has been withheld.

Should you have any questions or concerns regarding this correspondence, please contact Lauren Yasaka of the Land Division at (808) 587-0431.

Sincerely,

RT

*Suzanne D. Case*

Suzanne D. Case, Chairperson

## State, Department of Land and Natural Resources, Land Division - Hawaii District

In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.

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Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

In addition to comments submitted separately by Chairperson Suzanne Case, attached are responses from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov).

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We have no objections.

**From:** Nakamura, Darlene K <darlene.k.nakamura@hawaii.gov>  
**Sent:** Tuesday, June 7, 2022 3:58 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Jeff Overton  
**Subject:** Request for Comments - DEIS for the Proposed Army Training Land Retention at Pohakuloa Training Area - Island of Hawaii  
**Attachments:** [PTA.signed.pdf](#); [PTA.ENGR Comments.pdf](#); [PTA.HDLO Comments.pdf](#)  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha Jeff Overton,

In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter.

We understand the Division of Forestry and Wildlife may also submit comments separately.

Mahalo,  
Darlene

\*\*\*\*\*

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Ph. No. (808) 587-0417  
Fax No. (808) 312-6357  
Email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov)

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 7, 2022

G70

Attention: Mr. Jeff Overton  
111 South King Street, Suite 170  
Honolulu, Hawaii 96813

via email: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design)

Dear Mr. Overton:

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area** located at Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022 on behalf of the U.S. Army Garrison-Hawaii

Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.

In addition to comments submitted separately by Chairperson Suzanne Case, attached are responses from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov). Thank you.

Sincerely,

*Russell Tsuji*

Russell Y. Tsuji  
Land Administrator

Enclosures  
cc: Central Files

5/10/22

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Apr 8, 2022

**MEMORANDUM**

TO: **DLNR Agencies:**  
 \_\_\_ Div. of Aquatic Resources  
 \_\_\_ Div. of Boating & Ocean Recreation  
 X Engineering Division ([DLNR.ENGR@hawaii.gov](mailto:DLNR.ENGR@hawaii.gov))  
 X Div. of Forestry & Wildlife ([rubyrosa.t.terrago@hawaii.gov](mailto:rubyrosa.t.terrago@hawaii.gov))  
 X Div. of State Parks ([curt.a.cottrell@hawaii.gov](mailto:curt.a.cottrell@hawaii.gov))  
 X Commission on Water Resource Management ([DLNR.CWRM@hawaii.gov](mailto:DLNR.CWRM@hawaii.gov))  
 X Office of Conservation & Coastal Lands ([sharleen.k.kuba@hawaii.gov](mailto:sharleen.k.kuba@hawaii.gov))  
 X Land Division – Hawaii District ([gordon.c.heit@hawaii.gov](mailto:gordon.c.heit@hawaii.gov))

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Proposed Army Training Land Retention at **Pohakuloa Training Area**

LOCATION: Multiple Districts on the Island of Hawaii; TMKs: (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007; and (3) 3-8-001: 013 & 022

APPLICANT: U.S. Army Garrison-Hawaii

Transmitted for your review and comment is information on the above-referenced subject matter. The DEIS was published on April 8, 2022, by the State Environmental Review Program (formerly the Office of Environmental Quality Control) at the Office of Planning and Sustainable Development in the periodic bulletin, The Environmental Notice, available at the following link:

[https://files.hawaii.gov/dbedt/erp/The Environmental Notice/2022-04-08-TEN.pdf](https://files.hawaii.gov/dbedt/erp/The%20Environmental%20Notice/2022-04-08-TEN.pdf)

Please submit any comments by **May 19, 2022**. If no response is received by this date, we will assume your agency has no comments. Should you have any questions, please contact Darlene Nakamura directly via email at [darlene.k.nakamura@hawaii.gov](mailto:darlene.k.nakamura@hawaii.gov). Thank you.

**BRIEF COMMENTS:**

(  ) We have no objections.  
 ( ) We have no comments.  
 ( ) We have no additional comments.  
 ( ) Comments are included/attached.

Signed:   
 Print Name: GORDON C. HEIT  
 Division: Land Division  
 Date: 5/10/22

Attachments  
cc: Central Files

**From:** Mills, Kimberly T <kimberly.mills@hawaii.gov>  
**Sent:** Tuesday, June 7, 2022 5:15 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Rachel Shaak; Jeff Overton; Mills, Kimberly T  
**Subject:** PTA Comments  
**Attachments:** [PTA.PDF](#)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** 219019-02 Pohakuloa Training EIS, Filed in TonicDM

Hi Group 70!

Attached are OCCL's comments.  
I hope I get a receipt that these comments were received.

Take care,

~Tiger

**K. Tiger Mills, Staff Planner**  
**State of Hawai`i**  
**Department of Land and Natural Resources**  
**Office of Conservation And Coastal Lands**  
**P.O. Box 621**  
**Honolulu, Hawai`i 96809**  
[www.dlnr.hawaii.gov/occl](http://www.dlnr.hawaii.gov/occl)



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
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SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

Correspondence: HA 22-154

ATLR-PTA-EIS@g70.design

JUN - 7 2022

SUBJECT: Request for Comments Regarding the Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement (EIS) Located at Saddle Road, Pu'uanahulu/Ka'ohe, N. Kona/Hamakua, Island of Hawai'i, TMKs: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 & 022

The Office of Conservation and Coastal Lands (OCCL) has reviewed the draft EIS to analyze the environmental impacts associated with potentially retaining up to approximately 23,000 acres of State-owned land at the Pōhakuloa Training Area (PTA) to support continued military training. Ongoing uses include military training; facilities; utility; and infrastructure maintenance/repair; resource management actions; associated activities such as emergency services; permit/coordinate public use programs/training for DoD, international partners, local agencies, and the community. PTA is the largest contiguous military live-fire range and maneuver training area that can accommodate up to 5000 souls.

#### *Conservation District*

The subject State-owned parcels lie within the Resource subzone of the Conservation District with parcel 005 also lying within the Protective, Limited, and General subzone. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Within the draft EIS, under **ES.13 Compatibility with Land Use Plans and Policies**, the draft EIS states:

"The State land use plans and policies include: HRS Chapter 205, State Land Use Commission, which sets rules related to the Conservation District..."

Hawai'i Revised Statutes Chapter 183C entitled Conservation District sets the rules to regulate the Conservation District.

Further under Section 5.3.2 State; **Conservation District Rules, Hawai'i Administrative Rules Chapter 13-5** the draft EIS states:

“Uses that are not listed require a discretionary permit from the BLNR. **Discussion:** The State-owned land at PTA lies in the Resource subzone. Military training is not included as an allowable use for any conservation district subzone. However, HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules. Section 3.2 indicates that ongoing activities have been in conformance with conservation district rules and that the Proposed Action would be as well.”

This is an incorrect statement. Proposed land uses in the Conservation District must be an identified land use under the Hawai'i Administrative Rules Chapter 13-5. The Department does not entertain applications for un-identified land uses. If a proposed land use is not present, an applicant can request a temporary variance [less than 1 year], petition the land use commission for a land use district boundary change, or initiate an administrative rule amendment to have the proposed use added to the identified land uses.

### *Existing Uses of the State Land*

While some of the existing uses on the parcels may be consistent with conservation district rules such as facilities, utilities, infrastructure maintenance/repair, and resource management actions; military use that involves maneuvers, ammunition, artillery and mortar systems, depleted uranium, explosives, firing points, hazardous materials and waste, live fire, unexploded ordnance, and weapons system do not appear to be consistent with the Conservation District.

The OCCL was alarmed at the number of previous dump sites on the State leased land illustrated on **Figure 3-7**. Under HRS §183C-4 Zoning; amendments (b) no waste or disposal facility shall be located in a conservation district except in emergency circumstances where it may be necessary to mitigate significant risks to public safety and health; “Waste or disposal facility” means any transfer station or landfill as defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction facility or waste reduction facility as defined in section 342G-1, disposal facility, or any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health. “Waste or disposal facility” excludes individual, state certified, non-industrial redemption centers.

In addition, the number of Firing Points with approximately 91% of the FPs on State-owned land was startling in addition to other military operations that may contain hazardous materials as illustrated on **Figure 2-1**. Per the draft EIS: “The FPs are used by indirect-fire weapons (i.e., artillery, mortar, and rocket systems). Artillery units conduct up to battalion-level training at PTA. This training cannot be conducted anywhere else in Hawai'i due to the distances required to fire artillery for this size unit. The State-owned land allows artillery and mortar units to maneuver by using broad areas to engage and then conduct survivability moves multiple times per training event. Survivability moves are required because an enemy can determine the source of artillery and mortar fire and target those locations. Artillery and mortar units must practice relocating to new FPs to avoid being targeted by enemy forces. During collective training, the indirect-fire weapons are integrated to provide variable ranges of fire support to simulate real world situations (USARHAW, undated). The High Mobility Artillery Rocket System is used to deliver rocket fire from FPs located within State-owned land onto the impact area located on U.S. Government-owned land...FPs on the State-owned land provide the longest firing distance

on PTA and are essential for training (USARHAW, undated). These FPs offer distances that are approximately four times longer than other military facilities in Hawai‘i.”

The draft EIS goes on to state: “While all military munitions used on the State-owned land were targeted to an intended destination, it is possible that not all of the military munitions reached their intended destination, and some may have impacted the State-owned land. During the construction of the DKI Highway, subsurface investigations identified MEC [munitions and explosives of concern] including mortars. Therefore, there is a potential for MEC to be found anywhere on the State-owned land. If MEC is discovered, the Army immediately responds and deactivates and removes the item.”

Further regarding cultural resources under alternative 1[full retention]: “There would be adverse impacts to archaeological sites including damage from subsurface excavations related to troop training (e.g., field fortifications, emplacement of obstacles), off road mounted maneuvers with tactical vehicles and other routine vehicular traffic, increased access by ground troops into the ranges, possible damage from live fire and cleanup of UXO within or adjacent to resources, and through accidental damage or vandalism. Additionally, there would be continued impacts related to ongoing limitations on access to areas used for traditional and customary practices. These adverse impacts would pertain to cultural resources that are most important to Native Hawaiian populations and would thus represent disproportionate impacts on Native Hawaiian populations.”

It appears that military training is in direct conflict of the Conservation District designation to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. It is inappropriate to conduct this type of warfare practice upon Conservation District land adjacent to areas designated as critical habitat for the Palila; and a recreational campground for the people of Hawai‘i.

It is clear the composers of the draft recognize this as **Section 1.4.2 Regulatory Compliance Associated with the Proposed Actions- Hawai‘i Administrative Rules Chapter 13-5 Conservation District Rules** states: Military use is not included as an allowable use for any conservation district subzone.

The OCCL notes that the draft EIS does not contain any provisions for restorative actions that shall be taken under alternatives 2 & 3 and no action such as reforestation and the cleanup of unexploded munitions and by-products, shells, and weapons decommissioning. This information should be included in the final EIS as these restorative actions are part of the lease that governs this “real estate action.”

The OCCL notes it appears **Table 3-24 Potential Environmental Impacts** concludes that the no action alternative would provide the best benefits to the land, environment, flora and fauna, and culture of Hawai‘i.

The OCCL notes TMKs (3) 3-8-001: 013 & 022 belong to Hawaiian Homelands. Under the Hawaiian Homes Commission Act §206, neither the governor nor the board of land and natural resources have any power over Hawaiian homelands.

The OCCL notes TMKs: (3) 7-1-004:006 and 3-8-001:001 are shaded light green indicating that the parcel or portions of the parcel are U.S. Government-owned land; the Public Land Trust Information System indicate that parcel 7-1-004:006 is owned by the State of Hawai'i with no encumbrances and parcel 3-8-001:001 has a long-term lease and is also owned by the State of Hawai'i with no perpetual easement. Please clarify this in the final EIS.

Should there be any questions regarding this correspondence, contact Tiger Mills of the Office of Conservation and Coastal Lands at (808) 587-0382 or at [kimberly.mills@hawaii.gov](mailto:kimberly.mills@hawaii.gov).

Sincerely,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

C: Chairperson  
HDLO  
County of Hawai'i  
-Planning

# Office of Hawaiian Affairs

See attached PDF file of OHA comment and request for DEIS withdrawal letter.



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HWY., SUITE 200  
HONOLULU, HAWAII 96817

June 3, 2022

Col. Daniel Misigoy  
U.S. Army Garrison Hawai'i Commander  
745 Wright Avenue, Wheeler Army Airfield  
Schofield Barracks, Hawai'i 96857-5000

Suzanne Case  
Chairperson, Board of Land and Natural Resources  
1151 Punchbowl St.  
Honolulu, Hawai'i 96813

Re: Withdrawal of Draft Environmental Impact Statement  
Army Training Land Retention at Pōhakuloa Training Area  
Ka'ōhe Mauka and Humu'ula Ahupua'a, Hāmākua and Hilo Moku, Hawai'i Moku  
Tax Map Key: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 and 022

Aloha e Col. Misigoy and Chair Case:

The Office of Hawaiian Affairs (OHA) is in receipt of the April 2022 Draft Environmental Impact Statement (DEIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA), Hawai'i Island, released for public comment on April 8, 2022. Group 70 International Inc. (hereinafter "G70") has prepared this DEIS on behalf of the applicant, U.S. Army Garrison Hawai'i, (hereinafter "Army") pursuant to Hawai'i Revised Statutes (HRS) 343 and the National Environmental Protection Act (NEPA). The region including and surrounding the PTA is part of a conservation district, resource subzone. Given that the current 65-year lease (originally acquired in August 1964) is set to expire on August 16, 2029, a new lease is being sought from the State of Hawai'i Board of Land and Natural Resources (BLNR) for portions of the PTA on 23,000 acres of state-owned lands. The entirety of the PTA, however, actually spans a total of 132,000 acres between Mauna Loa, Mauna Kea, and Hualālai.<sup>1</sup>

The Army is proposing to retain up to 23,000 acres of state-owned PTA lands to continue military training for another 65 years. Aside from training activities, these state-owned lands host a number of critical facilities (i.e., ammunition storage units), utilities (i.e., potable water, electricity), and infrastructure (i.e., roads, firebreaks/fuel breaks) installed by the Army over the years. The DEIS argues that loss of this land would impact the ability of the Army to meet training

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<sup>1</sup> Use of the Federal portion of these lands for military purposes was established via a formal Maneuver Agreement with the Territory of Hawai'i in 1956.

requirements and its mission readiness. Current Army training activities include maneuvers and live-fire; however, PTA is jointly utilized by the U.S. Marine Corps, Navy, and the Air Force for training as well. The DEIS further indicates that the PTA is used by State and County agencies (i.e., Hawai'i Emergency First Responders, Hawai'i Civil Defense Agency, State Office of Homeland Security, Hawai'i Police Department) for training, and non-profit organizations (i.e., Red Cross, Boy Scouts, Girl Scouts, Youth Challenge) for various activities.

At this time, OHA provides a recommendation to withdraw the DEIS and further comments to consider prior to re-releasing the DEIS in the future.

### **Withdrawal of DEIS**

OHA believes that the PTA DEIS has been done prematurely as the State of Hawai'i Department of Land and Natural Resources (DLNR) has yet to implement their 2019 court ordered management plan. The DEIS does in fact acknowledge the 2019 Ching v. Case court decision requiring the DLNR management plan and further mentions that the plan was completed in April 20, 2021. The plan includes provisions for periodic monitoring and inspection, with priority areas designated for review to ensure the State fulfills its trust duty to stay informed on the condition of State leased land. However, it is OHA's understanding that the DLNR has not yet implemented the plan or conducted any site visits. As such, OHA believes that the Army should voluntarily withdraw the DEIS and that the DLNR should advise withdrawal as well until the management plan has been reasonably implemented. It would arguably be counterintuitive to pursue a further long-term lease of these parcels without knowing the impacts incurred or whether existing lease obligations have been fulfilled.

As noted in the 2019 Ching v. Case ruling, plaintiffs argued that the State's public trust duties requires that the State reasonably monitor and investigate existing use of State lands to determine if the United States is in compliance or not with existing lease conditions. The court thus held that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, and that this duty exists independent of whether the third party has in fact violated the terms of any agreement governing its use of the land. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs. Lest the condition of these lands be independently determined by the State, the State should not re-new another long-term lease at this time or entertain a process seeking renewal. Ignoring this obligation would show a disregard for the State's trust responsibilities. Further, the management plan has the potential to better inform the Army and allows adjustments to be made to planning efforts (and the DEIS itself) should deficiencies be found during inspections. OHA indeed concurs with the recommendations of the court ordered DLNR management plan for PTA lands, a copy of which is attached to this letter together with the Ching v. Case Hawai'i Supreme Court ruling as Enclosure 1.

Notably, a cultural monitoring program has been in place at PTA as part of Section III.E of the Stryker Brigade Combat Team 2004 Programmatic Agreement (PA) executed pursuant to the National Historic Preservation Act (NHPA) Section 106 process. Cultural monitor daily reports note a continued concern for the delicate PTA landscape and the possibility that it could be lost forever if not attended to. Recommendations were subsequently made to restore the traditional landscape and all life within it through: 1) protection of trees, insects, and birds; 2) compassionate eradication of ungulates; 3) expansion of native plant and forest recovery efforts; 4) preservation of the ‘auwai akua (waterways of the gods); 5) securing funds for PA implementation; 6) protection of Na Pu‘u (cinder cones); and 7) clean up of the PTA impact area. It is unknown if the DLNR is aware of these observations and recommendations made by individuals who were frequently on the ground at PTA. Arguably, these cultural monitors were doing part of the job that the State should have been doing with regards to inspecting State leased lands.

Established by our State’s Constitution,<sup>2</sup> the Office of Hawaiian Affairs (OHA) is a semi-autonomous State agency that was created after a Constitutional Convention in 1978 for the betterment of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are currently Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs. In regards to trust responsibilities, the OHA trustees exercise their power “to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians...”<sup>3</sup>. Affirmation of OHA’s public trust duties are further captured in Hawai‘i Revised Statutes (HRS) Chapter 10.

Given OHA’s responsibility to our beneficiaries and public trust lands, we must assess the practices of other agencies and advocate where necessary to make recommendations that reasonably protect traditional customary practices, cultural resources, and the public land trust. The Army has utilized PTA for nearly 65 years, with a constant barrage of military trainings (inclusive of live-fire trainings) that have riddled the trust lands with unexploded ordinances (UXOs) and endangered the many natural and cultural resources in and around the area. Further, OHA has been excluded from discussions regarding the lease renewal and implementation of the DLNR management plan. This is unacceptable as HRS 10-1(b) specifically indicates that it shall be the duty and responsibility of all state departments and instrumentalities of state government to actively work towards the goals of Chapter 10 and to assist the OHA wherever possible.

Fellow Hawaiian state agency, the Department of Hawaiian Homelands (DHHL), commented on the EIS Preparation Notice (EISP) expressing concern over hazardous materials occurring near their lands and water sources as a result of military use. As such, DHHL

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<sup>2</sup> HAW. CONST., art. XII, §5 (1978).

<sup>3</sup> See State of Hawaii Constitution, Article XII, Sections 5 and 6.

recommended water table and air quality testing on neighboring parcels. OHA supports and shares these same concerns as DHHL as care of these lands and water resources are indeed a public trust responsibility. Again, unless the DLNR can reasonably implement their court ordered management plan, it would appear to OHA that the DEIS is drafted in a way that is rushed and does not allow for the opportunity to address any forthcoming State concerns. Withdrawal of the DEIS by the Army should be the preferred action at this time.

### **Further Comments to Consider**

#### *(1) Alternatives*

Aside from the preferred alternative of full lease area retention and a no action alternative, Alternative 2 proposes a modified retention (19,700 acres) and Alternative 3 proposes minimum retention (10,000 acres and 11 miles of select roads and trails for access). There is no alternative proposing a shorter lease term. It is unclear to OHA why a shorter term is not even suggested given the fact that the DLNR management plan has not been implemented yet and compliance with existing lease conditions are unknown. Assuming a re-release of the DEIS at a later time, a meaningful analysis of alternatives that include shorter lease terms should be considered as constant renewal of a long-term lease also creates the appearance of *de facto* ownership. Preferably, the discussion of shorter lease terms should occur in advance of drafting the DEIS with the DLNR and OHA following implementation of the DLNR management plan.

#### *(2) Conservation Zoning*

The DEIS states that the lease for the PTA was signed in August 1964, prior to the enactment of the HRS 183C that established Conservation Districts on October 1, 1964. While the DEIS notes that military use is not included as an allowable use for any conservation district subzone, the DEIS argues that such a nonconforming use is allowable by obtaining discretionary permits from the BLNR. Any requests for a permit would subsequently follow the EIS process.

OHA believes that consultation with the DLNR’s Office of Conservation and Coastal Lands (OCCL) should already be occurring to determine specifically what type of “discretionary permits” are needed to enable the PTA lease extension. Hawai‘i Administrative Rules (HAR) 13-5-24 indicates that if a proposed use is not present in the rules, then the applicant may “request a temporary variance, petition the land use commission for a land use district boundary change, or initiate an administrative rule change to have the proposed use added.” The only feasible option in this case appears to be a petition for a land use district boundary change as a temporary variance for a 65-year activity would not be a temporary use, nor would an administrative change likely be proposed to include allowable live-fire training in any conservation subzone.

However, given that the Land Use Commission must evaluate impacts to State concerns (i.e., preservation or maintenance of important natural systems or habitats; maintenance of valued cultural, historical or natural resources), amending the conservation zoning would seem

inappropriate and pursued only to accommodate the Army's continued destruction of this resource subzone. OHA cannot support this possibility as the preferred course of action as it has the potential to foreclose eligibility of the PTA as a conservation district. Considering these concerns and the uncertainty on how exactly conservation district use compliance will be demonstrated, OHA recommends that any future DEIS include a full discussion on how the Army intends to obtain conservation district compliance and to include any recommendations from OCCL.

### *(3) HRS 6E Compliance*

The DEIS indicates that HRS 6E will follow the EIS process as the current HARs do not allow for State Historic Preservation Division (SHPD) review of an EIS. While OHA does recognize that the HRS 6E and 343 processes are separate, we have been supportive of the HRS 6E process being completed or at least initiated first to assist in properly informing the environmental review process. The intent of HRS Chapter 343 is to ensure a project's impact to the environment is fully considered in the planning process and to integrate mitigation where needed to minimize significant environmental harm. Surveys are conducted to identify various environmental components (i.e., flora, fauna, historic properties) so that any adverse impacts from the proposed action can be evaluated. In determining whether historic properties will be adversely impacted, the HRS 6E review process is essential to identifying historic sites and generating mitigation commitments in consultation with the DLNR SHPD. Any identified sites and resulting mitigations made during the HRS 6E review process are typically included in the environmental review for an adverse impact analysis and public comment.

HAR 11-200.1-18(d)(7) and (8) requires that impacts be identified and proposed mitigations be included within an environmental assessment. If HRS 6E is conducted after the HRS 343 process, impacts to historic and cultural resources cannot be identified as the means to identify these environmental components are not yet completed. Furthermore, since mitigation for any adverse effects to historic properties and cultural resources are made as a result of consultation with SHPD through the HRS 6E process, proposed State level mitigations cannot be included in environmental review documents if HRS 6E is not completed. OHA thus questions the completeness of any environmental review for projects that have not yet undergone HRS 6E review.

As one of the key pillars of HRS 343 is to allow for public comment on a proposed action, deferring the HRS 6E review process to take place after HRS 343 review could hide the presence of historic properties and cultural resources that are important to Native Hawaiians from our beneficiaries and the general public. As the opportunity to include possible adverse impacts and mitigations in an environmental review are now foreclosed, our beneficiaries would not be fully informed on the proposed action when environmental review documents are specifically provided for comment.

OHA does recognize that ongoing Federal level NHPA Section 106 commitments and an existing PA is in place for PTA. However, the state historic preservation review process is still

important as a significance criteria for sites important to Native Hawaiians is present that does not exist on the Federal level. The DEIS does in fact recognize that the HRS 6E process for the State includes site significance under Criterion E for their importance to Native Hawaiians. The EIS further suggests that the cultural impact assessment (CIA) process can be used to inform this determination to calm concerns regarding the lack of HRS 6E initiation.

While the CIA process can help inform the assessment of Criterion E sites, the process should not supplant the actual assessment of Criterion E sites by a qualified archaeologist during the HRS 6E process or be used to possibly mislead people into thinking that the CIA identification process is enough to identify Criterion E sites for sake of the HRS 343 process. In many other cases, the HRS 6E process does not even require a CIA as not all project actions are subject to HRS 343. Thus, for many years, Criterion E site evaluations appear to have been mostly done through the HRS 6E process without any influence from a CIA document. OHA has not seen an attempt to possibly supplant Criterion E evaluation prior to the release of this PTA DEIS. OHA stands by our position that the HRS 6E process should be initiated and that the site identification process be completed first to adequately inform the DEIS.

#### *(4) Cultural Impact Assessment (CIA)*

A CIA was completed for this project in October 2021 as part of the DEIS document. In review of the methodology, it appears that community outreach efforts started with requests for survey participation that ran in OHA's *Ka Wai Ola* in October 2020 and November 2020. 62 responses were received representing 39% of those who were contacted. It further appears that only a single person was interviewed and email responses were received from 4 individuals.

Given that the CIA surveys and outreach effort were conducted at the early onset of the COVID-19 pandemic, OHA believes that another round of consultation should be carried out as people may not have had enough time to comment or were experiencing personal hardships. OHA does further recognize that many other projects in areas of concern or cultural sensitivity have opted to include several rounds of consultation for CIAs. For example, the decommissioning of the California Institute of Technology telescope atop Maunakea included an initial consultation in 2018 for a CIA; but, they opted for a longer consultation process that ran again in 2020 at the request of cultural practitioners and the known cultural concerns surrounding Maunakea. In this particular case, OHA strongly recommends an additional round of consultation for the CIA, with an emphasis on ascertaining additional interviewees and responses.

#### **Closing Remarks**

Mahalo for the opportunity to comment. OHA looks forward to seeing the DEIS withdrawn, implementation of the DLNR management plan, and integration of our further comments into a future re-release of the DEIS. Given OHA's responsibility to our beneficiaries and the public land trust, we further insist that OHA be included in future discussions regarding

Col. Daniel Misigoy and Chair Suzanne Case  
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implementation of the DLNR management plan and any consideration of lease renewal and alternatives.

Further, it should go without saying that the public’s general trust with the military’s ability to properly steward Hawai‘i lands and resources have been shaken in light of the recent Red Hill water crisis and past occurrences of strewn unexploded ordinances on State lands (i.e., Kaho‘olawe, Makua Valley). As such, the military should make every effort to meaningfully consult with the State (i.e., DLNR, OHA) and the Native Hawaiian people, proactively plan, cooperate with inspections that are part of the Court ordered DLNR management plan, and comply with any corrective actions that may be recommended following the DLNR’s management plan inspections.

OHA strongly recommends that the Department of Defense (DoD) begin consultation with Native Hawaiian organizations (NHOs) pursuant to the DoD Instruction, No. 4710.03 and ACHP’s *Consultation with Native Hawaiians in the Section 106 Review Process, A Handbook* (attached hereto as Enclosures 2 and 3, respectively), setting forth mandated policy and procedures for consultation with NHOs when proposing an undertaking that may affect a property or place of traditional religious and/or cultural importance, or action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO in addition to consultation in compliance with NEPA and NHPA. OHA may also serve to facilitate effective consultation between NHOs and DoD Components, with the understanding that no single NHO is likely to represent the interests of all NHOs or the Native Hawaiian people. See also United Nations Declaration of the Rights of Indigenous Peoples, attached as Enclosure 4, which further promotes consultation between respective States and indigenous peoples.

Should you have any questions, please contact OHA’s Lead Compliance Specialist, Kamakana C. Ferreira at (808) 594-0227 or by email at [kamakanaf@oha.org](mailto:kamakanaf@oha.org).

‘O wau iho nō me ka ‘oia ‘i‘o,



Sylvia M. Hussey, Ed.D.  
Ka Pouhana, Chief Executive Officer

SH:kf

Enclosures: 1) Ching v. Case, 145 Hawaii 148 (2019) and DLNR PTA Management Plan (2021)  
2) Department of Defense Instruction, NUMBER 4710.03 (2018)  
3) ACHP Consultation with NHOs in the Section Review Process Handbook (2020)  
4) United Nations Declaration on the Rights of Indigenous Peoples (2007)

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CC: Carmen Hulu Lindsey, Ke Kauhuhu, Chair, OHA Board of Trustees  
Mililani Trask, Ke Kua, OHA Hawai‘i Island Trustee  
Lloyd J. Austin III, U.S. Secretary of Defense  
The Honorable United States Senator Brian Schatz Hawai‘i  
The Honorable United States Senator Mazie Hirono, Hawai‘i  
The Honorable United States Representative Ed Case, Hawai‘i  
First Congressional District  
The Honorable United States Representative Kaialii Kahele, Hawaii  
Second Congressional District



KeyCite Yellow Flag - Negative Treatment

Declined to Extend by Matter of Maui Electric Company, Limited, Hawai'i, March 2, 2022

145 Hawai'i 148

Supreme Court of Hawai'i.

Clarence CHING and Mary Maxine Kahaulelio, Plaintiffs-Appellees,

v.

Suzanne CASE, in her official capacity as Chairperson of the Board of Land and Natural Resources and State Historic Preservation Officer, Board of Land and Natural Resources, and Department of Land and Natural Resources, Defendants-Appellants.

SCAP-18-0000432

|

AUGUST 23, 2019

**Synopsis**

**Background:** Users of lands subject to public trust, under constitutional provisions regarding ceded lands and public natural resources, brought declaratory judgment action against Board of Land and Natural Resources (BLNR) and Department of Land and Natural Resources (DLNR), alleging State, as trustee, breached duty to protect and maintain land. The First Circuit Court, No. 14-1-1085-04, denied parties' motions for summary judgment and, after bench trial, entered judgment in favor of users. State appealed, and users filed motion to dismiss appeal.

**Holdings:** After grant of users' unopposed application for transfer, the Supreme Court, Pollack, J., held that:

[1] Attorney General had authority to bring appeal without express authorization of BLNR;

[2] United States, as lessee of land at issue, was not necessary party and thus not indispensable;

[3] State's alleged breach of trust through purported failure to protect and maintain public trust lands was an actual controversy that could support an action for declaratory relief;

[4] alleged breach of trust was not a political question;

[5] State had trust duty to reasonably monitor property, including monitoring for lessee's compliance with terms of lease that protected property;

[6] evidence was sufficient to support finding that State breached that duty; and

[7] trial court order was impermissibly vague as to statement that its order to care for land "includes, but is not necessarily limited to" the measures specifically described in order.

Affirmed in part, vacated in part, and remanded; motion to dismiss appeal denied.

West Headnotes (34)

[1] **Appeal and Error** ➡ Abuse of discretion

**Trial** ➡ Discretion

Certain decisions regarding the orderly administration of trial and the selection of an appropriate remedy to redress an injury rest with the sound discretion of the trial court, and the trial court's decision will be sustained absent a showing of manifest abuse of discretion.

[2] **Appeal and Error** ➡ New parties; joinder

Supreme Court applies an abuse of discretion standard when it reviews a trial court's determination as to whether to dismiss a case for a party's failure to join an indispensable party. Haw. R. Civ. P. 19(b).

[3] **Appeal and Error** ➡ Equitable remedies in general

**Appeal and Error** ➡ Injunctive Relief

**Declaratory Judgment** ➡ Discretion of lower court

A trial court's grant of equitable relief, including a declaratory judgment or a mandatory injunction, will be upheld unless an abuse of discretion is demonstrated.

[4] **Appeal and Error** ➡ De novo review

Supreme Court reviews a trial court's conclusions of law de novo.

[5] **Appeal and Error** ➡ Summary Judgment

A trial court's grant or denial of summary judgment is reviewable using Supreme Court's independent judgment under the right/wrong standard, as are the statutory and constitutional interpretations underlying the court's determinations.

[6] **Appeal and Error** ➡ Judge as factfinder below

Supreme Court will uphold the findings of fact to which the trial court applies its statutory or constitutional interpretations unless they are clearly erroneous.

[7] **Attorney General** ➡ Bringing and prosecution of actions

Attorney General had authority to bring appeal from trial court's declaratory judgment in favor of users of ceded trust lands without express authorization of Board of Land and Natural Resources (BLNR), which was defendant to action asserting breach of duty to protect and maintain public trust lands; professional standards generally permitted an attorney to take steps necessary to protect a client's right to appeal, and there was no indication that BLNR had communicated to Attorney General a desire not to pursue appeal.

**[8] Attorney General** — Powers and Duties

Where no conflict plainly appears, it is generally presumed that the actions and determinations of the Attorney General in a lawsuit are made both as a representative of the public interest and as counsel for the state agency or officer.

**[9] Appeal and Error** — Determining action and preventing judgment

The denial of a summary judgment motion can be appealed following a trial on the merits only if the appeal centers on a question of law rather than the existence of a disputed material fact.

1 Cases that cite this headnote

**[10] Parties** — Persons Who Must Join**Parties** — Persons Who Must Be Joined

An analysis of whether a party should be joined as necessary and indispensable follows two steps: first, court if party is a necessary party and if so whether joinder of party is feasible, and second, if court finds that party is necessary and joinder is not feasible, it analyzes whether, in equity and good conscience, case can continue in the party's absence. Haw. R. Civ. P. 19.

**[11] Declaratory Judgment** — Subjects of relief in general

United States, as lessee of land held in trust by State, was not a necessary party and thus was not indispensable, in declaratory judgment action against state entities by land users alleging State breached duty to protect and maintain public trust lands, where determining whether State fulfilled duties as trustee did not require determining whether United States complied with lease terms, and if breach of trustee duties were to be found, appropriate remedy would not include enforcement action against United States. Haw. R. Civ. P. 19.

**[12] Public Lands** — Governmental authority and control

The most basic aspect of the State's trust duties for land held in public trust is the obligation to protect and maintain the trust property and regulate its use. Restatement (Second) of Trusts § 176 (1959).

4 Cases that cite this headnote

**[13] Public Lands** — Governmental authority and control

State's obligation to protect and maintain public trust property and regulate its use includes an obligation to reasonably monitor the trust property; this duty exists regardless of whether the property is being used by a third party pursuant to a lease. Restatement (Third) of Trusts § 90 (2007).

3 Cases that cite this headnote

**[14] Trusts** — Possession, use, and care of property

Elementary trust law mandates that trust property not be permitted to fall into ruin on the trustee's watch.

**[15] Landlord and Tenant** — Construction and Operation

A reading of the unambiguous text on face of lease does not require interpretation of contract.

[16] **Equity** — Grounds of jurisdiction in general

In an equitable action, a court has broad discretionary power to craft remedies to preserve equity.

[17] **Parties** — Discretion of court

In an equitable action, court may use its discretion to devise remedies that avoid prejudicing the rights of an absent party, and this latitude should be considered in determining whether a party is necessary and should be joined if feasible. Haw. R. Civ. P. 19.

[18] **Declaratory Judgment** — Federal officers and boards

State's alleged breach of trust through purported failure to protect and maintain public trust lands was an actual controversy that could support an action for declaratory relief by users of trust lands; land at issue was held in trust for users' benefit and thus action involved duty that State owed to plaintiffs, and a declaration regarding whether State had breached that duty would terminate the controversy by clarifying contours of duty. Haw. Rev. Stat. § 632-1.

1 Cases that cite this headnote

[19] **Courts** — In general; nature and source of judicial authority

State's courts are not subject to a constitutional case or controversy jurisdictional limitation. Haw. Const. art. 6, § 1.

[20] **Constitutional Law** — Political Questions

Under the political question doctrine, courts refrain from deciding certain matters that are committed to the discretion of the other branches of government, reasoning that government action in these areas is properly addressed through democratic processes.

[21] **Constitutional Law** — Political Questions

A political question may be found when, on surface of case, there is (1) a textually demonstrable constitutional commitment of issue to coordinate political department; (2) lack of judicially discoverable and manageable standards for resolving it; (3) impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; (4) an unusual need for unquestioning adherence to a political decision already made; or (5) potentiality of embarrassment from multifarious pronouncements by various departments on one question.

[22] **Constitutional Law** — Foreign policy and national defense

State's alleged breach of trust through purported failure to protect and maintain public trust lands, which had been leased to United States for military use, did not present a political question and thus could support an action for declaratory relief by users of trust lands; whether a proposed action by trustee of charitable trust would constitute breach of that trust fell within court's inherent jurisdiction, and court could draw upon its own case law in interpreting trust obligations. Haw. Rev. Stat. § 632-1.

**[23] Public Lands** — Governmental authority and control

State had trust duty to reasonably monitor property subject to public trust under constitutional provisions for trust over ceded lands and public natural resources, including monitoring for lessee's compliance with terms of lease that protected trust property, which had been leased to United States for military use; to hold otherwise would permit State to ignore risk of impending damage to land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurred. Haw. Const. art. 11, § 1; Haw. Const. art. 12, § 4.

1 Cases that cite this headnote

**[24] Public Lands** — Governmental authority and control

As trustee of land in public trust, the State must take an active role in preserving trust property and may not passively allow it to fall into ruin.

**[25] Contracts** — Certainty as to Subject-Matter

An agreement by one party to use “reasonable” or “best efforts” generally creates an enforceable obligation as a matter of contract law.

**[26] Fraud** — Questions for Jury**Trusts** — Trial

Typically, whether a fiduciary, including a trustee, acted prudently, or, in other words, as a reasonably prudent fiduciary, is a question of fact.

**[27] Public Lands** — Governmental authority and control

Evidence was sufficient to support bench trial finding that State failed to reasonably monitor public trust property, including lessee's compliance with lease terms that protected property, which had been leased to United States for military use, thus supporting finding that State breached its obligations under constitutional provisions for trust over ceded lands and public natural resources, even if State permissibly relied on cooperative agreements, environmental reports, and archeological surveys to supervise lessee's use of property; reports relied on by State were very infrequent, State did not conduct regular inspections of property's condition, and State did not take prompt and appropriate follow-up steps when it learned lease may have been violated with respect to protecting condition of land. Haw. Const. art. 11, § 1; Haw. Const. art. 12, § 4.

**[28] Trusts** — Delegation of powers and duties**Trusts** — Lease

As a general matter, it is not reasonable for a trustee to delegate the supervision of a lessee's compliance with the terms of a lease of trust property to the lessee.

1 Cases that cite this headnote

**[29] Injunction** — Abuse of discretion**Injunction** — Specificity, vagueness, overbreadth, and narrowly-tailored relief

Under federal law, an overbroad injunction is an abuse of discretion.

**[30] Injunction** — Sale, lease, or other disposition

Trial court order of injunctive relief for State's breach of its trust obligations for land subject to public trust under constitutional provisions for trust over ceded lands and public natural resources, which land had been leased to United States for military use and which court determined that State had failed to reasonably monitor, was not impermissibly vague for ordering periodic inspections but not specifying how often those inspections were required to take place; it was not uncommon for courts to issue generally-stated orders requiring government agencies to submit plans to remedy constitutional violations and then evaluate adequacy of those plans prior to implementation. Haw. Const. art. 11, § 1; Haw. Const. art. 12, § 4.

**[31] Injunction** — Sale, lease, or other disposition

Trial court order of injunctive relief for State's breach of its trust obligations for land subject to public trust under constitutional provisions for trust over ceded lands and public natural resources, which land had been leased to United States for military use and which court determined that State had failed to reasonably monitor, was impermissibly vague as to its statement that order to care for land “includes, but is not necessarily limited to” the measures specifically described in order; statement did not give State any notice of what other, unstated measures were required for State to comply with order. Haw. Const. art. 11, § 1; Haw. Const. art. 12, § 4.

**[32] Injunction** — Sale, lease, or other disposition

Trial court order of injunctive relief for State's breach of its trust obligations for land subject to public trust under constitutional provisions for trust over ceded lands and public natural resources, which land had been leased to United States for military use and which court determined that State had failed to reasonably monitor, impermissibly included requirement that State set forth binding plans for event of discovery of certain types of contamination and for event of discovery of breach of lease, where land users who brought action did not allege any breach of trustee duties related to State's allowance or failure to rectify actual damage and did not allege that United States breached lease. Haw. Const. art. 11, § 1; Haw. Const. art. 12, § 4.

**[33] Declaratory Judgment** — Moot, abstract or hypothetical questions

**Declaratory Judgment** — Future or contingent questions

Courts are not at liberty to grant declaratory relief based on an event that may occur at some time in the future, because there is no actual controversy in existence at time. Haw. Rev. Stat. § 632-1.

1 Cases that cite this headnote

**[34] Declaratory Judgment** — State officers and boards

Trial court order in land users' declaratory judgment action, concluding that State would breach its trust duties if it were to renew lease on land subject to public trust without first determining that lessee was in compliance with existing lease, was impermissibly speculative; order required court to speculate about various questions it could not currently resolve, including whether State's monitoring would lead to discovery of damage or noncompliance with lease terms. Haw. Rev. Stat. § 632-1.

**\*\*1149** APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT (CAAP-18-0000432; CIV. NO. 14-1-1085-04)

### **Attorneys and Law Firms**

Ewan C. Rayner, (Daniel A. Morris, Clyde J. Wadsworth, and William J. Wynhoff, Honolulu, with him on the briefs), for appellants

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RECKTENWALD, C.J., NAKAYAMA, McKENNA, POLLACK, AND WILSON, JJ.

OPINION OF THE COURT BY POLLACK, J.

### **\*\*1150 \*152 I. INTRODUCTION**

Under the Hawai'i Constitution, all public natural resources are held in trust by the State for the common benefit of Hawai'i's people and the generations to come. Additionally, the constitution specifies that the public lands ceded to the United States following the overthrow of the Hawaiian Monarchy and returned to Hawai'i upon its admission to the Union hold a special status under our law. These lands are held by the State in trust for the benefit of Native Hawaiians and the general public. Accordingly, our constitution places upon the State duties with respect to these trusts much like those of a common law trustee, including an obligation to protect and preserve the resources however they are utilized.

Several parcels of ceded land on the island of Hawai'i that are indisputably held in public trust by the State have been leased to the federal government of the United States of America for military training purposes, subject to a number of lease conditions designed to protect the land from long-term damage or contamination. This case concerns the degree to which the State must monitor the leased trust land and the United States' compliance with the lease terms to ensure the trust property is ultimately safeguarded for the benefit of Hawai'i's people.

We hold that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, and that this duty exists independent of whether the third party has in fact violated the terms of any agreement governing its use of the land. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs. We therefore affirm the trial court's determination that the State breached its constitutional trust duties by failing to reasonably monitor or inspect the trust land at issue.

## **II. BACKGROUND**

### **A. Lease No. S-3849**

On August 17, 1964, the State of Hawai'i Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land situated at Ka'ohē, Hāmākua and Pu'uanahulu, North Kona, Hawai'i to the United States for military purposes.<sup>1</sup> The 22,900 acre tract of land, which is contained within the Pōhakuloa Training Area (PTA),<sup>2</sup> was leased to the United States for a term of sixty-five years, to expire on August 16, 2029. In exchange, the United States paid the DLNR one dollar.

The lease gives the United States the right to “have unrestricted control and use of the demised premises.” The lease also establishes several duties that the United States is obligated to fulfill during the course of the lease. Most notably for purposes of this appeal, Paragraph 9 of the lease requires that the United States “make every reasonable effort to ... remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the [ ] public, whichever is sooner.”<sup>3</sup> In Paragraph 14 of the lease, the United States agrees to “take reasonable action during its use of the \*\*1151 \*153 premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources” and to “avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from [the United States’] use of the said premises.”<sup>4</sup> And, in Paragraph 29 of the lease, the United States agrees that, if required by the State upon the surrender of the property at the termination of the lease, it will “remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that expenditures for removal of shells will not exceed the fair market value of the land.”<sup>5</sup>

The lease also places a number of corresponding rights and duties on the DLNR. The most relevant to the present case is established in Paragraph 18, in which the DLNR agrees to “take reasonable action during the use of the said premises by the general public, to remove or bury trash, garbage and other waste materials resulting from use of the said premises by the general public.”<sup>6</sup> In Paragraph 19, the lease also grants the DLNR the “right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly interfere with activities of the [United States] under the terms of the lease,” subject to “obtaining advance clearance” from the United States.<sup>7</sup>

Additionally, the lease provides in Paragraph 30 that any dispute over a question of fact regarding the lease must be decided by the “Division Engineer, U.S. Army Engineer Division,” with a right of appeal to the Secretary of the Army.<sup>8</sup> Paragraph 30 further \*\*1152 \*154 provides that the decision of the Secretary or a duly authorized representative “shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence.” The paragraph clarifies that questions of law may also be considered in connection with a dispute's resolution, but the decision of any administrative party on a question of law shall not be final. It further guarantees the State's right to be heard and to offer evidence in support of the appeal.

## **B. The Plaintiffs' Request to Access Government Records**

In January 2014, Clarence Ching filed a request with the Chairperson of the Board of Land and Natural Resources (BLNR) to access government records. Ching requested the following government records:

1. Paragraph 9 of State General Lease No. S-3849 (with the U.S. Army relating to Pohakuloa) requires the United States Government to “make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.” Please provide all government records that show (a) the U.S. Government's compliance or non-compliance with this lease term and (b) the Department of Land and Natural Resources or Board of Land and Natural Resources efforts at ensuring compliance with this term of the 1964 lease. This would include, but [is] not limited to, correspondence, inspection and monitoring reports, and meeting notes.
2. Paragraph 14 of the same lease requires the U.S. Government to “remove or bury all trash, garbage or other waste materials.” Please provide all government records that show (a) the U.S. Government's compliance or noncompliance with this lease term and (b) the Department of Land and Natural Resources or Board of Land and Natural Resources efforts at ensuring compliance with this term of the 1964 lease. This would include, but [is] not limited to, correspondence, inspection and monitoring reports, and meeting notes.

The DLNR responded that the request would be granted in its entirety. The response stated that the DLNR was providing its entire file on the lease (the lease file), which, based on its review, contained no records responsive to Ching's request.

## C. The Circuit Court Action

### 1. Complaint

Three months later, Ching and Mary Maxine Kahaulelio (collectively, “the Plaintiffs”) filed a complaint in the Circuit Court of the First Circuit (circuit court) against the BLNR, DLNR, and William J. Aila, Jr., in his official capacity as Chairperson of the BLNR and State Historic Preservation Officer (collectively, “the State”).<sup>9</sup> In their complaint, the Plaintiffs alleged that the State, as trustee of the state's ceded lands, breached its trust duty “to protect and maintain the[ ] public trust lands” in the PTA. The complaint specified that it was not alleging that the United States had violated the terms of its lease, but rather that the State has reason to believe that the lease terms may have been violated and has a trust duty to investigate and take all necessary steps to ensure compliance with the terms of the lease.

**\*\*1153 \*155** According to the complaint, Ching is a descendant of the aboriginal people of Hawai'i and engages in native Hawaiian cultural practices, which includes walking in the footsteps of his ancestors on hiking trails located within the PTA. He also participates in other “traditional and customary services” within the PTA, the complaint explained. Kahaulelio is also a descendant of the aboriginal people of Hawai'i, the complaint stated. She is at least 50% native Hawaiian and a beneficiary of the Hawaiian Home Lands Trust, the complaint continued, as well as a Hawaiian Home Lands lessee. The complaint further stated that both Ching and Kahaulelio are beneficiaries of the ceded trust lands.

Citing a March 2013 letter by a DLNR staff member, the complaint alleged that the State was aware of the possibility that the land leased to the United States was littered with unexploded ordnance (UXO) and “munitions and explosives of concern.”<sup>10</sup> The Plaintiffs asserted that the State did not know whether the United States had complied with the lease because they had taken “no concrete steps to investigate, monitor or ensure compliance” with the lease. Because the State was obligated to protect, care for, and maintain trust property by investigating the United States' compliance with the lease and failed to do so, the Plaintiffs contended that the State “failed to fulfill [its] trust duties with respect to the ceded land leased” to the United States.

The Plaintiffs requested a declaration that the State breached its trust obligations, an order to require the State to fulfill its trust duties with respect to the leased land, and an injunction to bar the State from negotiating an extension of the lease or from entering into a new lease of the PTA until the State ensures that the terms of the existing lease have been fulfilled.<sup>11</sup>

## 2. Motions for Summary Judgment

### a. The Motions

After the State filed its answer, the Plaintiffs filed a Motion for Summary Judgment. In their motion, the Plaintiffs asserted that under article XII, section 4 and article XI, section 1 of the Hawai'i Constitution, the State is the trustee of the public ceded lands trust and of public natural resources, and it therefore has a trust duty to “monitor, inspect and investigate to ensure that public trust lands are not being damaged--particularly if [it] has reason to believe that trust property is at risk.” Despite the State's awareness of the possibility that the terms of the lease may have been violated, the Plaintiffs argued, the State took no steps to ensure compliance with the lease terms. Its failure to investigate the condition of the land, the Plaintiffs contended, fell well below its standard of care and constituted a breach of its trust duties. The Plaintiffs concluded that the equitable relief requested was warranted because they were entitled to prevail on the merits, there was a grave risk posed to the ceded land, and the public interest weighed in their favor.

In its Memorandum in Opposition, the State argued that the Plaintiffs' Motion for Summary Judgment should be denied because the Plaintiffs did not allege that any provision of the lease had been violated, and it asserted that the United States' obligation to clean the leased property will not arise until 2029. In the absence of an alleged breach, the State maintained that the Plaintiffs' claims amounted to "speculation or predictions about future harm" that did not present an "actual controversy" suitable for judicial resolution.

The State also contended that the Plaintiffs were seeking relief that was unavailable under **\*\*1154 \*156** Hawai'i Revised Statutes (HRS) § 632-1 (1993), as the relief requested would not bring an end to the controversy or resolve the dispute with finality.<sup>12</sup> The State posited that "even if the injunctive relief sought by Plaintiffs is ordered by the Court, Plaintiffs will still dispute the extent of any cleanup efforts by the United States" because the requested relief would require "the State to engage in some undefined form of oversight of the United States military." Therefore, the State concluded, the Plaintiffs' concerns and the underlying controversy did not meet the statutory requirements for declaratory relief.

Additionally, the State argued that the Plaintiffs were not entitled to declaratory relief because the declaratory judgment statute limits declaratory actions to claims for which no alternative statutory relief is available. Here, the State concluded, HRS § 673-1 (1993) provides a cause of action for native Hawaiians' to bring a claim for breaches of relevant constitutional trusts, and the Plaintiffs were thus obligated to proceed under that statutory framework.<sup>13</sup>

In reply, the Plaintiffs contended that the State was incorrect in asserting that the duty of the United States to clean the property did not arise until the lease expired because Paragraph 9 of the lease required the United States to clean the land during the lease--specifically, when it completed a training exercise. The Plaintiffs also argued that injunctive relief is appropriate "in a case involving a traditional equitable claim when a trustee breaches its fiduciary obligations," noting that HRS § 632-3 (1993)<sup>14</sup> empowers courts to grant ancillary equitable relief. (Citing Food Pantry, Ltd. v. Waikiki Bus. Plaza, Inc., 58 Haw. 606, 613-14, 575 P.2d 869, 875-76 (1978); Natatorium Pres. Comm. v. Edelstein, 55 Haw. 55, 515 P.2d 621 (1973); King v. Oahu Ry. & Land Co., 11 Haw. 717, 738 (Haw. Rep. 1899).)

The State filed its own Motion for Summary Judgment that restated the arguments from the State's Memorandum in Opposition to the Plaintiffs' Motion for Summary Judgment verbatim.<sup>15</sup>

## **b. Supplemental Briefing**

After a hearing,<sup>16</sup> the Plaintiffs submitted a Supplemental Memorandum in Support of their Motion for Summary Judgment, which argued that further discovered evidence demonstrated that the DLNR had not conducted **\*\*1155 \*157** an inspection of the PTA since 1984. For example, between 1984 and the start of the current litigation, there had been no communication between the State and the United States regarding compliance with the lease, the Plaintiffs asserted.<sup>17</sup> This demonstrated that the State had not made a sufficient effort to protect the trust land, the Plaintiffs contended.

In the State's Supplemental Memorandum, it asserted that several records from the lease file showed that it had actively engaged in monitoring since the execution of the lease, including records of one formal inspection of the PTA, maps indicating locations where UXO may be located, reviews of the United States' compliance done in connection with amendments to the lease, and "informal communications" relating to the lease. The State also pointed to a written request it had sent to the United States for a description of its procedures to comply with the lease provisions at issue. The State asserted that the United States responded to the letter "with detailed information about their clean-up and post-training procedures." Because the letter demonstrated that the State had undertaken monitoring of the PTA, it concluded, there was no longer a justiciable controversy.

In the Plaintiffs' Reply, they contended that even if the 1984 inspection was "complete and thorough," it is not sufficient to show that the State is currently fulfilling its trust duties because there was no evidence of an inspection since 1984. Thus, the State failed to demonstrate that it had fulfilled its trust duties, the Plaintiffs concluded.

### c. Orders Denying Summary Judgment

The circuit court denied the Plaintiffs' Motion for Summary Judgment, stating that there were genuine issues of material fact as to whether the State had discharged its trust duties. The court also denied the State's Motion for Summary Judgment because the court found, *inter alia*, that there was an "actual controversy regarding whether or not the State ha[d] discharged its responsibilities as a trustee of public lands."

### 3. Motions to Join the United States as a Party

After its Motion for Summary Judgment was denied, the State filed a Motion to Add the United States as a Party or, in the Alternative, for Dismissal in which it argued that under Hawai'i Rules of Civil Procedure (HRCPP) Rule 21 (1980), adding the United States was appropriate because, as the lessee of the leased land within the PTA, the United States had a legal and beneficial interest in the subject matter of the Plaintiffs' complaint. The State also contended that the United States was a necessary party under HRCPP Rule 19(a) (2000) because complete relief could not be accorded in its absence. Resolution of the action would necessarily include an interpretation of the lease provisions, the State contended, and the United States would not be able to defend its interests under the lease if it were not added as a party. And, asserted the State, in the context of leases, Hawai'i courts have held that all parties to a lease are necessary parties in any equitable action that interprets or touches upon the lease. (Citing *Foster v. Kaneohe Ranch Co.*, 12 Haw. 363, 365 (Haw. Rep. 1900).)

Finally, the State argued that the United States is an indispensable party under HRCPP Rule 19(b) and therefore the suit should be dismissed if it cannot be joined.<sup>18</sup> **\*\*1156 \*158** Under the first factor of HRCPP Rule 19(b), a judgment rendered in the absence of the United States would be prejudicial to it because it "would be forced to accept factual findings that directly bear on whether the United States has breached the Lease," the State asserted. Under the rule's second factor, a court could not shape the relief to ameliorate the prejudicial effect of the judgment because "[n]ew or different monitoring" or limitations on the United States' current use of the land were fundamental to the relief sought by the Plaintiffs, the State argued. Applying the third factor, the State asserted that a judgment rendered in the absence of the United States would be inadequate because the United States was ultimately the party that the Plaintiffs sought to hold responsible for causing the waste of the trust property. And fourth, the State contended that the Plaintiffs had an alternate remedy for their breach of trust claims: an action in federal court that also names the United States or an action brought in state court pursuant to HRS § 673-1.

The Plaintiffs responded that the circuit court should deny the State's motion because, contrary to the State's argument that the Plaintiffs' complaint was based on a violation of the lease, they were asserting "a basic state-law breach of trust claim." The United States was not a necessary nor indispensable party to the case under HRCPP Rule 19(a), the Plaintiffs argued, because any effect on federal interests was "purely speculative," and any relief that would require the State to increase its monitoring would not impinge on the United States' rights under the lease because the State already has a right of entry under the lease. And, even assuming the State were to eventually take actions that affect the United States' interests as a result of a judicial ruling in this case, the United States was well protected because any dispute between it and the State would be decided by an agent of the United States under the lease, the Plaintiffs contended.

Next, the Plaintiffs contended that even if the United States was a party that should be joined if possible under HRCPP Rule 19(a), it was not an indispensable party under HRCPP Rule 19(b). The rule's first factor weighed against the State, the Plaintiffs argued, because a "judgment [would] not prejudice the interests of the U.S. whatsoever" as it would "not [be] bound by any findings made to a case in which it is not a party." Second, the Plaintiffs asserted that the court could fashion its relief to ensure

that the United States does not suffer any prejudice by, for example, ordering the State to provide a report to the court thirty days prior to an annual evidentiary hearing to ensure the State's compliance with the lease. Third, the Plaintiffs stated that it would be able to obtain adequate relief in the absence of the United States. Fourth, the Plaintiffs asserted that they would be “deprived of their day in court if th[e] action were dismissed,” which would be inconsistent with Hawai'i Supreme Court decisions holding that beneficiaries must be able to keep government trustees accountable.

The United States then filed a statement of interest in which it asserted that it “unquestionably has an interest” in the subject matter of the litigation that was “clearly sufficient” for joinder, if it were feasible.<sup>19</sup> But joinder was not feasible, it explained, because “such a state action against the United States is barred by its sovereign immunity” and neither party had identified a **\*\*1157 \*159** congressional waiver of sovereign immunity.<sup>20</sup> The United States asserted that disposition of the action in its absence may impair its ability to protect its interest, making it a necessary party under HRCP Rule 19(a).<sup>21</sup> The United States contended that the court could not assess the Plaintiffs' breach of trust claim without “directly or indirectly interpreting the lease and determining factual issues regarding whether the United States has complied with the lease.” The Plaintiffs were therefore improperly asking a state court to interpret the United States' obligations under the lease, the United States argued.

The United States also maintained that when a nonparty cannot be joined due to sovereign immunity, the first factor--the “extent a judgment rendered in the [party's] absence might be prejudicial to the [party] or those already parties”--takes primary importance and “should weigh heavily in the Rule 19(b) analysis.” The Plaintiffs' relief would cause “serious harm” to it, the United States contended, for several reasons. An injunction barring the State from renegotiating the lease would seriously harm the United States because the PTA “is essential for readiness of all the forces” in the Pacific region and there is no other location in the Pacific at which the training done at the PTA could be accomplished, the United States asserted. Additionally, if the court instead ordered the State to conduct inspections of the leased land, such inspections could burden the United States, it contended, because it could disrupt critical training and raise safety issues.

As to the second factor in the HRCP Rule 19(b) analysis, the extent that prejudice can be avoided through the shaping of relief, the United States contended that the Plaintiffs' proffered shaping of relief would put the extension of the lease in doubt or disrupt the military's training.<sup>22</sup> And as to the fourth factor in the HRCP Rule 19(b) analysis, the adequacy of available remedies should the suit be dismissed, the United States argued that “[c]ourts have recognized ... that the lack of an alternative forum does not automatically prevent dismissal of a suit where the inability results from the nonparty's sovereign immunity.”<sup>23</sup>

The United States further stated that, in the event the case were permitted to go forward and “relief were entered that impacted the interests of the United States,” the United States “would at that time consider what action to take, including whether to file a motion to intervene as a party for the purpose of removing the case to United States District Court pursuant to 28 U.S.C. § 1442(a).”

The court denied the State's motion without prejudice, determining that “things may **\*\*1158 \*160** unfold as a matter of proof during the trial that may implicate some of the arguments being raised.” Based on the pre-trial record, “the Court believe[d] it would be improvident to dismiss any of the claims.”

#### 4. Trial

A bench trial commenced, during which the Plaintiffs presented a series of witnesses who testified regarding the DLNR's management of the leased PTA lands.

The Plaintiffs first called Kevin Moore, the DLNR's custodian of records who responded to the request for government records that Ching filed before the start of litigation. Moore testified that although DLNR's normal practice is to attempt to inspect leased lands at least once every two years, the leased PTA land is more difficult to inspect and therefore inspections are conducted

less frequently. Moore stated that the DLNR's lease file contained records of only three inspections of the leased PTA land: one from 1984 that indicated the inspection lasted "no more than one day," which Moore acknowledged was not enough time for an inspector to inspect the 22,900-acre property on foot;<sup>24</sup> one from 1994 that was not signed and did not have anything written in the spaces denoted for the condition of the land or the findings of the inspection; and one from December 2014 that indicated that the premises were in unsatisfactory condition but did not contain any determination as to whether the United States was in compliance with the lease. Moore also testified that a 2013 memorandum circulated within the DLNR suggested the leased PTA land should be swept for UXO to be removed at the United States' expense, but DLNR did not ask the United States Army (Army) to clean up any ammunition as a result of the memorandum.

Moore related that the State had coordinated with the federal government and its various agencies to undertake a number of projects concerning the condition of the leased PTA land. Archeological surveys were done in 2001 as part of a Natural Resource Management Plan created by the United States, for instance, and a Programmatic Agreement between state and federal agencies permitted "cultural monitors" to be involved with inspections. According to Moore, these plans and programs ultimately demonstrated that the Army was the agency primarily responsible for environmental cleanup of the PTA leased land, but they also established that the Hawai'i Department of Health shared responsibility by providing support and regulatory oversight.

The Plaintiffs also called Kealoha Pisciotta, a former cultural monitor for the battle area complex (BAX) within the PTA. Pisciotta testified that during her inspections she observed and noted in her reports a range of debris left over from military exercises, including munitions and UXO, stationary targets, junk cars, an old tank, crudely built rock shelters, and other miscellaneous military rubbish. She testified that some of her reports recommended that the debris be cleaned up, but not all of the UXO that she observed was removed.

Next, the Plaintiffs called Suzanne Case, Chair of the BLNR and the Director of the DLNR. Plaintiffs' counsel showed Case a 2014 action memorandum from the Army addressed to the DLNR stating that a bazooka range within the PTA was heavily contaminated with explosive hazards, ammunitions, and debris that posed a significant danger to public health and welfare. Case testified that she did not remember receiving or having been shown the memorandum by DLNR staff and that she was not aware of any lease compliance issues that had been raised to the BLNR regarding the PTA lease during her tenure as Chair. She also testified that the DLNR did not have a written policy regarding when inspections of leased premises were to be conducted and instead chose which leases to inspect based on available resources, the risks involved, and whether the public had drawn attention to a specific property.

The Plaintiffs then called Deputy Attorney General William Wynhoff, who had previously **\*\*1159 \*161** testified in a pretrial deposition on behalf of the DLNR. Wynhoff testified that to the best of his knowledge, the DLNR did not have a written procedure to ensure compliance with all terms of the PTA lease. DLNR's practice, Wynhoff stated, is to keep all records related to leases in the lease file. Wynhoff acknowledged that prior to the filing of this suit, there were no documents in the PTA lease file indicating that the DLNR had asked for or received assurances from the United States that it was in compliance with the lease.

Ching testified next. Ching, who is part Hawaiian, stated he was a member of the Pōhakuloa Cultural Advisory Committee, which advised the Army of cultural concerns related to its activities within the PTA. Ching testified that, during his bimonthly trips to the PTA as a member of the committee, he witnessed blank ammunition and other trash and military debris "strewn around" that negatively affected his spiritual and traditional practices.

After Ching's testimony, the Plaintiffs called Kahalelio. Kahalelio testified that she was at least fifty percent Hawaiian and that, to her, caring for the land at Pōhakuloa was a cultural practice. She explained that she and other Hawaiian practitioners participate in cultural ceremonies at Pōhakuloa, which she compared to going to church. Kahalelio testified that, during one such cultural trip to Pōhakuloa in November 2014, she observed debris and blank ammunition on the ground and that this destruction of the land made her feel "angry" and "hurt."

The Plaintiffs' final witness was Russell Tsuji, a former Deputy Attorney General, State Land Administrator at the DLNR, and Deputy Director of the DLNR. Tsuji stated that, while he was employed at the DLNR, he was in charge of managing state-owned lands and was a custodian of records contained in the PTA lease file. None of the files in the PTA lease file, Tsuji testified, mentioned paragraphs 9 and 14 of the lease. He was also unaware of any conversations that occurred during his employment at the DLNR regarding compliance with these lease provisions. Tsuji explained that his goal was to have land agents inspect leases at least once every two years while he was employed at the DLNR, but he stated that this target was "aspirational" rather than a mandatory rule. Tsuji acknowledged that prior to the initiation of the lawsuit, the leased PTA land had not been inspected during his tenure at the DLNR, which spanned ten years.

Tsuji testified that the DLNR's PTA lease file contained a series of letters and reports from the United States Army that documented a need to clean up the leased PTA land, including a 2006 report indicating that there was debris in the BAX within the PTA; a 2008 report stating that there may have been munitions on PTA land; a 2013 final environmental impact statement (EIS) stating that UXO was "known to exist in impact area" and that "there [was] also a medium risk of finding [UXO] outside [the construction] area"; and a 2014 report stating that "[t]he military need[ed] to implement some kind of clean-up process as part of their training in PTA" because "[r]emnants of military trash [was] everywhere ... including unexploded ordnance that [was] carelessly discarded." When asked about the DLNR's response to one of the reports, Tsuji testified that he did not know if anyone at the DLNR "actually read" the report and noted that there was no record on file that the DLNR ever responded to the report.

Tsuji testified that, after the lawsuit was filed, he sent a letter to the Army requesting its procedures for cleaning munitions after training exercises. Tsuji indicated that the Army responded by sending a letter setting forth its cleanup procedures. Tsuji also testified that he conducted an inspection of the leased PTA land in December 2014, approximately one year after receiving the Army's response. One of the reasons for the inspection was the lawsuit, Tsuji acknowledged. During this inspection, he observed trash, "[s]pent shells," "shell debris," and "derelict vehicles" used as target practice at the bazooka range. According to Tsuji, a draft inspection report was created after the inspection, which was revised after he conducted another inspection in January 2015. Tsuji indicated that the final report stated that the land condition was "unsatisfactory," but he **\*\*1160 \*162** testified that the DLNR did not issue a default notice to the Army.<sup>25</sup>

At the conclusion of Tsuji's testimony, the Plaintiffs rested. The State did not call any witnesses.

## 5. The Circuit Court Decision

On April 3, 2018, the circuit court issued its Findings of Fact, Conclusions of Law and Order.

### a. Findings of Fact

The circuit court made the following relevant findings of fact.

In 1964, the State entered into a sixty-five year lease of three parcels of land in the Pōhakuloa area with the United States for military training purposes. These land parcels are ceded lands owned by the State that are part of the public lands trust. The public trust lands are state-owned lands held for the use and benefit of the people of the State of Hawai'i, and the State is the trustee of such lands. Accordingly, the State has "the highest duty to preserve and maintain the trust lands."<sup>26</sup>

The Plaintiffs had in the past and continued to be actively engaged in cultural practices upon the leased PTA land. These cultural practices included song, dance, and chant about the PTA area, walking upon and celebrating the land and the flora and fauna that grow upon it, and honoring the current and historic cultural significance of the area.

The State was aware of the United States' failure to clean up other sites in the state<sup>27</sup> and of the possibility that UXO and munitions were present on the leased PTA land. Cultural monitors spent "extensive time" at the leased PTA land and observed military debris on the ground, including UXO and "spent shell casings, scattered across" the land. The concerns of the cultural monitors were documented in a number of federal reports. For example, the United States prepared a November 2010 report entitled "Final Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawai'i Island, Hawai'i" that included a recommendation from cultural monitors that "[t]he Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash are everywhere." (Emphasis omitted.) The report also stated that the cultural monitors voiced the following: "Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process."

These concerns were reiterated four years later in a second, similarly titled report. This report contained observations from cultural monitors who stated that "[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape." The report noted the cultural monitors feared that if the litter continued to remain on the land, "the land will be rendered unusable forever--one eighth of our island will become unavailable for use by any of our future generations." The cultural monitors therefore **\*\*1161 \*163** "strongly recommend[ed] the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas." (Emphasis in report.)

Additionally, a March 2015 draft report stated that, based on a 2014 inspection by the DLNR and the Army, a bazooka range contained on the leased PTA land was "heavily contaminated on the surface with material potentially presenting an explosive hazard [ ] and munition debris [ ]." A subsequent inspection of the bazooka range by military explosive ordnance disposal units found mortars, bazooka rounds, and white phosphorous on the land. The Army determined that the debris found at the bazooka range "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare."

The State's awareness of the potential contamination of the leased PTA land was also demonstrated by a March 2013 letter from the Acting Hawai'i Branch Manager for the DLNR to the State Lands Assistant Administrator. The Branch Manager recommended that "PTA should sweep the lands North of the saddle road for UXO and remove any UXO found at their expense to make the area safe for the public."<sup>28</sup> Additionally, a March 2013 Final EIS stated that "[d]ecades of using PTA as a training area have introduced a significant risk of encountering [munitions]/UXO. [Munitions]/UXO [are] known to exist in the impact area and [are] expected to be encountered during range construction activities; but there is also a medium risk of finding [munitions]/UXO outside the impact area." The EIS also stated that "[p]ast and current activities at PTA have resulted in contamination of soil by explosives and other chemicals." Therefore, the State was aware that military training activities on the leased PTA land "pose[d] a significant and substantial risk of harm or damage to [the PTA], and persons who may come upon" the land, and "to public health, safety, and welfare, as well as to the Plaintiffs' cultural interests in the [land]."

Proper stewardship of the leased land includes "periodic and meaningful inspection and monitoring of the military training activities and their aftermath upon the Subject Lands and reasonably accurate documentation of such activities and the effects of such activities to achieve transparency of [the State's] inspection and monitoring actions." Inspections must occur with "a reasonable frequency" for the State to satisfy its duty. The DLNR did not meet its informal goal of inspecting the leased PTA land once every two years, nor did it adequately document its inspection efforts "so as to provide rudimentary transparency into the DLNR's efforts." An inspection of the PTA occurred on December 19, 1984, for which a "sparse" report was generated that stated only the following: "Property being used for Military training purposes per lease terms." Another inspection "appear[ed] to have been conducted" in 1994, although the "findings" and "inspected by" sections of the inspection form were blank.

A third inspection occurred on December 23, 2014, after the litigation in this case had begun, and this inspection resulted in a report that "contained much more information" than those created from the two previous inspections. The 2014 Inspection Report stated that the condition of the land was "not satisfactory."<sup>29</sup> The report indicated that debris was "extensive" at the

bazooka range, that there were “derelict vehicles” at one of the target ranges, and that an area was used for dumping spent artillery shells.

“The lack of regular, meaningful inspection and monitoring of the” leased PTA land contributed to the breach of the State's trust duties, which in turn “harmed, impaired, diminished, or otherwise adversely affected Plaintiffs’ cultural interest in the” leased land.

#### **\*\*1162 \*164 b. Conclusions of Law**

The circuit court rendered the following relevant conclusions of law.

The Plaintiffs had standing to enforce a breach of trust claim against the State, and the United States was not an indispensable party to the case because the Plaintiffs’ claim concerned only the State's trust obligations. The State, as trustee of the ceded land, owed a “high standard of care when managing public trust ceded lands.” The State's trust duties include but are not limited to using “reasonable efforts” to (1) preserve and protect trust property, and (2) take a proactive role in management and protection of the trust property. The State had a duty to consider the cumulative effects of the United States’ use of the land upon the condition of the land and upon “the indigenous plants, animals, and insects, as well as the invasion to Plaintiffs’ cultural interests in the Subject Land.” Additionally, the State had a duty to determine whether the lessee was in compliance with the terms of the lease. And the Chair of the BLNR specifically had a duty to “[e]nforce contracts respecting ... leases ... or other disposition of public lands.” (Quoting HRS § 171-7(5).<sup>30</sup>)

As part of its trust duties, the State was required, to enforce paragraphs 9, 14, 18, and 19 of the PTA lease. The State's records regarding its efforts to inspect the leased land and report its findings “were spotty at best” and in some cases “grossly inadequate.”<sup>31</sup> Although there were studies and inspections completed regarding “other business” on the leased land, such as the EIS, these were not conducted to fulfill the State's trust duties.

The State therefore breached its duties by failing to (1) conduct reasonable (in terms of frequency and scope) inspections of the condition of the leased PTA land or observations of the military training exercises, (2) ensure that the terms of the lease were being followed, (3) take prompt and appropriate follow-up steps with the United States when the State became aware of potential violations of the lease, (4) create detailed reports of the State's efforts to ensure compliance with the lease, and (5) initiate or assist with the appropriation of necessary funding to conduct cleanup or maintenance activities on the land. The court stated that the State would further breach its trust duties “if they were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled.”

#### **c. Order**

The court explained that because the Plaintiffs prevailed on the merits, the appropriate remedy was for the court to issue an order directing the State to perform its trust duties with respect to the leased PTA land. The court concluded that the balance of harm favored the issuance of a mandatory injunction and that protection of the public trust lands was in the public interest. The court therefore ordered that the State promptly initiate affirmative activity at the PTA in accordance with its trust duties by developing a written plan to fulfill such duties. The plan was required to include provisions for (1) on-site monitoring and inspections, (2) the creation of written inspection reports with recommendations, (3) a written protocol of appropriate action to be taken if the United States is to be found to be in breach of the lease, (4) a procedure to provide for “reasonable transparency” to the Plaintiffs and the general public with respect to compliance with the injunction, and (5) all steps that the State takes to “secur[e] adequate funding, from any and all appropriate funding sources, to plan, initiate, and conduct all appropriate comprehensive

cleanup.” The plan \*\*1163 \*165 was required to be submitted to the court for approval. Additionally, the court ordered the State to create contested case procedures pursuant to HRS Chapter 91, if not already in existence, “for Plaintiffs or any member of the general public with standing to initiate such process in the event that Plaintiffs or other interested party may contest the decisions made by the [State] in the course of discharging” their trust duties.

The circuit court entered Final Judgment on April 24, 2018.

#### D. The Appeal and Motions to Dismiss

The Department of the Attorney General (AG) filed a timely Notice of Appeal. The Plaintiffs filed a Motion to Dismiss the Appeal and argued that the AG did not have the authority to file an appeal “on behalf of BLNR or DLNR without BLNR's consent.”<sup>32</sup> (Citing Chun v. Bd. of Trs. of the Emps.’ Ret. Sys., 87 Hawai'i 152, 952 P.2d 1215 (1998).) The State replied that the AG was authorized to appeal the decision because the AG “has authority to manage and control all phases of litigation” in suits against state officials. (Citing Island-Gentry Joint Venture v. State, 57 Haw. 259, 554 P.2d 761 (1976).)

The Plaintiffs filed an application for transfer to this court, which the State did not oppose. This court granted the application on December 20, 2018.

### III. STANDARD OF REVIEW

[1] [2] [3] Certain decisions regarding the orderly administration of trial and the selection of an appropriate remedy to redress an injury “rest[ ] with the sound discretion of the trial court[,], and the trial court's decision will be sustained absent a showing of manifest abuse of discretion.” Hawaii Pub. Emp't Relations Bd. v. United Pub. Workers, Local 646, 66 Haw. 461, 467, 667 P.2d 783, 788 (1983). For instance, this court applies an abuse of discretion standard when it reviews a trial court's determination as to whether to dismiss a case pursuant to HRCF Rule 19(b) for a party's failure to join an indispensable party. UFJ Bank Ltd. v. Ieda, 109 Hawai'i 137, 142, 123 P.3d 1232, 1237 (2005) (citing Takabuki v. Ching, 67 Haw. 515, 529, 695 P.2d 319, 328 (1985)). Similarly, a trial court's grant of equitable relief, including a declaratory judgment or a mandatory injunction, will be upheld unless an abuse of discretion is demonstrated. Kau v. City & Cty. of Honolulu, 104 Hawai'i 468, 473, 92 P.3d 477, 482 (2004) (citing Shanghai Inv. Co. v. Alteka Co., 92 Hawai'i 482, 492, 993 P.2d 516, 526 (2000)); United Pub. Workers, 66 Haw. at 467, 667 P.2d at 788.

[4] [5] [6] By contrast, we review a trial court's conclusions of law *de novo*. Narayan v. Ass'n of Apartment Owners of Kapalua Bay Condo., 140 Hawai'i 75, 83, 398 P.3d 664, 672 (2017) (citing Nordic PCL Constr., Inc. v. LPIHGC, LLC, 136 Hawai'i 29, 41, 358 P.3d 1, 13 (2015)). Thus, a trial court's grant or denial of summary judgment is reviewable using our independent judgment under the right/wrong standard, as are the statutory and constitutional interpretations underlying the court's determinations. *Id.*; State v. March, 94 Hawai'i 250, 253, 11 P.3d 1094, 1097 (2000). But this court will uphold the findings of fact to which the trial court applies these interpretations unless they are clearly erroneous. Noel Madamba Contracting LLC v. Romero, 137 Hawai'i 1, 8, 364 P.3d 518, 525 (2015).

### IV. DISCUSSION

#### A. The Motions to Dismiss

[7] Before addressing the merits of the State's appeal in this case, we must first consider the Plaintiffs' motions to dismiss asserting that the AG lacked authority to bring the appeal without the express authorization of the BLNR and, derivatively, the

authorization of the Board's Chairperson and the DLNR, which the Board heads. This court first addressed the allocation of litigation authority between the AG and other government agencies in **\*\*1164 \*166** Island-Gentry Joint Venture v. State, 57 Haw. 259, 264, 554 P.2d 761, 765 (1976). In Island-Gentry, the BLNR agreed to a financial settlement with a landowner after it breached a purchase agreement to acquire the owner's property in order to build a school. Id. at 261, 554 P.2d at 763. Upon discovering that the landowner had thereafter sold the land to a third party for over twice the BLNR's agreed-upon purchase price, the AG declined to pay the agreed-upon settlement, reasoning that the landowner had "suffered no damage resulting from [the] State's failure to honor its agreement to purchase the land." Id. at 262, 554 P.2d at 764. The landowner brought suit to enforce the settlement.

This court held that under the general grant of authority contained in HRS § 26-7 (Supp. 1975),<sup>33</sup> the AG "has exclusive authority to control and manage for the State all phases of civil litigation in which the State has an interest, unless authority to do so in specific matters has been expressly or impliedly granted to another department or agency." Id. at 264-65, 554 P.2d at 765-66. We held that this authority necessarily includes the authority to control the settlement of actions against the State. Id. at 265, 554 P.2d at 766. The same section also grants the AG "exclusive authority to approve as to the legality and form of all documents relating to the acquisition of any land or interest in land by the State," we noted. Id. This court held that implicit in these express grants of authority was the "sole power to approve or to refuse to approve as to the legality and form of any compromise settlement effectuated by the [BLNR] in regards to the [BLNR]'s breach of a contract to purchase land for the State." Id. Because the record identified that "no other department or agency ha[d] been expressly or impliedly granted the authority to approve or to disapprove as to the legality and form of the settlement in question," we held that the BLNR was without authority to bind the State to the settlement. Id.

Chun v. Board of Trustees of the Employees' Retirement System, 87 Hawai'i 152, 952 P.2d 1215 (1998), on which the Plaintiffs rely, stands in tension with Island-Gentry. In Chun, the circuit court vacated a decision of the Board of Trustees of the Employees Retirement System concerning the retirement benefits of a group of teachers and school administrators, finding that the Board had miscalculated the benefits as a result of its misinterpretation of the applicable statute. Id. at 158, 952 P.2d at 1221. During the pendency of the case, the composition of the Board had changed, and the newly constituted Board deadlocked in a four-to-four vote on a motion to authorize an appeal of the circuit court's decision. Id. at 160, 952 P.2d at 1223. The Chairperson of the Board thus sent a letter informing the AG that the "motion failed because it did not receive the necessary majority vote." Id. at 161, 952 P.2d at 1224. When the AG nevertheless filed a notice of appeal, the retirees filed a motion to dismiss the appeal, arguing that the AG had no independent authority to pursue it without the Board's consent. Id.

This court held that a distinction exists between, on the one hand, the AG's duty under HRS § 28-1 (1993)<sup>34</sup> and the common law to represent the State in furtherance of the public interest as the AG deems it to be, and on the other hand, the AG's duty under **\*\*1165 \*167** HRS § 26-7 to serve as legal counsel to the public officials and instrumentalities of the State, *inter alia*, when they are sued in their professional capacity. Id. at 170, 952 P.2d at 1233. Extensively quoting the Supreme Court of West Virginia, we stated,

When the Attorney General appears in a proceeding on behalf of the state in her name, she exercises her discretion as to the course and conduct of the litigation. She assumes the role of a litigant and she is entitled to represent what she perceives to be the interest of the state and the public at large.

....

The Attorney General performs quite a different function when she appears to defend a state officer or instrumentality sued in their official capacity. In this circumstance the Attorney General does not appear as a party to the action. That role is filled by the state officer or instrumentality against whom the suit is brought. Rather, the Attorney General's function is to act as legal advisor and agent of the litigant and to prosecute or defend, within the bounds of the law, the decision or policy of such officer or instrumentality which is called into question by such lawsuit.

....

The Legislature has designated the Attorney General as the legal representative of state officers and instrumentalities sued in their official capacities. In the absence of other statutory or constitutional provision to the contrary, she is their sole legal representative in the courts and they are her clients. When the Attorney General appears in litigation in this capacity, she does so as a lawyer and an officer of the court. Her primary responsibility is to provide proper representation and competent counsel to the officer or instrumentality on whose behalf she appears. The Attorney General's role in this capacity is not to make public policy in her own right on behalf of the state. It is presumed, in the absence of a contrary showing, that the officer made a party to the suit has, in the performance of his or her official duties, acted in contemplation of the relevant laws and in the best interests of the state. The Attorney General's role and duty is to exercise her skill as the state chief lawyer to zealously advocate and defend the policy position of the officer or agency in the litigation.

The Legislature has thus created a traditional attorney-client relationship between the Attorney General and the state officers or instrumentalities she is required to represent. It is well settled that in the control of litigation, the Attorney General has the duty to conform her conduct to that prescribed by the rules of professional ethics. As a lawyer and an officer of the courts of this State, the Attorney General is subject to the rules of this Court governing the practice of law and the conduct of lawyers, which have the force and effect of law.

Id. at 171-73, 952 P.2d at 1234-36 (quoting Manchin v. Browning, 170 W.Va. 779, 296 S.E.2d 909, 918-20 (1982)) (alterations omitted) (emphases added). This court thus held that when the AG represents a state official or instrumentality in its official capacity, the official or instrumentality is the AG's client and the allocation of authority in that relationship is governed by at least some provisions of the Hawai'i Rules of Professional Conduct (HRPC). Id. at 173-74, 952 P.2d at 1236-37.

Applying HRPC Rule 1.7, which governs conflicts, this court held that, once the AG has informed the state official or instrumentality of the different legal strategies and defenses available and provided a professional opinion as to their advisability, the AG “should then stand aside and allow [the] client to exercise [ ] independent judgment on which course to pursue.” Id. at 174, 952 P.2d at 1237 (emphasis and alterations omitted) (quoting Manchin, 296 S.E.2d at 920). Because the AG's position in pursuing the appeal was at odds with the Board's wishes, this court held that the AG “was ethically obligated to recommend the retention of other counsel to represent the Board and to take such other action as, in her opinion, the circumstances required.” Id. at 176, 952 P.2d at 1239. The AG lacked authority, however, to pursue the appeal without the Board's consent. Id. at 177, 952 P.2d at 1240.

**\*\*1166 \*168** In a footnote in Chun, the court asserted that its holding was consistent with Island-Gentry, focusing on the Island-Gentry court's statement that the AG has ultimate authority to make litigation decisions “unless authority to do so in specific matters has been expressly or impliedly granted to another department or agency.” 87 Hawai'i at 171 n.21, 952 P.2d at 1234 n.21 (emphasis omitted) (quoting Island-Gentry, 57 Haw. at 264–65, 554 P.2d at 765–66). The court stated that, unlike with the BLNR in Island-Gentry, the legislature had enacted a series of laws that conferred upon the Board of Trustees of the Employees Retirement System “the powers and privileges of a corporation,” including the powers to “sue or be sued and transact all of its business.” Id. (citing HRS §§ 88–22, 88–23, 88-110). These statutes acted to divest the AG of the authority to control litigation with respect to the Board, the court reasoned. Id.

This distinction is problematic, however. Analogous statutes existed conferring substantially the same authority on the BLNR at the time Island-Gentry was decided. See, e.g., HRS § 171-7(8) (1968) (“Except as provided by law the board of land and natural resources through the chairman shall: ... (8) Bring such actions and proceedings as may be necessary to carry out the powers and duties of the board in the name of the State and to defend such actions brought against the State as may be authorized[.]”). Moreover, the Chun court based its analysis not on the withdrawal of the general authority of the AG under HRS §§ 28-1 and 26-7 by another statute, but rather on the distinction between the different aspects of that authority. See 87 Hawai'i at 169-70, 952 P.2d at 1232-33 (“Thus, by [its] terms, HRS § 26–7 ... designate[s] the attorney general as legal counsel for ‘public officers’ and instrumentalities of the state[.] ... At the same time, however, HRS § 28–1 mandates that the attorney general ‘represent the State in all ... civil matters where the State ... may be an interested party.’ ” (some alterations original)).

The cases can be more logically reconciled in two ways. First, because Island-Gentry concerned the settlement of litigation arising directly from a breach of a contract to acquire public lands, approval of the settlement agreement fell within the AG's "exclusive authority" under HRS § 26-7 "to approve as to the legality and form of all documents relating to the acquisition of any land or interest in land by the State." And second, the settlement agreement essentially "commit[ed] the State to an obligation to pay a sum of money out of State funds"--which was authority that had not been granted to BLNR. Island-Gentry, 57 Haw. at 264, 554 P.2d at 765.

Thus, Chun should be read as limiting Island-Gentry to situations when the AG appears on behalf of the State generally (as opposed to on behalf of a specific State public official or instrumentality), when the action falls within the AG's exclusive statutory authority, or when the result of the action would commit the State to pay public funds that have not been appropriated to the represented State official or instrumentality. By contrast, when the AG appears on behalf of a specific State official or instrumentality and the above exceptions do not apply, the AG has a duty to comply with the wishes of the represented party that is loosely analogous to the duty a private attorney owes a client under the HRPC and other professional standards.<sup>35</sup> Chun, 87 Hawai'i at 173, 952 P.2d at 1236.

[8] The Plaintiffs argue that, in the absence of an affirmative vote by the BLNR, the AG was not authorized to bring an appeal in the present case. Yet our precedent and legal professional standards more generally permit--and in some cases require--an attorney to take the procedural steps necessary to \*\*1167 \*169 protect a client's right to appeal. See Maddox v. State, 141 Hawai'i 196, 204, 407 P.3d 152, 160 (2017) ("Defense counsel should take 'whatever steps are necessary' to protect the client's right to appeal ...." (quoting ABA Standards for Criminal Justice: Prosecution and Defense Function, Standards 4-8.2(b), 4-8.3(c) (3d ed. 1993))). Unlike in Chun, in which the Chairperson of the Board sent a letter "informing [the AG] of the Board's refusal to authorize an appeal of [the circuit court's] decisions," there is no indication in the record that the BLNR communicated to the AG a desire not to pursue the present appeal--nor is there any evidence that the appeal is at odds with the BLNR's wishes. 87 Hawai'i at 161, 952 P.2d at 1224 (second alteration original). "[W]here no conflict plainly appears ... it is generally presumed 'that the actions and determinations of the Attorney General in ... a lawsuit are made both as a representative of the public interest and as counsel for the state agency or officer.'" Id. at 170, 952 P.2d at 1233 (some alterations in original) (quoting D'Amico v. Bd. of Med. Exam'rs, 11 Cal.3d 1, 15, 112 Cal.Rptr. 786, 520 P.2d 10 (1974)). Accordingly, we deny the Plaintiffs' two motions to dismiss the appeal.

## B. The State's Appeal

[9] The State argues that the circuit court erred by failing to dismiss the case or grant summary judgment to the State on the grounds that 1) the United States was a necessary and indispensable party under HRCF Rule 19 whose joinder was not feasible due to its sovereign immunity; 2) the case presented a nonjusticiable political question regarding how the State should manage the leased PTA land; and 3) the case did not present an "actual controversy" in which a declaration could "terminate the uncertainty or controversy giving rise to the proceeding" as is required for declaratory relief under HRS § 632-1.<sup>36</sup> The State additionally challenges the circuit court's findings and conclusions insofar as the court found that the State breached its trust duties by failing to perform adequate inspections of the leased PTA land and declined to consider the State's cooperative activities with entities other than the State in determining whether the State had violated its trust obligations. Lastly, the State argues that the injunctive relief granted by the circuit court was improper because it was tantamount to an award of damages barred by the State's sovereign immunity and the order granting relief was vague, overbroad, and improperly intruded on legislative prerogatives. This opinion will address the State's contentions alleging related errors together.

### 1. The United States Is Not a "Necessary" Party and Therefore Is Not "Indispensable"

[10] [11] The State contends that the United States is a necessary and indispensable party to the present case under HRCF Rule 19 and that the circuit court reversibly erred by failing to either join the United States or dismiss the case due to its absence. Under our precedents, an analysis under HRCF Rule 19 follows two steps. Kellberg v. Yuen, 135 Hawai'i 236, 250-51, 349 P.3d 343, 357-58 (2015). First, courts must determine if the party is a "necessary" party under part (a) of the rule, and if so, whether joinder of the party is feasible. Id. If the court finds that a party is necessary and joinder is not feasible, it then proceeds to part (b) of the rule, under which it analyzes whether "in equity and good conscience" the case can continue in the party's absence. Id. at 252, 349 P.3d at 359 (quoting HRCF Rule 19(b)). "If, under this second step, the court dismisses the action rather than moving forward without the absent party, the nonparty is described as 'indispensable.'" Id. (quoting Marvin v. Pflueger, 127 Hawai'i 490, 499, 280 P.3d 88, 97 (2012)).

HRCF Rule 19(a) sets forth a number of factors for courts to consider in evaluating **\*\*1168 \*170** whether an entity is a necessary party who should be joined if feasible. The rule provides, in relevant part, as follows:

(a) Persons to be joined if feasible. A person who is subject to service of process shall be joined as a party in the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person's absence may (A) as a practical matter impair or impede the person's ability to protect that interest or (B) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of the claimed interest.

With respect to HRCF Rule 19(a)(2),<sup>37</sup> this court does not need to speculate as to the interest claimed by the United States in the subject matter of this case because the United States filed a statement of interest in the circuit court. Before this court, the State repeats the United States' assertion that "[t]he action here relates to the public land leased by the State to the United States for military purposes and puts directly at issue the United States' compliance with the terms of the lease." The State contends that the United States clearly has an interest in an action "forcing the State to initiate rigorous enforcement action against" the United States.

[12] But determining whether the State fulfilled its duties as trustee in this case does not require determining whether the United States in fact complied with the lease, however, and if a breach of the State's trustee duties is found, the appropriate remedy would not be an order requiring the State to initiate an enforcement action. Article XI, section 1 of the Hawai'i Constitution places upon the State a fiduciary duty analogous to the common law duty of a trustee with respect to lands held in public trust. See In re Conservation Dist. Use Application HA-3568 (In re TMT), 143 Hawai'i 379, 400, 431 P.3d 752, 773 (2018); State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 121, 566 P.2d 725, 735 (1977). Article XII, section 4 imposes a similar duty regarding lands ceded to the State under Section 5(b) of the Admission Act. It is undisputed that the leased PTA land at issue in this case is trust land within the meaning of these constitutional provisions.

[13] The most basic aspect of the State's trust duties is the obligation "to protect and maintain the trust property and regulate its use." Zimring, 58 Haw. at 121, 566 P.2d at 735; accord Restatement (Second) of Trusts § 176 (1959) ("The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property."). Under the common law, this obligation includes an obligation to reasonably monitor the trust property. See Restatement (Third) of Trusts § 90 cmt. b (2007); Tibble v. Edison Int'l, — U.S. —, 135 S.Ct. 1823, 1828, 191 L.Ed.2d 795 (2015). This duty exists regardless of whether the property is being used by a third party pursuant to a lease.

[14] Reasonable monitoring ensures that a trustee fulfills the mandate of "elementary trust law" that trust property not be permitted to "fall into ruin on [the trustee's] watch." United States v. White Mt. Apache Tribe, 537 U.S. 465, 475, 123 S.Ct. 1126, 155 L.Ed.2d 40 (2003). To hold that the State does not have an independent trust obligation to reasonably monitor the trust property would be counter to our precedents and would allow the State to turn a blind eye to imminent damage, leaving beneficiaries powerless to prevent damage before it occurs. Cf. Kelly v. 1250 Oceanside Partners, 111 Hawai'i 205, 231, 140 P.3d 985, 1011 (2006) (holding that the Department of Health's article XI, section 1 public trust duty to protect coastal waters

required it to “not only issue permits after prescribed measures appear to be in compliance with state regulation, but also ensure that the prescribed measures are actually being implemented.” (emphasis added)).

**\*\*1169 \*171** Thus, the State might breach its fiduciary duty by failing to reasonably monitor public ceded lands, including the public ceded lands within the PTA that the United States utilizes pursuant to its lease with the State. Such a breach would be complete upon the State's failure to reasonably monitor the ceded land--irrespective of whether the United States actually violated the lease. A determination of whether the State breached its duty by failing to monitor the United States' compliance with the lease therefore will not require a subsidiary determination that the United States breached the terms of the lease, and thus it will not impair the United States' ability to defend itself against any such speculative future claim. And because the court would not be determining whether the United States violated the terms of the lease, the appropriate remedy for the alleged breach of the State's trust duties would be an order requiring the State to initiate appropriate monitoring--and not an order requiring the State to initiate an enforcement action.

The United States further asserted in its statement of interest that an order requiring the State to inspect or monitor the United States' use of the PTA “at specified times” has the potential to disrupt critical training exercises. In a similar vein, the State argues that the disposition of the case could put the State at risk of incurring inconsistent obligations because the United States may deem the required monitoring to be “[un]reasonable” or determine that it “unduly interfere[s]” with training operations, ultimately leading to a separate determination under the lease's dispute resolution mechanism. However, these concerns were speculative. Under paragraph 19 of the lease, the State “shall have the right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly interfere with activities of the [United States].” And while this right of entry is subject to advance clearance from the United States, the lease specifies “that such advance clearance shall not be unreasonably held.” There was no indication at the time the State's motions were determined that the extent of the monitoring the court might order would necessarily be inconsistent with the State's rights under the lease so as to prejudice the United States' interests or subject the State to conflicting obligations.<sup>38</sup>

[15] The United States also asserted in its statement of interest that courts have recognized that all parties to a contract are necessary parties in any equitable action that requires interpretation of the contract. As an initial matter, a reading of the unambiguous text on the face of the lease does not require “interpretation” of the contract. See Airgo, Inc. v. Horizon Cargo Transp., Inc., 66 Haw. 590, 594, 670 P.2d 1277, 1280 (1983) (stating that a contract is ambiguous “when the terms of the contract are reasonably susceptible to more than one meaning”). Further, the cases cited by the United States are inapposite and do not support its position. Each case involved an action that sought to invalidate, enforce, or establish a breach of the terms of the contract at issue.<sup>39</sup> These cases did not hold that parties to a contract must be joined in any action regarding a trustee's duty to **\*\*1170 \*172** reasonably monitor the property that is the subject of the contract. Unlike the cited cases, this action seeks neither to invalidate the lease nor to directly enforce its terms but rather to require the State to monitor the leased PTA land and the United States' compliance with the lease. The cited cases thus do not apply.<sup>40</sup>

[16] [17] The United States contended and the State similarly argues that an injunction barring the State from renegotiating the lease until any breach of its terms is cured would adversely impact the United States' interests directly by inhibiting its right to renew the lease and indirectly by undermining its ability to make future plans for the PTA. This presumes, however, that the court was required to provide all of the precise remedies that the Plaintiffs requested. It is well settled that in an equitable action, a court has “broad discretionary power to ... craft remedies to preserve equity.” Ito v. Inv'rs Equity Life Holding Co., 135 Hawai'i 49, 62, 346 P.3d 118, 131 (2015). Courts may use this discretion to devise remedies that avoid prejudicing the rights of an absent party, and this latitude should be considered in determining whether a party is necessary and should be joined if feasible. See Salt Lake Tribune Pub. Co. v. AT&T Corp., 320 F.3d 1081, 1097 (10th Cir. 2003) (“Tribune Publishing mistakenly assumes that the only remedy that will give it complete relief is an order compelling KTLLC to specifically perform under the Option Agreement with respect to every Tribune Asset it owns. An order of complete specific performance is one way in which Tribune Publishing can receive complete relief, but it is not the only way.”). Thus, the fact that the Plaintiffs requested a remedy barring the renegotiation of the lease does not alter our determination that the circuit court did not abuse its discretion in concluding that the United States is not a necessary party to the action. (Indeed, the circuit court did not ultimately issue an

injunction barring the State from renegotiating the lease until it determines that the United States has complied with its terms, notwithstanding the Plaintiffs' request for such relief.)

Lastly, it is noted that the United States stated in its filing that "if relief were entered that impacted the interests of the United States, the Government would at that time consider what action to take, including whether to file a motion to intervene as a party for the purpose of removing the case to United States District Court pursuant to 28 U.S.C. § 1442(a)." And, in denying the State's motion to add the United States as a party without prejudice, the circuit court stated that the United States would have an "automatic right to intervene" if it chose to. Nevertheless, the United States has not filed a motion to intervene in the present case, nor even requested permission to participate as *amicus curiae*--which would avoid any waiver of sovereign immunity. See Sch. Dist. of Pontiac v. Sec'y of U.S. Dept. of Educ., 584 F.3d 253, 266 (6th Cir. 2009). In determining whether the circuit court erred in permitting the case to proceed in the United States' absence, it is appropriate for this court to consider that, "even if the [United] States ha[d] a particular interest in this dispute, [it] had the opportunity to intervene to protect that interest but declined to participate." Id. "[I]t would turn Rule 19 analysis on its head to argue that the [United] States' interests are now impaired because [it] declined to participate in this much-publicized case." Id.

Based on the foregoing, we affirm the circuit court's denial of the State's motions to join the United States as a necessary party and to dismiss the case for failure to join an indispensable party.

## 2. The Case Presents a Justiciable Controversy

### a. The Alleged Breach of Trust Is an Actual Controversy for Purposes of HRS § 632-1

[18] The State argues that, because the Plaintiffs have not alleged that the United States actually violated the terms of the lease, there is no controversy between the parties of sufficient immediacy and reality to warrant declaratory judgment.<sup>41</sup> The State relies on Asato v. Procurement Policy Board, 132 Hawai'i 333, 322 P.3d 228 (2014) and Kau v. City and County of Hawai'i, 104 Hawai'i 468, 92 P.3d 477 (2004), which it contends demonstrate that the Plaintiffs' claim is too speculative to qualify for declaratory relief under HRS § 632-1.

[19] Recently, this court considered the requirements that must be met to demonstrate a controversy that is subject to a request for declaratory relief under HRS § 632-1(b). We held that

a party has standing to seek declaratory relief in a civil case brought pursuant to HRS § 632-1 (1) where antagonistic claims exist between the parties (a) that indicate imminent and inevitable litigation, or (b) where the party seeking declaratory relief has a concrete interest in a legal relation, status, right, or privilege that is challenged or denied by the other party, who has or asserts a concrete interest in the same legal relation, status, right, or privilege; and (2) a declaratory judgment will serve to terminate the uncertainty or controversy giving rise to the proceeding.

Tax Found. of Hawai'i v. State, 144 Hawai'i 175, 202, 439 P.3d 127, 154 (2019).<sup>42</sup> It is clear that the Plaintiffs' assertion that the State breached the trust duty that it owes to them as beneficiaries meets these requirements, and additionally, the cases relied upon by the State are inapposite.

In Asato, the plaintiff brought suit seeking to invalidate an administrative rule relating to the State's contracting policies and to void every contract that the State had entered into under the regulation. 132 Hawai'i at 337, 322 P.3d at 232. Notably, the claim in Asato was brought under HRS § 91-7(a), which allows "any interested person" to challenge an agency rule.<sup>43</sup> Asato did not concern HRS § 632-1, and it thus does not provide guidance herein. See Tax Found., 144 Hawai'i at 194–95, 439 P.3d at 146–47 (discussing the requirements of HRS § 91-7 and HRS § 632-1 separately).

Further, even if Asato had been brought under HRS § 632-1, its holding is not helpful to the State. Although the Asato court invalidated the challenged administrative rule, it declined to declare that the contracts entered \*\*1172 \*174 into under the regulation were void, noting that no connection had been alleged between the plaintiff and any of the individual contracts. Id. at 355, 322 P.3d at 250. The court determined that, without knowing the plaintiff's relation to each contract, it could not identify any controversy that could be ended by a declaration that the contracts were void. Id. (“Absent any rendition of the circumstances surrounding each contract, it cannot be determined from the allegations whether there is a substantial controversy as to a particular contract that is of sufficient immediacy and reality to warrant a declaratory judgment.” (internal quotations omitted)).

By contrast, the Plaintiffs here are connected to the PTA and the manner in which the State manages it because the PTA is held in trust by the State for the Plaintiffs' benefit. This is to say that the trust duty that the Plaintiffs allege the State has breached is a duty the State owes to the Plaintiffs, and a declaration regarding whether the State has breached that duty would terminate the controversy by clarifying the contours of that duty.

The State also relies on Kau, in which this court considered a Honolulu ordinance that permitted the lessees of condominium units to purchase fee simple interests through a condemnation proceeding. 104 Hawai'i at 472, 92 P.3d at 481. The case began when the fee simple owners of a condominium project brought an action seeking a declaration that the subdivision of the property into individual units would end upon the expiration of the developer's master lease in 2014, and thus the sublessees of the individual units would not acquire fee simple interests in their individual units if they were condemned under the ordinance. Id. The Kau court held that, because the fee simple owners were “requesting a judgment based on the expiration of the Master Lease, an event that [would] occur at some time in the future; there [wa]s no actual controversy in existence at th[at] time.” Id. at 475, 92 P.3d at 484. Specifically, the court noted that the declaration would require speculation as to the conditions that would exist when the master lease expired. Id. During the interim, the court reasoned, the city could condemn the fee owner's interest or the fee owners could make the appropriate filings to make the subdivision permanent, thereby avoiding the situation that the fee simple owners wished the court to rule on. Id.

Unlike in Kau, the Plaintiffs' breach of trust claim based on a failure to reasonably monitor the United States' compliance with the lease does not require the court to speculate about future conditions--nor even the present likelihood that the United States is currently in breach of the lease.<sup>44</sup> Rather, the Plaintiffs alleged that the State has already breached its duty as a trustee by failing to monitor compliance with the provisions of the lease, irrespective of whether the United States actually complied with the lease terms. This case thus presents the type of controversy that is necessary to qualify for relief under HRS § 632-1(b).

#### **b. The Alleged Breach of Trust Does Not Present a Political Question**

[20] [21] [22] Under the political question doctrine, courts refrain from deciding certain matters that are committed to the discretion of the other branches of government, reasoning that government action in these areas is properly addressed through democratic processes. See Trs. of Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 171, 737 P.2d 446, 456 (1987). This court has adopted the test for identifying a political question articulated by the United States Supreme Court in Baker v. Carr, 369 U.S. 186, 217, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962). Under the Carr formulation, a political question may be found when “on the surface of [a] case” there is 1) “a textually demonstrable constitutional commitment \*\*1173 \*175 of the issue to a coordinate political department;” 2) “a lack of judicially discoverable and manageable standards for resolving it;” 3) “the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion;” 4) “an unusual need for unquestioning adherence to a political decision already made;” or 5) “the potentiality of embarrassment from multifarious pronouncements by various departments on one question.” Yamasaki, 69 Haw. at 169-70, 737 P.2d at 455 (quoting Carr, 369 U.S. at 217, 82 S.Ct. 691).

The State contends that Plaintiffs' claim that it violated its constitutional public trust duties is a nonjusticiable political question under Yamasaki and Nelson v. Hawaiian Homes Commission. In Yamasaki, the Trustees of the Office of Hawaiian Affairs

brought suit seeking 20% of the proceeds derived by the State as damages from an illegal sand mining operation taking place on ceded lands. 69 Haw. at 165-67, 737 P.2d at 452-54. Although HRS § 10-13.5 provided that “[t]wenty per cent of all funds derived from the public land trust ... shall be expended by the [O]ffice of Hawaiian Affairs,” the court held that the case presented a political question because no judicially discoverable and manageable standards existed for determining whether the damages amounted to “funds derived from the public land trust.” *Id.* at 174, 737 P.2d at 458. Resolving the case would require an initial policy determination that was typically reserved for nonjudicial discretion, the court held. *Id.* at 174-75, 737 P.2d at 458. In *Nelson*, the court held that determining what constitutes “sufficient funds” for three of the four purposes set forth in article XII, section 1 of the Hawai'i Constitution<sup>45</sup> was a political question not suited for judicial resolution. 127 Hawai'i at 188, 277 P.3d at 282. The court held that, even were it to declare that the amount of funds currently dedicated to three of the four purposes was insufficient, there were no discoverable standards in the text or constitutional history of the provision for a court to affirmatively determine the amount that would be sufficient. *Id.* at 206, 277 P.3d at 300.

These cited cases are plainly distinguishable. Unlike in *Yamasaki* and *Nelson*, this court's precedents interpreting the State's constitutional trust obligations and the widely developed common law of trusts provide many judicially discoverable and manageable standards for determining whether the State breached its trust duties. “It is well settled that the determination of whether or not a particular proposed action, by the trustee of a charitable trust, would constitute a breach of that trust, is a matter to be determined by the courts, as a part of their inherent jurisdiction.” *Kapiolani Park Pres. Soc. v. City & Cty. of Honolulu*, 69 Haw. 569, 571, 751 P.2d 1022, 1024 (1988) (citing 15 Am.Jur.2d *Charities* § 135 (1976); 14 C.J.S. *Charities* § 49 (1939)).

The State points to the Ninth Circuit decision in *Price v. Hawaii*, in which the court held that as a matter of federal law, section 5(f) of the Admission Act<sup>46</sup> did not incorporate “all provisions of the common law of trusts” because to do so “would manacle the State as it attempted to deal with the vast quantity of land conveyed to it.” 921 F.2d 950, 954-56 (9th Cir. 1990). While this court has approvingly quoted this passage when examining the State's obligations when administering a different, statutorily created trust, see \*\*1174 \*176 *Awakuni v. Awana*, 115 Hawai'i 126, 133, 165 P.3d 1027, 1034 (2007), this does not establish that the common law of trusts is wholly inapplicable. This is to say that a ruling that not all provisions of the common law apply does not equate to a ruling that none of the provisions of the common law apply. Indeed, the same year that the Ninth Circuit decided *Price v. Hawaii*, it relied in part on the common law of trusts when it held in a related case that the same plaintiff stated a claim against the Office of Hawaiian Affairs based on an alleged breach of its section 5(f) trust duties. See *Price v. Akaka*, 928 F.2d 824, 826-27 (9th Cir. 1990) (“In addition, allowing Price to enforce § 5(f) is consistent with the common law of trusts, in which one whose status as a beneficiary depends upon the discretion of the trustee nevertheless may sue to compel the trustee to abide by the terms of the trust.” (citing Restatement (Second) of Trusts §§ 214(1) cmt. a, 391)).

Further, this court may draw upon its own case law interpreting the State's constitutional trust obligations for administrable standards, including instances in which we have explicitly stated that beneficiaries of the ceded land trust may bring actions to determine whether executive branch agencies have breached their constitutional trust duties. See, e.g., *Pele Def. Fund*, 73 Haw. 578, 605, 837 P.2d 1247, 1264 (1992) (“We find that the actions of state officials, acting in their official capacities, should not be invulnerable to constitutional scrutiny. Article XII, § 4 imposes a fiduciary duty on Hawai'i's officials to hold ceded lands in accordance with the § 5(f) trust provisions, and the citizens of the state must have a means to mandate compliance.”). The State's contention that this case presents a nonjusticiable political question is thus without merit.

### 3. The Circuit Court Did Not Err in Concluding the State Breached Its Trust Duties

#### a. The Circuit Court Correctly Determined that the State has a Trust Duty To Reasonably Monitor the Trust Property, Including the United States' Compliance with the Terms of the Lease that Protect the Trust Property

[23] In its conclusions of law, the circuit court determined that the State's trust duties include using “reasonable efforts” to preserve trust property and to take a proactive role in the management and protection of the leased PTA land. The court ruled

that one aspect of this duty is an obligation “to use reasonable efforts to ensure that Said Lease provisions that affect or impact the condition of ceded lands and all living things thereon are being followed and discharged.” Further, the court concluded that the State has a duty to consider the cumulative effects of the United States’ use of the land upon the condition of the land and upon “the indigenous plants, animals, and insects, as well as the invasion to Plaintiffs’ cultural interests in the Subject Land.” Although the State blends its arguments regarding the nature of its legal trustee duties with those regarding the underlying justiciability of the case, the State appears to dispute these rulings and to argue that its trustee duties do not include an obligation to reasonably monitor the leased PTA land.

The State's duties with respect to the leased PTA land are derived in part from the properties’ status as “ceded land”—which are lands that were held by the civil government or the monarchy of the Hawaiian Kingdom at the time of the 1893 overthrow of the Hawaiian monarchy. See Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254. When the United States annexed Hawai'i by a joint resolution of Congress in 1898, real property that had been classified as government lands or crown lands was ceded to the federal government. Id. Recognizing their special character, the Joint Resolution of Annexation exempted these lands from the general laws of the United States that governed federal land. State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 124, 566 P.2d 725, 736 (1977) (citing Joint Resolution of July 7, 1898, 30 Stat. 750). Instead, the resolution specified that these lands should be held in a “special trust” for the benefit of the people of Hawai'i. Id. When Hawai'i was admitted into the Union as a state in 1959, these ceded lands were transferred back to the newly established state, subject to the trust provisions set forth in section 5(f) of the Admission Act. \*\*1175 \*177 Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254 (citing Hawaii Admission Act, Pub. L. No. 86–3, 73 Stat. 4, 6 (1959)). Article XII, section 4 was later added to the Hawai'i Constitution to formally recognize these responsibilities, specifying that the land “shall be held by the State as a public trust for native Hawaiians and the general public.”<sup>47</sup> Id. at 586, 837 P.2d at 1254 (quoting Haw. Const. art. XII, § 4). At that same time, the framers and the people of Hawai'i adopted article XI, section 1, which created a public trust consisting of “all public natural resources” to be administered by the State for the benefit of the people.<sup>48</sup> Haw. Const. art. XI, § 1.

[24] As the State concedes, our case law and the common law of trusts make the State “subject to certain general trust duties, such as a general duty to preserve trust property.” See, e.g., Zimring, 58 Haw. at 121, 566 P.2d at 735 (“Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use.”); Kaho'ohanohano v. State, 114 Hawai'i 302, 325, 162 P.3d 696, 719 (2007) (“[It] is always the duty of a trustee to protect the trust property....” (quoting Brenizer v. Supreme Council, Royal Arcanum, 141 N.C. 409, 53 S.E. 835, 838 (1906))); In re Estate of Dwight, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) (“A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property.” (citing Bishop v. Pittman, 33 Haw. 647, 654 (Haw. Terr. 1935)); Restatement (Second) of Trusts § 176 (“The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property.”).<sup>49</sup> As trustee, the State must take an active role in preserving trust property and may not passively allow it to fall into ruin. United States v. White Mt. Apache Tribe, 537 U.S. 465, 475, 123 S.Ct. 1126, 155 L.Ed.2d 40 (2003) (“[E]lementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on [the fiduciary's] watch.”). It is self-evident that an obligation to reasonably monitor trust property to ensure it is not harmed is a necessary component of this general duty, as is a duty to investigate upon being made aware of evidence of possible damage. This obligation inherently includes a duty to make reasonable efforts to monitor third-parties’ compliance \*\*1176 \*178 with the terms of agreements designed to protect trust property.

This court held as much in Kelly v. 1250 Oceanside Partners, in which it considered the article XI, section 1 public trust duties of the Hawai'i Department of Health (DOH) with respect to a private development abutting coastal waters that the State had classified as “AA,” meaning the waters were legally required to be kept as nearly as possible in their natural, pristine condition. 111 Hawai'i 205, 227-29, 140 P.3d 985, 1007-09 (2006). Although DOH had issued a permit to the developer that included provisions requiring the developer to abide by State regulations prohibiting the pollution of AA waters, this court held that including the provisions in the permit was not the end of DOH's duties as trustee. Id. Under public trust principles, we held, DOH was required to “not only issue permits after prescribed measures appear to be in compliance with state regulation, but also to ensure that the prescribed measures are actually being implemented after a thorough assessment of the possible adverse impacts the development would have on the State's natural resources.” Id. at 231, 140 P.3d at 1011 (emphasis added). We thus

effectively held that the State had a continuing public trust duty to reasonably monitor the developer to ensure it was complying with the permit. See *id.*

The present case presents close parallels to *Oceanside Partners*. As in *Oceanside Partners*, the State entered into an agreement to allow a third party to use land for a particular purpose provided the third party complied with certain conditions intended to protect trust property. And as in *Oceanside Partners*, the State has a continuing trust duty to make reasonable efforts to ensure that the third party actually complies with those conditions. Thus, the State has a constitutional trust obligation to reasonably monitor the United States' compliance with the lease.

The State's attempts to distinguish *Oceanside Partners* are unavailing. As a threshold matter, the State is incorrect that no statute exists setting forth the State's obligations with respect to ensuring the United States' compliance with the lease; HRS § 171-7(5) provides that, “[e]xcept as provided by law the board of land and natural resources through the chairperson shall: ... [e]nforce contracts respecting sales, leases, licenses, permits, or other disposition of public lands[.]” Moreover, this court has made clear that while overlap may occur, the State's constitutional public trust obligations exist independent of any statutory mandate and must be fulfilled regardless of whether they coincide with any other legal duty. *Kauai Springs, Inc. v. Planning Comm'n of Kaua'i*, 133 Hawai'i 141, 172, 324 P.3d 951, 982 (2014) (“As the public trust arises out of a constitutional mandate, the duty and authority of the state and its subdivisions to weigh competing public and private uses on a case-by-case basis is independent of statutory duties and authorities created by the legislature.”); see also *In re TMT*, 143 Hawai'i 379, 416, 431 P.3d 752, 789 (2018) (Pollack, J., concurring) (“Thus, although some congruence exists, BLNR's and the University of Hawai'i at Hilo's public trust obligations are distinct from their obligations under [Hawai'i Administrative Rules] § 13-5-30(c).”).

[25] Additionally, the fact that Paragraph 9 of the lease only requires the United States to “make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” does not render the State powerless to respond to a breach of this provision as the State contends. It is well settled that an agreement by one party to use “reasonable” or “best efforts” generally creates an enforceable obligation as a matter of contract law. See, e.g., *Soroor Trading Dev. Co. v. GE Fuel Cell Sys., LLC*, 842 F.Supp.2d 502, 511 (S.D.N.Y. 2012) (“New York courts use the term ‘reasonable efforts’ interchangeably with ‘best efforts’ ... [and] a ‘best efforts’ clause imposes an obligation to act with good faith in light of one's own capabilities.” (quoting *Monex Fin. Serv. Ltd. v. Nova Info. Sys., Inc.*, 657 F.Supp.2d 447, 454 (S.D.N.Y. 2009))); *Allview Acres, Inc. v. Howard Inv. Corp.*, 229 Md. 238, 182 A.2d 793, 796 (1962) (“What will constitute reasonable efforts under a contract expressly or impliedly calling for them is largely a question of fact in each **\*\*1177 \*179** particular case and entails a showing by the party required to make them of ‘activity reasonably calculated to obtain the approval by action or expenditure not disproportionate in the circumstances.’ ” (quoting *Stabile v. McCarthy*, 336 Mass. 399, 145 N.E.2d 821, 824 (1957))). And, while the lease may not contain a provision expressly allowing the State to terminate the lease, it does contain a dispute resolution mechanism in Paragraph 30. This mechanism appears to specifically contemplate the possibility of judicial enforcement, setting forth the conditions under which “a court of competent jurisdiction” may set aside the administrative factual findings and specifying that administrative decisions on questions of law shall not be final.

Moreover, the State errs by presuming that initiating a formal action to enforce the lease is the only possible response it could undertake to preserve and protect the PTA land if it discovers the United States is in noncompliance with the relevant provisions of the lease. A range of other options may be available that could satisfy its public trust obligations under the circumstances, including seeking to obtain the United States' voluntary cooperation. As the Plaintiffs argued during the summary judgment hearing, how the State responds if reasonable monitoring and investigation lead to a discovery that the United States is not in compliance with the lease could potentially be a separate breach of the State's public trust duties, and this court need not speculate about what hypothetical future actions are reasonable in order to resolve this case.

The State is therefore wrong to suggest that reasonably monitoring the United States' compliance with the lease is a futile or pointless endeavor, and *Oceanside Partners*' holding that the State has an ongoing trust obligation to ensure third-party compliance with provisions designed to protect trust property is dispositive as to the existence of this obligation.

**b. The Circuit Court Did Not Err in Determining that the State Did Not Reasonably Monitor the Trust Property, Including the United States' Compliance with the Lease Terms that Protect Trust Property**

[26] [27] The State appears to argue next that, even if it does have a trust duty to reasonably monitor the United States' compliance with the lease, the circuit court erred in finding that it breached that duty by failing to conduct regular inspections of the PTA and by failing to investigate when it was made aware of evidence that the United States may have violated provisions of the lease designed to protect the leased PTA land. "Typically, whether a fiduciary acted prudently--or in other words, as a reasonably prudent fiduciary--is a question of fact." *Harley v. Minn. Mining & Mfg. Co.*, 42 F.Supp.2d 898, 907 (D. Minn. 1999); see also *Knodle v. Waikiki Gateway Hotel, Inc.*, 69 Haw. 376, 385, 742 P.2d 377, 383 (1987) ("Whether there was a breach of duty or not, i.e. whether there was a failure on the defendant's part to exercise reasonable care, is a question for the trier of fact."). Accordingly, the circuit court's determination that the State did not reasonably monitor the United States' compliance with the lease terms must be upheld if it is not clearly erroneous.

The circuit court specifically found that the State had breached its trust duties by failing to, *inter alia*:

- (a) conduct regular reasonable (in terms of frequency and scope), periodic monitoring and inspection of the condition of subject public trust lands ...;
- (b) ensure that the terms of the lease that impact the condition of the leased lands or preserving Plaintiffs' cultural interests are being followed;
- (c) take prompt and appropriate follow up steps with military or other federal government officials when [the State] obtain[s] or [is] made aware of evidence or information that the lease may have been violated with respect to protecting the condition of the [PTA] leased lands[.<sup>50</sup>]

**\*\*1178 \*180** (Line breaks added.) In making this determination, the court relied on the fact that "[o]nly three [inspection] reports of any significance, for 1984, 1994, and 2014, were introduced into evidence." Of these, "[t]he 1984 and 1994 reports were grossly inadequate and, in the case of the 1994 report, virtually nonexistent because of its lack of information pertaining to the 1994 inspection." The court stated that it was not considering "other studies or site visits in connection with other business regarding the [PTA], such as environmental impact statements, [because] the court did not view these events as being undertaken as part of [the State's] effort to discharge" its trust duties.

The State argues that the circuit court's determination was clearly erroneous because it explicitly disregarded the State's reliance on cooperative agreements, environmental reports, and archeological surveys to supervise the United States' use of the PTA.<sup>51</sup> Under the circumstances, the State contends, it was reasonable for the State to delegate its duties<sup>52</sup> and rely on its review of ancillary documents to monitor the PTA.

To the extent the State argues that it can delegate its public trust duty to reasonably monitor the PTA to protect and preserve trust property, this contention is squarely counter to our precedent indicating that the State may not delegate its constitutional duties to third-parties. See *Ka Pa'akai O Ka'Aina v. Land Use Comm'n*, 94 Hawai'i 31, 50-51, 7 P.3d 1068, 1087-88 (2000) (holding that the Land Use Commission improperly delegated its article XII, section 7 "responsibility for the preservation and protection of native Hawaiian rights" by authorizing a land reclassification on the promise that the developer would later create a program to accommodate native practitioners, as the "balancing of the developer's interests with the needs of native Hawaiians should have been performed, in the first instance, by the" State agency). The *Ka Pa'akai* court held that the Hawai'i Constitution places "an affirmative duty on the State and its agencies to **\*\*1179 \*181** preserve and protect traditional and customary native Hawaiian rights." *Id.* at 45, 7 P.3d at 1082 (emphasis added). At the core of this affirmative duty, as explained by the *Ka Pa'akai* court, is the responsibility of the State and its constituent agencies to act only after "independently considering the effect of

their actions on Hawaiian traditions and practices.” *Id.* at 46, 7 P.3d at 1083. An affirmative duty of the State to protect and preserve constitutional rights is by its very nature non-delegable.

[28] Even if such a delegation were not inherently invalid under the Hawai'i Constitution and permitted under our common law of trusts, that delegation would itself have to be reasonable under the prudent person standard, and the State would maintain a trust duty to reasonably supervise the agent in its performance of the monitoring. *See supra* note 52. It is self-evident that, as a general matter, it is not reasonable for a trustee to delegate the supervision of a lessee's compliance with the terms of a lease of trust property to the lessee. *Cf. Halderman v. Pennhurst State Sch. & Hosp.*, 526 F. Supp. 428, 433 (E.D. Pa. 1981) (“The Commonwealth defendants appear to take the position that they should be able to monitor their own compliance with the Court's Orders. This would be somewhat akin to requesting the fox to guard the henhouse.”). This is especially true given the circuit court's findings that the State was aware of the United States' history of failing to prevent environmental damage and clean up the remnants of military exercises on other State-owned land that it leases, including Mākua and the Waikāne Valley.

Nevertheless, it is generally not considered a breach of duty for a fiduciary to rely in part on reports prepared by a person as to matters that the fiduciary reasonably believes to be within that person's expertise. *Cf. HRS § 414D-155(b)(2)* (Supp. 2018),<sup>53</sup> *HRS § 414D-149(b)(2)* (Supp. 2018).<sup>54</sup> Democratic principles and the checks and balances of government may arguably serve to make a governmental entity like the United States more accountable than the average lessee, and some of the documents authored on behalf of the United States included observations by independent third parties. If the State took appropriate action to verify the content, it may have reasonably concluded that the reports were reliable, and it could have validly considered them in the course of fulfilling its non-delegable trust duties. The circuit court therefore appears to have erred in disregarding the State's review of these ancillary documents in assessing whether the State had fulfilled its trust duty to reasonably monitor the PTA solely on the basis that these other reports were not “undertaken as part of [the State's] effort to discharge” its trust duties.

But the State's efforts were clearly inadequate in any event. The ancillary reports occurred very infrequently and in some cases cited evidence of damage and suggested that the United States may not have been in compliance with the lease. Indeed, the circuit court made specific findings regarding adverse environmental information included in two of the United States' reports. It noted that a 2010 archaeological and cultural monitoring report stated,

The Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash is everywhere.

....

Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process. (Emphasis omitted.) The court also found that a second archaeological and cultural **\*\*1180 \*182** monitoring report made four years later expressed many of the same concerns with specific regard to the United States' obligations under the lease:

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

....

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

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

(Emphasis and some alterations in original.)<sup>55</sup> There was no indication the State ever followed up on these reports.

The circuit court found that the State breached its trust duties: by failing to conduct regular monitoring and inspections that were reasonable in frequency and scope to examine the condition of the leased PTA land; by failing to ensure that the terms of the lease that impact the condition of the leased PTA land were being followed; and by failing to take prompt and appropriate follow-up steps when it was made aware of evidence that the lease may have been violated with respect to protecting the condition of the leased PTA land. In light of the foregoing, the circuit court did not err in these findings.

#### 4. The Injunctive Relief Ordered by the Circuit Court Was Not Entirely Suited To Remedy the Demonstrated Breach

The circuit court ordered the State to rectify its breach of its constitutional public trust duties by “promptly initiat[ing] and undertak[ing] affirmative activity to malama ‘aina the” PTA. According to the court, this includes but is not limited to developing a written plan to care for the land. The court stated that the plan must include the following:

- regular, periodic on-site monitoring and inspection;
- the making of inspection reports that at minimum include a set of specified information, recommendations for appropriate action, and a nonbinding estimated timeline for when such action should be undertaken;
- a protocol of appropriate action that will be undertaken if the State discovers an “actual, apparent, or probable breach of any provision” of the lease by the United States, [UXO] or debris deposited during training exercises, any other foreign or non-natural item or contaminate connected with the lease, or any other condition adversely affecting the PTA;
- a protocol or other assurance to bring any nonconforming condition found that is likely caused by the United States under the lease into pre-lease condition on a reasonable timetable;
- a set of steps the State will take to obtain or assist in securing adequate funding for a comprehensive cleanup of the PTA; and
- a procedure to provide reasonable transparency to the Plaintiffs and the general public with regard to the **\*\*1181 \*183** State's progress in fulfilling the court's order.

The court also ordered the State to initiate HRS Chapter 91 rulemaking to establish a contested case procedure, if not already in existence, through which the Plaintiffs or any member of the general public with standing could challenge the State's decisions in the course of discharging its trust duty to care for the leased PTA lands. Lastly, the court ordered that the State submit its plan to care for the land to the court for approval prior to executing it.

[29] The form and scope of injunctions issued by Hawai'i courts are governed by HRCF Rule 65(d), which provides as follows:

Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

(Emphases added). We have stated that, when granting an injunction, a court should adopt relief and “mold[ ] its decree to satisfy the requirement[s] of th[e] particular case and thereby conserve the equities of all of the parties.” *Fleming v. Napili Kai, Ltd.*, 50 Haw. 66, 70, 430 P.2d 316, 319 (1967); see also *Moffat v. Speidel*, 2 Haw. App. 334, 335, 631 P.2d 1205, 1206 (1981) (holding that a court's failure to “mold its decree and the relief granted to satisfy the requirements of the case” violates HRCF Rule 65(d)). In interpreting the substantively identical federal rule, federal courts have consistently held that injunctions must “remedy only the specific harms shown by the plaintiffs.” *Price v. City of Stockton*, 390 F.3d 1105, 1117 (9th Cir. 2004) (internal quotes and citations omitted). An overbroad injunction is an abuse of discretion. *Kohl v. Legoullon*, 936 P.2d 514, 519 (Alaska 1997).

As discussed *supra*, the circuit court correctly determined that the State breached its constitutional trust duties by failing to reasonably monitor the PTA, including by failing to inspect the land to ensure the United States' compliance with the lease terms intended to protect and preserve trust property. Much of the circuit court's order was appropriately tailored to address this breach. By requiring the State to develop and execute a plan to conduct regular, periodic monitoring and inspection, the court's order ensured that the State would fulfill its trust duty to inform itself of the present condition of the leased PTA land and whether the United States was in compliance with the relevant terms of the lease so that it might take further action if needed to protect and preserve trust property.<sup>56</sup> By requiring these inspections to be documented in detailed inspection reports, the order assures that the inspections are meaningful and allows trust beneficiaries to evaluate the State's response to what it discovers, enabling the bringing of a future action to enforce the State's trust duties if it fails to fulfill them. And by requiring the State to establish a procedure to ensure reasonable transparency to the Plaintiffs and general public regarding the State's progress with complying with the court's order, the order ensures its own effectiveness through public oversight.

[30] The State contends that because the circuit court's order does not specify how often the periodic inspections must take **\*\*1182 \*184** place, it is impermissibly vague.<sup>57</sup> But it is not uncommon for courts to issue generally-stated orders requiring government agencies to submit plans to remedy constitutional violations and then evaluate the adequacy of the plans prior to their implementation.<sup>58</sup> And this court has prescribed substantially more intensive monitoring to ensure specific compliance with terms of a broadly phrased order. See *Konno v. Cty. of Hawai'i*, 85 Hawai'i 61, 79, 937 P.2d 397, 415 (1997) ("We further instruct the circuit court to fashion injunctive relief requiring the landfill to be transferred from private operation to County operation as rapidly as possible but consistent with practical and public interest concerns. The circuit court shall also monitor the transition and may impose sanctions for non-compliance."); see also *Tugaeff v. Tugaeff*, 42 Haw. 455, 459 (Haw. Terr. 1958) ("A court of equity, having once assumed jurisdiction of a case, will retain the case to afford complete relief.") The State's objections are thus without merit. Under the circumstances of this case, the court did not abuse its discretion in ordering these remedies.

[31] Many other portions of the circuit court's order, however, appear designed to remedy breaches of the State's trust duties that the Plaintiffs did not allege, including some that have not and may not occur. Foremost among these is the circuit court's statement that its order to care for the land "includes, but is not necessarily limited to" the measures specifically described therein. Courts have generally held that injunctions cannot be "so vague that they have no reasonably specific meaning." *E. & J. Gallo Winery v. Gallo Cattle Co.*, 967 F.2d 1280, 1297 (9th Cir. 1992). "The aims of Rule 65(d) are to minimize the occasion for follow-on proceedings to the issuance of an injunction and to protect defendants from being held in contempt for failure to follow a directive that was a trap because of its ambiguity." *United States v. Apex Oil Co.*, 579 F.3d 734, 739 (7th Cir. 2009). The circuit court's order did not give the State any notice of what other, unstated measures the State was required to comply with, and the order thus must be limited to those remedies it expressly described.

Additionally, a number of the remedies ordered by the circuit court were unconnected with the State's breach of its duty to monitor and inspect the leased PTA land. The court ordered the State to develop and potentially execute a protocol to obtain, or assist in securing, adequate funding for a comprehensive cleanup of the leased PTA land. And the circuit court ordered the State to initiate rulemaking to establish a contested case procedure through which the public could challenge the State's decisions in generally caring for the leased PTA land, if such a procedure did not already exist. Yet the Plaintiffs in this case did not allege that the State had violated its trust duties by allowing or failing to rectify damage to the leased PTA land. Nor did the Plaintiffs contend that the State was constitutionally required to allow the public a voice in its general decisions regarding its care for the leased PTA land. Rather, the Plaintiffs argued only that the State breached its duty to inspect and monitor the leased PTA land. The State may very well have a public trust obligation to rectify damage to the leased PTA land, and the public may have some right to be heard on decisions that implicate the State's trust obligations with respect to the leased PTA land. But these are not the claims that were brought in this case, and the remedies ordered by the circuit court are thus not "tailored to eliminate only the specific harm **\*\*1183 \*185** alleged."<sup>59</sup> *Quiksilver, Inc. v. Kymsta Corp.*, 360 F. App'x 886, 889 (9th Cir. 2009) (quoting *E. & J. Gallo*, 967 F.2d at 1297).

[32] The circuit court also ordered a range of injunctive relief concerning the State's duties upon discovering damage or noncompliance during its inspections. The court required the State to set forth a binding plan of action that it would undertake if it were to discover unexploded ordnance, debris, or any other foreign or non-natural item or contaminate connected with the lease, as well as a plan to bring any "nonconforming" condition likely caused by the United States into pre-lease condition. And the circuit court ordered the State to set forth in a binding plan the actions that it would take upon specifically discovering a breach of the lease terms by the United States. However, as stated, the Plaintiffs have not alleged any breach of trustee duties related to the State's allowance or failure to rectify actual damage, and the Plaintiffs have adamantly maintained throughout these proceedings that they are not alleging that the United States has actually breached the lease. Rather, the Plaintiffs argued only that the State had a trust duty to "determine for itself whether the terms of the lease are being fulfilled."

[33] [34] As the Plaintiffs acknowledged during the hearing on their motion for summary judgment, how the State responds if it does later determine that the United States is not in compliance with the lease may result in a separate breach of the State's trust duties. The same holds true for any other damage to the leased PTA land the State may discover during its monitoring and inspections. Evaluating this hypothetical separate breach would require the circuit court to speculate about various questions that it cannot currently resolve, including whether the State's monitoring will lead to the discovery of damage or noncompliance of lease terms by the United States, whether the United States will cure the damage or noncompliance on its own accord, and whether any further action by the State will be reasonable given the circumstances at that time. As this court has held, courts are not at liberty to grant relief based on "an event that [may] occur at some time in the future" because "there is no actual controversy in existence at this time." Kau v. City & Cty. of Honolulu, 104 Hawai'i 468, 472, 92 P.3d 477, 481 (2004). For the same reason, the circuit court's conclusion that the State would breach its trust duties if it were to renew the lease without first determining that the United States was in compliance with the existing lease was impermissibly speculative.

Thus, to the extent the circuit court made the provisions of its order that were not tailored to address the established breach binding upon the State, it strayed beyond its valid discretion in fashioning the injunction. Nevertheless, given the circumstances, including the length of time during which the State has failed to fulfill its trust duties and the State's claim to having near total discretion in its management of the public ceded land at issue in this case, it was not inappropriate for the circuit court to provide guidance as to how the State may fulfill its trust obligations in the future. See Beneficial Hawaii, Inc. v. Kida, 96 Hawai'i 289, 312, 30 P.3d 895, 918 (2001) ("Equity jurisprudence is not bound by strict rules of law, but can mold its decree 'to do justice[.]'" (quoting Bank of Hawaii v. Davis Radio Sales & Serv., Inc., 6 Haw. App. 469, 481, 727 P.2d 419, 427 (1986))). We therefore hold that the portions of the court's order directing the State to undertake specific actions that were not tailored to remedy the established breach of the State's trust duties are nonbinding recommendations to be considered by the State going forward in its management of the leased PTA lands.

## V. CONCLUSION

Based on the foregoing, the Plaintiffs' motions to dismiss the appeal respectively filed on July 27, 2018, and August 10, 2018, are denied. The circuit court's January 14, 2015 Order Denying Defendants' Motion for Judgment **\*\*1184 \*186** on the Pleadings, or in the Alternative, for Summary Judgment, Filed October 7, 2014 is affirmed. The circuit court's April 24, 2015 Order Denying Defendants' Motion to Add United States as a Party, or in the Alternative, for Dismissal Filed February 26, 2015 is also affirmed. This court rules as follows regarding the circuit court's April 3, 2018 Findings of Fact, Conclusion of Law and Order and the circuit court's April 24, 2018 Final Judgment:

- Denial of the State's motion to add the United States as a party: Affirmed
- Denial of the State's motion to dismiss the case for failing to join an indispensable party: Affirmed
- Denial of the State's motion for summary judgment: Affirmed
- Finding that the State had breached its trust duties: Affirmed

- Order requiring the State to undertake any activities not expressly stated therein: Vacated
  - Order requiring the State to submit a plan that must include the following:
    - Regular, periodic on-site monitoring and inspection of the leased PTA land and the United States' compliance with relevant lease provisions: Affirmed
    - The making of detailed reports for each such monitoring or inspection event: Affirmed
    - A protocol of appropriate action in the event the State discovers an actual or apparent breach of lease terms, any condition or situation adversely affecting the PTA, unexploded ordnance or debris, or any other foreign or non-natural item or contaminant: Vacated with Instructions to Render as a Non-binding Recommendation
    - A plan or other assurance that any nonconforming condition likely caused by the United States be reasonably brought to pre-lease condition: Vacated with Instructions to Render as a Non-binding Recommendation
    - A procedure to provide reasonable transparency to the Plaintiffs and the general public with respect to the requirements of the order: Affirmed
    - If not already in existence, the institution of a contested case procedure adopted pursuant to HRS Chapter 91 for Plaintiffs or other members of the public to contest the State's decisions in managing the PTA: Vacated with Instructions to Render as a Non-binding Recommendation
    - The steps the State shall take to explore, evaluate, make application for, or secure adequate funding to conduct a comprehensive cleanup of the PTA: Vacated with Instructions to Render as a Non-binding Recommendation
  - Order requiring the State to execute the plan once it is approved by the circuit court: Affirmed
- This case is accordingly remanded to the circuit court for further proceedings consistent with this opinion.

### All Citations

145 Hawai'i 148, 449 P.3d 1146

### Footnotes

- 1 Hawaii's ceded lands are lands which were classified as government or crown lands prior to the overthrow of the Hawaiian monarchy in 1893. Upon annexation in 1898, the Republic of Hawaii ceded these lands to the United States. In 1959, when Hawaii was admitted into the Union, the ceded lands were transferred to the newly created state, subject to the trust provisions set forth in § 5(f) of the Admission Act.  
  
Pele Def. Fund v. Paty, 73 Haw. 578, 585, 837 P.2d 1247, 1254 (1992).
- 2 The PTA as a whole is approximately 134,000 acres and includes land ceded to the United States military by Presidential and Governor's Executive Orders, land purchased by the United States in fee simple from a private owner, and land that is leased from the State.
- 3 Paragraph 9 of the lease states the following:  
  
In recognition of public use of the demised premises, the Government shall make every reasonable effort to stockpile supplies and equipment in an orderly fashion and away from established road and trails and to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.
- 4 Paragraph 14 provides the following:

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

5 Paragraph 29 provides the following:

The Government shall surrender possession of the premises upon the expiration or sooner termination of this lease and, if required by the Lessor, shall within sixty (60) days thereafter, or within such additional time as may be mutually agreed upon, remove its signs and other structures; provided that in lieu of removal of structures the Government abandon them in place. The Government shall also remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that expenditures for removal of shells will not exceed the fair market value of the land.

6 Paragraph 18 provides the following:

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

7 Paragraph 19 provides the following:

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

8 Paragraph 30 provides the following:

(a) That, except as otherwise provided in this lease, any dispute concerning a question of fact arising under this lease which is not disposed of by agreement shall be decided by the Division Engineer, U.S. Army Engineer Division, Pacific Ocean, Honolulu, Hawaii, hereinafter referred to as said officer, who shall within a reasonable time reduce his decision and the reasons therefor to writing and mail or otherwise furnish a copy thereof to the Lessor. The decision of the said officer shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the Lessor mails or otherwise furnishes to the said officer a written appeal addressed to the Secretary of the Army. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this condition, the Lessor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal.

(b) This Condition does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: Provided, that nothing in this Condition shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(c) That all appeals under this provision shall be processed expeditiously.

9 Under Hawai'i Rules of Appellate Procedure Rule 43(c), a public officer named in a case is automatically substituted by his or her successor when the holder of the office ceases to hold office on appeal. Accordingly, Suzanne Case has been substituted for William J. Aila, Jr., whom she succeeded as Chairperson.

10 The Plaintiffs' First Amended Complaint added four paragraphs citing a state-run website and several federal cases that allegedly demonstrated that the State was aware that the United States' military had failed to clean up ordnance on other land leased to the United States.

11 Approximately one month after the Plaintiffs filed their complaint, the State filed a notice of removal from the circuit court to the United States District Court for the District of Hawai'i. The Plaintiffs subsequently filed a motion to remand the case back to circuit court. The federal district court granted the Plaintiffs' motion, concluding that "at issue is a purely state-law breach of trust claim raising numerous questions of fact and substantial questions of Hawaii law regarding the State's obligations as to ceded lands."

12 HRS § 632-1 provides the following in relevant part:

Relief by declaratory judgment may be granted in civil cases where an actual controversy exists between contending parties, or where the court is satisfied that antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation, or where in any such case the court is satisfied that a party asserts a legal relation, status, right, or privilege in which the party has a concrete interest and that there is a challenge or denial of the asserted relation, status, right, or privilege by an adversary party who also has or asserts a concrete interest therein, and the court is satisfied also that a declaratory judgment will serve to terminate the uncertainty or controversy giving rise to the proceeding. Where, however, a statute provides a special form of remedy for a specific type of case, that statutory remedy shall be followed[.]

13 HRS § 673-1 provides in relevant part as follows:

(a) The State waives its immunity for any breach of trust or fiduciary duty resulting from the acts or omissions of its agents, officers and employees in the management and disposition of trust funds and resources of:

....

(2) The native Hawaiian public trust under article XII, sections 4, 5, and 6 of the Constitution of the State of Hawaii implementing section 5(f) of the Admission Act[.]

14 HRS § 632-3 provides that "[f]urther relief based on a declaratory judgment may be granted whenever necessary or proper, after reasonable notice and hearing, against any adverse party whose rights have been adjudicated by the judgment."

15 At a hearing regarding the motions, the State also argued that it should prevail on the merits because an internal memorandum attached to its Memorandum in Opposition showed that there were internal discussions at the DLNR regarding the monitoring of the United States' compliance with the lease. This memorandum was sent from the Acting Hawai'i Branch Manager of the Division of Forestry and Wildlife (DOFAW) to the DLNR regarding DOFAW's comments on cancellation and issuance of a new lease with the United States for the PTA. One concern noted by DOFAW was that the United States "should sweep the lands ... for UXO and remove any UXO found at their expense to make the area safe for the public."

16 The Honorable Gary W.B. Chang presided.

17 On November 14, 2014, approximately one month after the hearing and one week before the Plaintiffs filed their supplemental memorandum, the DLNR sent a letter to a United States Army officer requesting the following:

[A] description of the procedures utilized to comply with the[ ] provisions of Lease No. S-3849, including detailed information about any action taken by the United States following training exercises to remove or deactivate ordnance, as well as actions taken to remove trash or garbage resulting from Government use of the lease premises.

18 HRCP Rule 19(b) provides that courts should weigh the following factors when determining whether a party is indispensable:

[F]irst, to what extent a judgment rendered in the person's absence might be prejudicial to the person or those already parties; second, the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence will be adequate; fourth, whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

19 Prior to this filing, the court denied without prejudice the State's Motion to Add the United States as a Party, or in the Alternative, for Dismissal "because of the possibility that the United States will make a determination that it has a sufficient interest to appear in this case." After the United States filed its Statement of Interest, the State filed a Motion to Dismiss for Failure to Join an Indispensable Party, or in the Alternative, for Summary Judgment in which it made substantially similar arguments to those made in its first motion as to why the United States was a necessary and indispensable party under HRCP Rule 19. The latter motion also argued that the

action was nonjusticiable because, *inter alia*, it presented a political question falling within the discretion of the executive branch and the court could not resolve an “actual controversy” due to the vagueness of the requested relief. For the sake of clarity, this opinion addresses the two motions together with respect to the necessity and indispensability of the United States as a party.

- 20 The United States noted that filing a statement of interest neither constitutes a formal intervention nor makes the United States a party to the proceedings and thus does not amount to a waiver of sovereign immunity. (Citing M.R. v. Dreyfus, 697 F.3d 706, 735 (9th Cir. 2012).)
- 21 The United States used the PTA, it stated, for “combined live-fire and maneuver training,” which “is critical because military operations require significant coordination.” Additionally, the United States explained that the PTA cannot operate as an effective training area without the land leased from the State, because, for safety purposes, the artillery firing ranges contained within the PTA must be situated so that the artillery lands in areas in which soldiers and the general public do not travel. The leased land provides such safety, the United States noted. The leased land was also crucial to the United States training operations, it explained, because the land contains (1) a “Battle Area Complex,” which “allows soldiers to train and test their ability to detect, identify, engage and defeat stationary and moving targets in both open and urban terrain environments,” (2) a “Modular Military Operations in Urban Terrain,” which “is designed to look like villages/towns and contains different types of buildings to practice military operations,” and (3) the Cooper Airstrip, which “is used to practice launches and recovery of Shadow Unmanned Aircraft.”
- 22 As stated, the Plaintiffs asserted that injunctive relief regarding the lease could be shaped by “enjoin[ing] the defendants from executing an agreement extending the lease or entering into a new lease until the defendants ensure that the terms of the existing lease have been fulfilled.” They also contended that the court could shape relief in regards to monitoring by ordering that “the defendants provide a report to [the circuit] court thirty days prior to annual evidentiary hearings on defendants’ efforts to ensure compliance with the lease.”
- 23 The United States did not address the third factor of HRCF Rule 19(b), the adequacy of a judgment rendered in the party's absence.
- 24 Moore stated that it would be difficult for an inspector to inspect the leased land in a motor vehicle due to the rugged terrain.
- 25 Tsuji testified that the report was written by a land agent and that he had no input in the report's conclusion that the land was “unsatisfactory.”
- 26 Throughout its findings of fact and conclusions of law, the circuit court referred to this obligation as the duty to “malama ‘aina,” which the court translated as “to care for the land.”
- 27 Specifically, the court found that the previous Chair of the DLNR, William Aila, Jr., was aware of the United States’ failure to clean up other sites in the state such as Kaho‘olawe, Mākua, and the Waikāne Valley, and the court imputed this knowledge to the State in this case. The court noted that a website maintained by the State contained a history of the island of Kaho‘olawe that explained that the United States Navy did not clear all UXO from 25 percent of the surface of the island. Additionally the court found that the United States’ failure to properly clean the Mākua area was documented in the federal court decisions in Makua v. Rumsfeld, 163 F. Supp. 2d 1202 (D. Haw. 2001), Mākua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mākua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).
- 28 Although the letter stated, “PTA should sweep,” it appears that the Branch Manager was referring to the United States.
- 29 The court found that the Army's assertion recorded in the report that it “regularly inspected and cleaned up after [an] exercise was complete” was contradicted by evidence that there was a significant amount of debris and ammunition on the land.
- 30 HRS § 171-7(5) (2011) provides, in relevant part, “Except as provided by law the board of land and natural resources through the chairperson shall: ... (5) Enforce contracts respecting sales, leases, licenses, permits, or other disposition of public lands[.]”
- 31 The court found that, given “the virtual nonexistent nature of the 1994 inspection report” and “the sparse and incomplete nature of the 1984 inspection report,” there was an un rebutted presumption that the State had failed to conduct any inspections prior to December 2014 to monitor or confirm the United States’ compliance with paragraphs 9, 14, 18, and 19.

- 32 The Plaintiffs later filed a second motion to dismiss to “follow[ ] up” on the first, making substantially similar arguments with respect to the AG's authority to appeal on behalf of the Chair of BLNR without her express consent.
- 33 The portions of HRS § 26-7 cited in Island-Gentry have not been amended since this court's decision in the case. The statute provides in relevant part as follows:
- The department of the attorney general shall be headed by a single executive to be known as the attorney general.
- The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.
- 34 HRS § 28-1, which has not been amended since this court's decision in Chun, provides as follows: “The attorney general shall appear for the State personally or by deputy, in all the courts of record, in all cases criminal or civil in which the State may be a party, or be interested, and may in like manner appear in the district courts in such cases.”
- 35 By so holding, the autonomy of the various agencies that are headed by boards instead of a single executive is preserved, as the framers intended such boards to maintain a level of independence from the governor and officials like the AG who are directly answerable to the governor. See Stand. Comm. Rep. No. 67 in I Proceedings of the Constitutional Convention of Hawaii of 1950, at 217 (1960) (“Your committee has followed the principle that the Governor should be strong in his branch of the government but that he should be precluded from infringing upon the other branches, for example, the power to remove members of the boards and commissions.”).
- 36 Under Hawai'i law, the denial of a summary judgment motion can be appealed following a trial on the merits only if the appeal centers on a question of law rather than the existence of a disputed material fact. See Larsen v. Pacesetter Sys., Inc., 74 Haw. 1, 17-18, 837 P.2d 1273, 1282-83 (1992). Here, the State's contentions are rooted in questions of law, and we accordingly conclude that it is entitled to review of the circuit court's denial of its summary judgment motion on the challenged grounds.
- 37 Neither the State nor the United States make any arguments with respect to HRCF Rule 19(a)(1), under which the court would consider whether the United States' absence would prevent complete relief from being afforded in this case.
- 38 Even if concerns that the State would be subject to inconsistent obligations resulting from the dispute resolution mechanism were sufficient to make the United States a necessary party, the United States correctly asserts that it is not feasible to join it as a party because Congress has not waived sovereign immunity to allow the United States to be involuntarily made a party to the case in Hawai'i state courts. See Minnesota v. United States, 305 U.S. 382, 388, 59 S.Ct. 292, 83 L.Ed. 235 (1939). In determining whether a case should be dismissed for failure to join an indispensable party under HRCF Rule 19(b), courts must consider “the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided.” In this case, the remedy could be tailored to avoid subjecting the State to inconsistent obligations by simply ordering the State to engage in monitoring consistent with its rights under the lease. Thus, dismissal would not be warranted even if the United States were to be considered a necessary party.
- 39 See Dawavendewa v. Salt River Project Agr. Imp. & Power Dist., 276 F.3d 1150, 1157 (9th Cir. 2002) (holding that a Native American tribe was necessary and indispensable in a suit alleging that hiring preference for Native Americans in contract between the tribe and public power company violated civil rights laws); McClendon v. United States, 885 F.2d 627, 633 (9th Cir. 1989) (holding a Native American tribe indispensable in an action to enforce the terms of a rental lease to which the tribe was a party); Queen's Med. Ctr. v. Kaiser Found. Health Plan, Inc., 948 F.Supp.2d 1131, 1165 (D. Haw. 2013) (holding that a health management network was a necessary party in a suit that required demonstrating it had breached the contract to which it was a party).
- 40 To be clear, this opinion does not find or conclude that the United States has breached the lease, nor does it enforce or invalidate any provision of the lease. To the extent any portion of the circuit court's judgment can be interpreted as rendering such a finding, conclusion, or order, we hold that this interpretation is incorrect, and the circuit court's judgment shall be construed consistent with this opinion.

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41 In response, the Plaintiffs argue that the court's jurisdiction over their claims is not dependent on HRS § 632-1. This court has recognized that the beneficiaries of the article XII, section 4 ceded land trust possess a constitutional cause of action against state officials to prospectively enjoin violations of their trust duties. Pele Def. Fund v. Paty, 73 Haw. 578, 601-06, 837 P.2d 1247, 1261-64 (1992). Thus, the Plaintiffs' request for an order requiring the State to prospectively fulfill its trust duties and enjoining future trust violations is not dependent on HRS § 632-1.

We have clarified, however, that the implied constitutional right of action does not permit a court to “turn back the clock” to grant retrospective relief for “actions already taken by the State.” Id. at 601, 837 P.2d at 1262. And we have indicated that suits seeking retrospective declaratory relief based on an alleged constitutional violation that has already occurred are governed by HRS § 632-1. See Nelson v. Hawaiian Homes Comm'n, 127 Hawai'i 185, 205, 277 P.3d 279, 299 (2012) (applying HRS § 632-1 in a suit seeking a declaration that the State had violated its duty to afford “sufficient sums” to the Office of Hawaiian Affairs under article XII, section 1 of the Hawai'i Constitution); Kaho'ohanohano v. State, 114 Hawai'i 302, 332, 162 P.3d 696, 726 (2007) (applying HRS § 632-1 in a suit seeking a declaration that the State had violated the article XVI, section 2 prohibition on the impairment of accrued retirement system benefits). Therefore, to the extent the Plaintiffs are seeking a declaration that the State has already violated its trust duties, this relief is dependent on satisfying the requirements of HRS § 632-1.

42 Hawai'i state courts are not subject to a constitutional “case or controversy” jurisdictional limitation. See Haw. Const. art. VI, § 1 (“The several courts shall have original and appellate jurisdiction as provided by law ....”); Trs. of Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 170 n.17, 737 P.2d 446, 456 n.17 (1987); Tax Found., 144 Hawai'i at 190, 439 P.3d at 142.

43 HRS § 91-7(a) provides as follows:

(a) Any interested person may obtain a judicial declaration as to the validity of an agency rule as provided in subsection (b) by bringing an action against the agency in the circuit court or, if applicable, the environmental court, of the county in which the petitioner resides or has its principal place of business. The action may be maintained whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

44 The circuit court additionally determined that the State would

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

As discussed in more detail infra, Part V.B.4, any breach of trust claim regarding the State's renewal of the lease is speculative and not ripe for review, and thus this aspect of the Plaintiffs' claim does not present a controversy susceptible to declaratory relief under HRS § 632-1.

45 Article XII, section 1 of the Hawai'i Constitution provides in relevant part as follows:

The legislature shall make sufficient sums available for the following purposes: (1) development of home, agriculture, farm and ranch lots; (2) home, agriculture, aquaculture, farm and ranch loans; (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved; (4) the administration and operating budget of the department of Hawaiian home lands; in furtherance of (1), (2), (3) and (4) herein, by appropriating the same in the manner provided by law.

46 “Article XII, § 4 was added to the Hawaii Constitution to expressly recognize the trust purposes and trust beneficiaries of the § 5(f) trust, clarifying that the State's trust obligations extend beyond the Hawaiian Homes Land Trust.” Pele Def. Fund, 73 Haw. at 603, 837 P.2d at 1263 (citing Stand. Comm. Rep. No. 59 in I Proceedings of the Constitutional Convention of Hawai'i of 1978, 643-44 (1980)). “In article XVI, [section] 7, referred to by article XII, [section] 4, the State affirmatively assumes the [section] 5(f) trust responsibilities.” Id. at 586 n.2, 837 P.2d at 1254 n.2.

47 Article XII, section 4 of the Hawai'i Constitution provides in full as follows:

The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as “available lands” by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public.

48 Article XI, section 1 of the Hawai'i Constitution provides in full as follows:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

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

49 The State's duty of care is especially heightened in the context of ceded land held in trust for the benefit of native Hawaiians and the general public under article XII, section 4. This court has approvingly quoted the following in considering the ceded land trust:

The native Hawaiian people continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. The health and well-being of the native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. ‘Aina, or land, is of crucial importance to the native Hawaiian people—to their culture, their religion, their economic self-sufficiency and their sense of personal and community well-being. ‘Aina is a living and vital part of the native Hawaiian cosmology, and is irreplaceable. The natural elements—land, air, water, ocean—are interconnected and interdependent. To native Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians. The ‘aina is part of their ‘ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.

Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai'i, 121 Hawai'i 324, 333, 219 P.3d 1111, 1120 (2009) (alterations omitted) (quoting Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai'i, 117 Hawai'i 174, 214, 177 P.3d 884, 924 (2008)).

50 The circuit court additionally found that the State had breached its trust duties by failing to consistently make reasonably detailed and complete records of its actions to ensure compliance with the lease and by failing to initiate or assist with the appropriation of necessary funding to undertake cleanup of the PTA. And the court held that the State would breach its trust duties if it were to extend or renew the lease “without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled, particularly with respect to any lease provision that has an impact upon the condition of the” PTA. The State does not appear to challenge these conclusions on appeal, raising in their point of error regarding the breach only that “[t]he circuit court erred in finding that the State breached its trust duties by failing to perform adequate inspections of the Subject Land.” Nevertheless, as discussed below, the circuit court's order regarding the securing of funding for cleanup was not suited to remedy the breach alleged by the Plaintiffs, and any holding regarding a future breach of the State's trust duties is speculative.

51 These documents included a copy of the United States training regulations and procedures from 1970, an environmental assessment for a training exercise in 1982, a 1984 archeological survey report, a 2002 Integrated Natural Resources Management Plan, a 2004 environmental impact statement, and a 2004-2010 “Programmatic Agreement” to provide additional protection to cultural sites.

52 The State cites Restatement (Second) of Trusts § 171 for the proposition that a trustee has authority to cooperate, consult, and delegate to others tasks relating to trust administration when it is reasonable to do so. However, this is not an accurate description of Restatement (Second) of Trusts § 171, which is entitled “Duty Not to Delegate.” (Emphasis added.) Under the approach taken by the First and Second Restatement, “[t]he trustee is under a duty to the beneficiary not to delegate to others the doing of acts which the trustee can reasonably be required personally to perform.” Id.; Restatement (First) of Trusts § 171. However, “[t]he position of The American Law Institute was fundamentally changed in 1992,” and Restatement (Third) of Trusts § 80, “Duty with Respect to Delegation,” provides as follows:

(1) A trustee has a duty to perform the responsibilities of the trusteeship personally, except as a prudent person of comparable skill might delegate those responsibilities to others.

(2) In deciding whether, to whom, and in what manner to delegate fiduciary authority in the administration of a trust, and thereafter in supervising or monitoring agents, the trustee has a duty to exercise fiduciary discretion and to act as a prudent person of comparable skill would act in similar circumstances.

Restatement (Third) of Trusts § 80 and Reporter's Notes on § 80. Hawai'i courts have not explicitly adopted either the Restatement's original position or the new position set forth in the Third Restatement, though many older cases make clear that at least some of a trustee's duties are non-delegable. See Hartmann v. Bertelmann, 39 Haw. 619, 627 (Haw. Terr. 1952) (“[T]he primary responsibility of administering the trust is the trustee's, which he cannot delegate ....”); In re Banning's Estate, 9 Haw. 453, 463 (Haw. Rep. 1894) (“The duties and powers of trustees cannot be delegated.”).

53 HRS § 414D-155(b)(2) provides that, in the course of discharging the officer's duties, an officer of a nonprofit corporation may “rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by ... [l]egal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.”

54 HRS § 414D-149(b)(2) provides the same right to rely on information from professionals regarding matters within their expertise to directors of a non-profit corporation.

55 Although the court did not make any specific findings regarding the other reports on which the State claims it relied, several of these also documented substantial environmental problems with the leased PTA land. For example, the 2002 Integrated Natural Resources Management Plan noted in a section setting forth the “Adverse Effects” of the “Military Mission on Natural Resources” that 22.9% of the ground cover in the surveyed area consisted of litter and “[t]here was virtually no evidence of maintenance activity.”

56 The circuit court's order included several specific details as to how the inspections should be carried out, including that

the monitoring should involve direct (in person) or indirect (via videographic or live remote viewing) observation of actual military training exercises (including live fire exercises of all types using live and/or explosive munitions, as well as the use of heavy vehicles or equipment above and upon the land) so that the monitors and/or inspectors can observe and appreciate the destructive effects, if any, of all such training and use of equipment[.]

While these measures may represent the quality of monitoring that the State should aspire to, we hold that the circuit court's order should be interpreted to require monitoring to the fullest extent consistent with the State's right of reasonable entry under the lease and no more.

57 The State argues that this requirement ensures further litigation and indicates the relief does not “terminate the uncertainty or controversy giving rise to the proceeding” as required by HRS § 632-1. As stated, however, the Plaintiffs have a constitutional cause of action for prospective injunctive relief that exists independently of HRS § 632-1. See supra note 41.

58 See, e.g., Sanchez v. McDaniel, 615 F.2d 1023, 1024 (5th Cir. 1980) (“The district court determined that the 1968 Kleberg County, Texas, apportionment plan violated the constitutional principle of one man, one vote. It directed the appellees to submit a proposed reapportionment plan by November 13, 1979.”); Bd. of Pub. Instruction of Duval Cty. v. Braxton, 326 F.2d 616, 619-21 (5th Cir. 1964) (affirming court order requiring school board “to submit to the Court for its consideration a detailed and comprehensive plan” for ending school segregation).

59 Because these remedies are not tailored to address the specific breaches identified by the circuit court, we need not address the State's contention that the circuit court's cleanup orders violated sovereign immunity or that the order to initiate rulemaking impinged on the legislatures exclusive authority.



**I. INTRODUCTION**

The remaining duration of the Lease term is relatively short and the United States has initiated land condition assessments and recently provided an executive summary of a land condition report for the leased area at Pohakuloa (Appendix II). These considerations, together with other unique circumstances associated with the leased area at Pohakuloa (i.e. ongoing military training activity, vast acreage, and enforcement limitations) have guided the parameters of this Court-Ordered Management Plan ("**COMP**") for Leased Lands at Pohakuloa. The goal of the COMP is to assess compliance with Lease requirements for appropriate removal of unexploded ordnance ("**UXO**") and debris associated with ongoing military training. This assessment is needed to ensure compliance with the Lease. This COMP is subject to available funding, safety and/or national security limitations. The Department of Land and Natural Resources ("**DLNR**") shall use available and reasonable efforts, that are commensurate with its constitutional, statutory, and contractual duties herein, to seek appropriate levels of funding to implement this COMP.

**II. INSPECTION PROTOCOL**1. Periodic Inspections

The Land Division of DLNR will conduct periodic inspections of the leased area. It is recommended by the Court, but not a mandatory component of this COMP, that these inspections be conducted at least once every year. The inspections will cover the inspection categories contained in the inspection form format attached hereto as Appendix I. The inspection report shall include: (a) a map of what areas were inspected; (b) photographs that depict the condition of the areas inspected; and (c) a narrative that identifies how much time was spent conducting the inspection and how many acres were inspected. It is recommended by the Court, but not a mandatory component of this COMP, that the inspection report contain a recommendation of: (a) areas that should be visited on the next inspection; and (b) any necessary corrective action. It is recommended by the Court, but not a mandatory component of this COMP, that inspections should attempt to cover 500 acres per inspection year.

Upon completion of an inspection report, DLNR shall make available (electronic copy is acceptable) a copy

of the inspection report to the Native Hawaiian Legal Corporation ("NHLC").

2. Notice of Inspection

It is recommended by the Court, but not a mandatory component of this COMP, that NHLC be provided at least thirty days advance notice of a planned inspection and that NHLC be permitted to designate up to two individuals to observe the inspection, subject to satisfactory completion of any advance security clearance as required by the United States. The observer(s) so designated shall not direct or interfere with the inspection, and shall not be permitted to photograph or record any portion of the inspection. Any reports or documentation of the inspection by the observer(s) shall be provided to DLNR.

3. Priority Areas to Be Inspected

The area just north of Lava Road and east of Kaua Road is a high priority for inspection. See Appendix IV at Exhibit F at 002660, 002664, 00265, 002668; Exhibit G; Exhibit H at 31-32. High priority shall be given to inspecting these specific areas highlighted in these documents to see if military debris remains in these areas. In addition, the nine areas identified in Appendix

II should be inspected by DLNR staff. Finally, the areas highlighted in Appendix IV at Exhibit B at 001172, 001207, 1216, 1218; Exhibit C at 002249, 002277, 002279; Exhibit D at 25 and 39; and Exhibit E at P000124 should also be inspected. While these areas are priority areas, subsequent inspections should include areas that have not been inspected previously.

4. Transparency

This COMP and the inspection reports shall be made publicly available and accessible electronically.

5. Recommendations for Corrective Action

It is recommended by the Court, but not a mandatory component of this COMP, that the inspection report contain recommendations for corrective actions, if any corrective actions are necessary. Recommendations for corrective action should include a projected or reasonable estimated time within which to take action.

6. Department of the Army Inspection Reports

It is recommended by the Court, but not a mandatory component of this COMP, that DLNR obtain and review periodic, semi-annual inspection reports from the United States in the general form attached as Appendix III, and provide any necessary assistance or support in seeking federal funding for cleanup of UXO and utilizing military personnel for non-CERCLA cleanup of military debris or other contaminants attributable to the United States activities under the Lease.

Potential federal funding sources for cleanup of active training areas include the Defense Environmental Restoration Program ("**DERP**"), the Compliance Clean-up ("**CC**") Program, and the Management Decision Evaluation Package ("**MDEP**") for Range Facilities and systems Modernization ("**VSRM**").

DATED: Honolulu, Hawai'i, April 20, 2021.

/s/ Gary W.B. Chang



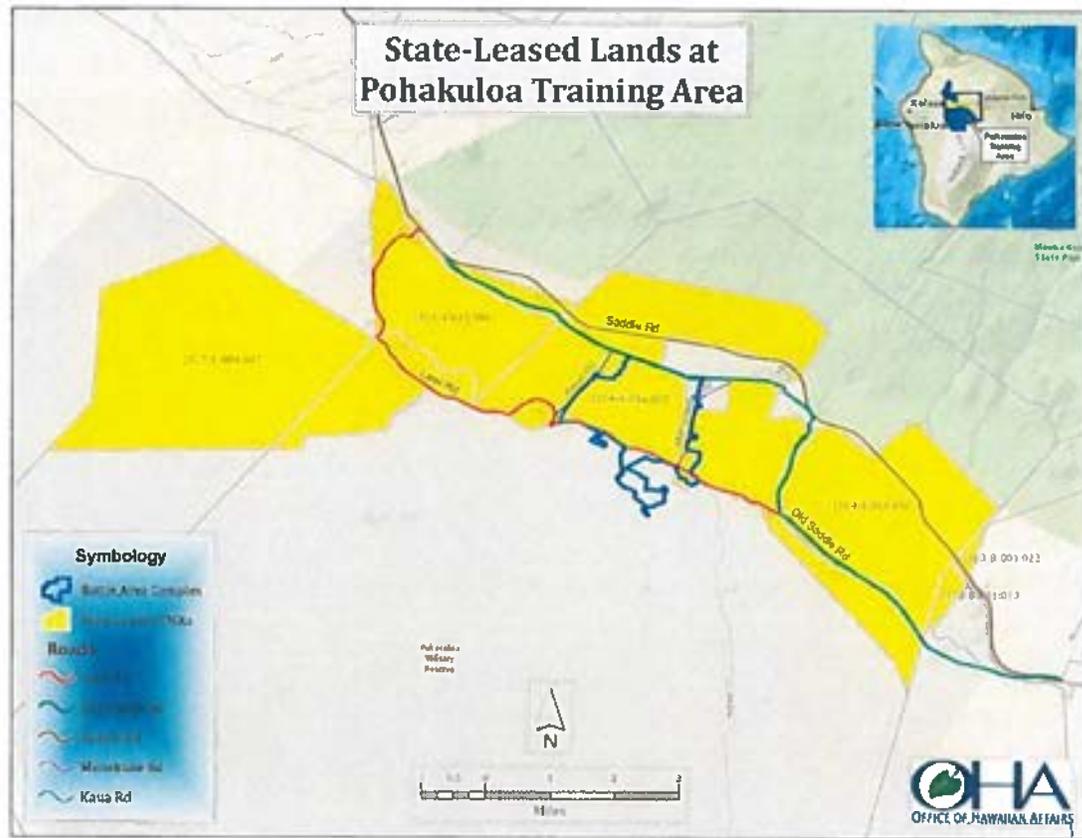
JUDGE OF THE ABOVE-ENTITLED COURT

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CLARENCE CHING and MARY MAXINE KAHAULELIO vs.  
 SUZANNE CASE, in her official capacity as  
 Chairperson of the Board of Land and Natural  
 Resources etc, et al.  
 Civil No. 14-1-1085-04 GWBC  
 COURT ORDERED DLNR MANAGEMENT PLAN FOR LEASED LANDS  
 AT POHAKULO

---





# **APPENDIX I**

State of Hawai'i  
DLNR, Land Division

**INSPECTION REPORT**  
Commercial/Industrial/Resort/Other Business

**General Information**

Document Number: GLS 3849 or RPS \_\_\_\_\_  
 Inspection Date: 12/20/18 Inspection Time: 10:00 a.m.

Character of Use Military purposes  
 Land Agent: Gordon Heit

**TENANT INFORMATION**

Name: United States of America (Dept. of Army)  
 Address: P.O. Box 4607  
Hilo, Hawaii  
 Contact Person: Lt. Col. Loreto V. Borca, Jr.

Home Phone: \_\_\_\_\_  
 Business Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Contact Phone: 969-2407

**SITE INFORMATION**

TWK: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007

Area: 22.971 acres, more or less

Site Address: Pohakuloa Training Area

Hamakua, North Kona, Island of Hawaii

**FISCAL INFORMATION**

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

**FIELD INSPECTION RESULTS** (refer to Field Inspection Worksheet)

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

State of Hawai'i  
DLNR, Land Division

**Field Inspection Worksheet**  
Commercial/Industrial/Resort/Other Business

**File Review**

| ITEM                                            | LICENSES/PERMITS/CONSENTS  |            |   | COMMENTS/NOTES/LISTS                                                                                                                                                                                           |
|-------------------------------------------------|----------------------------|------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | DLNR Approval Docs in File | N/A YES NO |   |                                                                                                                                                                                                                |
| Subletting                                      | X                          |            |   | attach copy of list or map if applicable                                                                                                                                                                       |
| Improvement Construction Buildings              |                            |            | X | note deadlines for % completion<br>Some structures (i.e. Quonset huts) were built prior to the inception of the Lease. The Lease file does not indicate plan approval for any recent building or construction. |
| Improvement Construction Other structures/misc. |                            | X          |   | note deadlines for % completion<br>Plan submitted and approved by Chairperson for the installation of electrical substations within the lease area.                                                            |

**Field Inspection**

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

| ITEM   | SATISFACTORY? |     |    | COMMENTS/RECOMMENDATIONS |
|--------|---------------|-----|----|--------------------------|
|        | N/A           | YES | NO |                          |
| Other: |               |     |    |                          |

The designated use of this lease is for "Military Purposes". Historical and current uses of the area include military training and firing ranges used to fire weapons from the leased area into the Pohakuloa Impact Area, which is located on federally owned lands within Presidential Executive Order 1167.

Prior to the execution of this lease, the leased area was used by the military for military maneuvers and target practice pursuant to a Maneuver Agreement with the Territory of Hawaii. Pre-lease activity included an impact area as well as anti-tank and artillery ranges.

During an inspection of the leased area in December 2014 and subsequent follow-up, three areas of concern were reported to Land Division, including: (1) a former Bazooka range associated with pre-lease activity; (2) a site containing numerous heavily-damaged target vehicles (with all fluids previously removed) used as targets for live-fire training; and (3) an above-ground site containing a quantity of spent artillery shells. The abandoned bazooka range and the storage of target vehicles do not indicate any violation of the terms of the lease, as contamination associated with the bazooka range predated the lease and storage of target vehicles with contaminants removed is consistent with the purposes of the lease. The presence of the above-ground site containing a quantity of spent artillery shells resulted in an 'unsatisfactory' notation on the December 23, 2014 inspection report.

During follow-up on the December 2014 inspection, two additional sites were identified as locations within the leased area that were being evaluated by the military. These consisted of two former landfill sites, one of which (landfill 1 - approx 285,297 sq. ft.) predated the lease and another (landfill 2 - 225,297 sq. ft.) which was used from 1979 to 1993 for solid municipal waste. Landfill 2 was capped when it was closed with an impermeable liner and then covered with cinder, which is consistent with lease requirements permitting burial of trash. The landfill sites are the subject of ongoing monitoring by the military and the State Department of Health, and no major deficiencies were identified in the most recent inspections.

Each of the areas of concern discussed above has been satisfactorily remediated. The former bazooka range was the subject of an extensive surface clearance effort with Native Hawaiian Veterans (NHV) as the primary contractor. Teams of workers used heavy equipment and helicopters to remove contaminated debris, and the demobilization process was completed by December 3, 2015 with no accidents or injuries. The site containing target vehicles was cleaned and the vehicles removed. The site containing spent artillery shells was the subject of a cleanup process using non-CERCLA funds, consisting of a team of workers physically removing the debris and placing it into a 10-yard roll-off container for removal.

In 2018, the military provided the Land Division with an executive summary of a land condition report relating to the leased area. The land condition report summary was part of an Environmental Condition of Property (ECOP) prepared by the military for use in determining if a property is suitable for acquisition, construction, or divestment. The ECOP investigation and reporting for Phase I and II was completed in June 2017. Extensive soil sampling was conducted and areas were identified based on possible contamination associated with historical land uses. Based on historical uses, the findings identified areas where there was a presence or likely presence of hazardous substances or petroleum products, including the two landfill sites identified above. The findings also identified a Tank gunnery range that predated the lease, a possible former burn pan/cinder pit, a former Davey Crockett Weapons System Range with the potential for the presence of radiological material, and various specific training areas and firing points. In addition to the land condition report summary, a draft periodic report was received referencing a large fire in the training area that occurred during the bi-annual RIMPAC training exercises.

The inspection conducted on December 20, 2018 began with a safety and range orientation briefing, followed by a physical inspection targeted toward gaining an overall view of the leased area and assessing any new areas of concern identified in the executive summary and the draft periodic report. The physical inspection began with a visit to Puu Ahi, an elevated area that provided a vantage point suitable for an overall view of the leased area.

The pre-lease Tank gunnery range has not been used for Tank gunnery exercises since the late 1970s. Upon inspection, the overall condition of the area was satisfactory, but some debris was identified which consisted of abandoned wooden and metal railroad track debris. There were no spent artillery shells observed or other types of military debris associated with the projectiles used for the Tank gunnery range. Although there is also no readily identifiable source of funding for clean up of this range, Deputy Garrison Commander Gregory R. Fleming indicated that a cleanup using non-CERCLA funds will be conducted by military personnel, and should be completed within a one to two year time frame. The former burn pan area was located and described as an area where a "burn pan" (a metal container approximately 20 feet long by 4 feet wide) may have been used for disposal of military debris. The area was identified as an area of concern based on its possible historical use, and there were no indications of any lease violations associated with the overall condition of the area, which was satisfactory. The former Davey Crockett Weapons System Range was the subject of a previous site investigation and Human Health Risk Assessment (HHRA). As a result of soil sampling and scientific analysis, the site assessment and HHRA found only background levels of contamination with no adverse human health impacts associated with exposure to the soil. The State Department of Health has concurred with the HHRA findings. The former Davey Crockett Weapons System Range and its associated impact area (which is off the leased area) are monitored both by the State Department of Health and the Nuclear Regulatory Commission. Two of the more heavily used firing points were identified during the inspection, and these firing points (as well as the firing point area for the former Davey Crockett Weapons System Range) were in satisfactory condition with no apparent lease violations. The area where the fire occurred during the RIMPAC exercises was observed from Puu Kea, an elevated vantage point. Landfill 2 was also visited during the December 20, 2018 inspection, as well as water tanks accessible by helicopters which are used for fire control within the Pohakuloa training area and surrounding areas. At the conclusion of the inspection, a debriefing was held and staff was provided additional information about fire prevention measures used at Pohakuloa Training Area, which are extensive. The US Fish and Wildlife is the primary agency responsible for addressing the recent fire, its impacts and any recommended actions to minimize future fire risks in this fire-prone area.

Current recommendations include continued landfill monitoring and debris removal, and completion of the recommended cleanup and remediation actions discussed above. Land Division has recommended that all reasonable avenues of future funding be explored and further assessment conducted. In addition, options were discussed to allow live or remote viewing of training activities. Possible options include review of digital post-training video from the Battle Area Complex (BAX) or scheduling of live observations of firing points used during upcoming training exercises. Based on the foregoing, the leased area is in satisfactory condition.

# **APPENDIX II**

Executive Summary  
ECOP Phase I and II  
Pohakuloa Training Area, Hawaii

An Environmental Condition of Property (ECOP) is an investigation in which the current environmental condition of the property is determined by examining current and historical uses of the property and adjoining properties. The results of an ECOP are used to determine if a property is suitable for acquisition, construction, or divestment. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 requires Federal agencies to evaluate the environmental condition of property and to take remedial action as necessary to protect human health and the environment before transferring property.

An ECOP was performed for the 22,971 acres of the State of Hawaii-owned, U.S. Army (Army)-leased lands within Pohakuloa Training Area (PTA), Hawaii (Subject Site). The Army lease (Hawaii State Lease No. S-3849; U.S. Lease DA-94-626-ENG-80) identifies the acreage as three parcels: Parcel A (A-10S-1), Parcel B (A-10S-2) and Parcel C (A-10S-3). This ECOP serves as the means to establish the baseline environmental conditions at the Subject Site and meets the Department of Defense (DoD) requirement for preparation of an ECOP under provisions of the Base Redevelopment and Realignment Manual (DoD 4165.66-M, March 1, 2006), Section C8.3. The ECOP was performed in compliance with the ASTM International Standard Practice, ASTM E1527-13 (Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process). The ECOP investigation and reporting for Phase I and II was executed beginning in June 2016 and completed in June 2017.

ASTM E1527-13 defines a Recognized Environmental Condition (REC) as "the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." ASTM E1527-13 includes four REC land classifications including (1) *de minimis* conditions, (2) RECs, (3) Historical RECs (HRECs), and (4) Controlled RECs (CRECs). The ECOP found that the Subject Site includes site-specific RECs as summarized in the table on the following page.

The ECOP determined the following results for the Subject Site by parcel based on the HRECs, CRECs, and potential RECs.

Parcel A (A-10S-1, 15,420 acres, TMKs 3-4-4-015:008, 3-7-1-004:007, and portions of 3-4-4-016:005):

- Former Landfill 2 (~3.5 acres): This landfill was closed in 1993 and covered in 1996. Long-term management at the landfill is currently being conducted. Area is classified as ECOP Area Type 4 (an area where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, and all remedial action necessary to protect human health and the environment have been taken).
- Portion of Range 13/13A (~40 acres): From 1962 to 1968, the Davy Crockett Weapons System was intermittently used at this range. The body of the Davy Crockett Weapons System spotting round was made of a depleted uranium alloy. A site investigation and Human Health Risk Assessment (HHRA) was completed and found no adverse human health impacts likely to occur as a result of exposure to the uranium present in the soil at PTA under current land uses. The State of Hawaii Department of Health concurred with the HHRA findings. Area classified as ECOP Area Type 4.
- Remainder of Parcel A is classified as ECOP Area Type 7 (an area that is unevaluated or requires additional evaluation). Recommended for additional evaluation based on the historical land uses.

Parcel B (A-10S-2, 1,944 acres, portion of TMK 3-4-4-016:005):

- The entire parcel is classified as ECOP Area Type 1 (an area where no release or disposal of hazardous substances or petroleum products or their derivatives has occurred, including no migration of these substances from adjacent areas) due to limited training usage.

Parcel C (A-10S-3, 5,607 acres, portion of TMK 3-4-4-016:005):

- The entire parcel is classified as ECOP Area Type 7. It is recommended for additional evaluation based on the historical land uses.

## Summary of HRECs, CRECs, and Potential RECs

|   | Site Name                                     | PTA Lease Parcel                      | TMK           | HREC, CREC, or Potential REC                                                 | Location Description                                                                                                                                                                                                                                    |
|---|-----------------------------------------------|---------------------------------------|---------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Former Bazooka Range                          | Parcel A A-105-1                      | 3-7-1-004:007 | Unexploded ordnance (UXO), munitions and explosives of concern (MEC), metals | Former firing range.                                                                                                                                                                                                                                    |
| 2 | Former Tank Gunnery Range                     | Parcel A A-105-1                      | 3-4-4-015:008 | UXO, MEC                                                                     | Site identified north of the Military Operation and Urban Terrain (MOUT) Area in the 1959 Range Control map. Area is visible on current aerial photos.                                                                                                  |
| 3 | Current Burn Pan Area                         | Parcel A A-105-1                      | 3-4-4-016:005 | Potential MEC, metals, dioxins                                               | Burn pan is located off of Subject Site.                                                                                                                                                                                                                |
| 4 | Potential Former Burn Pan                     | Parcel A A-105-1                      | 3-4-4-016:005 | Potential MEC, metals, dioxins                                               | Former potential burn pan/cinder pit area at Puu Puahi. No documentation located.                                                                                                                                                                       |
| 5 | Former Davy Crockett Weapons System Range     | Parcel A A-105-1                      | 3-4-4-016:005 | CREC - potential radiological materials                                      | Range 13/13A and south of the cinder pit of Puu Puahi. HHRA completed and found no adverse human health impacts are likely to occur as a result of exposure to the uranium present in the soil. State of Hawaii Department of Health concurs with HHRA. |
| 6 | Former Target Vehicle Storage Site at FARP 18 | Parcel C A-105-3                      | 3-4-4-016:005 | Potential petroleum, oil and lubricants (POL) constituents and metals.       | Former Target Vehicle Storage Site at FARP 18. Debris has been removed. Soil contamination confirmed in ECOP Phase II.                                                                                                                                  |
| 7 | Landfill 2                                    | Parcel A A-105-1                      | 3-4-4-016:005 | Controlled REC - Remedial Action completed                                   | Closed, capped former landfill.                                                                                                                                                                                                                         |
| 8 | Former Debris Pile TA 21                      | Parcel C A-105-3                      | 3-4-4-016:005 | Potential POL constituents and metals                                        | Former metal debris pile TA 21. Material has been removed from site.                                                                                                                                                                                    |
| 9 | All TAs/FPs                                   | Parcel A A-105-1,<br>Parcel C A-105-3 | various       | UXO, MEC, metals                                                             | Heaviest use anticipated at the 400 Series FP based on past use.                                                                                                                                                                                        |

# **APPENDIX III**



BY TO  
ACTION OF:

**DEPARTMENT OF THE ARMY**  
 U.S. ARMY INSTALLATION MANAGEMENT COMMAND, PACIFIC  
 HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII  
 745 WRIGHT AVENUE, BUILDING 107, WHEELER ARMY AIRFIELD  
 SCHOFIELD BARRACKS, HAWAII 96857-5000

Office of the Garrison Commander

**Semi-Annual Inspection Report**  
 (July – December 20XX)  
 State General Lease No. S-3849  
 Pohakuloa Training Area

Purpose: To provide a status of activities/actions on the Parcel of Land Leased by the United States from the State of Hawaii, under State General Lease Number S-3849. This parcel of land is on the island of Hawaii and is referred to as Pohakuloa Training Area (PTA).

**NEW ACTIONS:**

1. July 20XX - Fire in Training Area 1 (see attached map): This fire occurred during a training activity. The total amount of area affected was XX acres. The fire was XX% within the leased parcel. Surveys conducted after the fire was extinguished indicated that no known cultural/historical resources were destroyed. Threatened and/or Endangered Species were affected by the fire, though none were eliminated from existence. The Army is working with the U.S. Fish and Wildlife Services regarding this issue.
2. The bi-annual RIMPAC exercise occurred from July XX-XX 20XX. During that time all training activities were conducted under the established standard operating procedures. Units training were represented by the following countries (not all inclusive): United States, Japan, Korea, Philippines, and Malaysia. During this exercise a large fire occurred within the limits of the lease. After fire surveys determined that no cultural/archeological sites were affected. No endangered species were deleted from existence. A follow-on report was provided to the U.S. Fish and Wildlife Service (enclosure).
3. The Annual Lightning Forge training exercise was partially conducted on PTA. No special actions were required as a result of the training exercise.
4. A new Programmatic Agreement (PA) which covers all routine and recurring activities at PTA is in its final stages of execution. The Agreement covers all Army training actions on the island of Hawaii, including actions on the leased parcel.

**UPDATES ON PREVIOUSLY REPORTED ACTIONS:**

1. On...

THOMAS J. BARRETT  
 COL, U.S. Army  
 Commanding

# **APPENDIX IV**

**EXHIBITS AND TRANSCRIPT FROM THE TRIAL**

# EXHIBIT "B"

H-01438

**ARCHAEOLOGICAL INVESTIGATIONS OF  
TWO WORK AREAS FOR THE LEGACY  
RESOURCE MANAGEMENT PROGRAM  
AT POHAKULOA TRAINING AREA,  
HAWAI'I ISLAND, HAWAII**

*Draft Rev. 7/28/98 PHB*

**FINAL  
March 1998**



**GANDA**

**Garcia and Associates**

*Consultants in Cultural and Natural Resources*

*729 Emily Street, Suite B  
Honolulu, HI 96813*

CIVIL NO. 14-1-1085-04 GWBC  
PLAINTIFFS EXHIBIT 22  
IN EVIDENCE FOR IDENTIFICATION  
REC'D \_\_\_\_\_, 2015

CLERK, 14<sup>th</sup> DIVISION  
001163  
HI-128

**EXHIBIT "B"**

previously inspected for archaeological sites pursuant to proposed artillery firing points, a firebreak/road route, and location of the Pu'u Leilani quarry (Streck 1986b).

### 1.1.2 Work Area 2

Work Area 2 is located within Training Areas 5 and 6, immediately south of Pu'u Pōhakuloa and Bradshaw Airfield. The parcel is bounded by Saddle Road, Lava Road, and Menehune Road and is entirely within the Hāmākua District. The most relevant previous surveys include Welch's (1993) investigation of Saddle Road and the Shapiro et al. (1998) inventory along Redleg Trail. Work Area 2 (ca. 486 ha. or 1,200 ac.) is classified as low to moderate in cultural resource sensitivity and site densities were anticipated in the range of zero-to-one per km<sup>2</sup> (Hammatt and Shideler 1991:5, 11). In general, the north half is characterized by open pasture and the south by aa and mixed lava flows. Extensive military use is evidenced by dirt roads, firing points, new buildings, a helicopter pad, rock constructions, and recent debris.

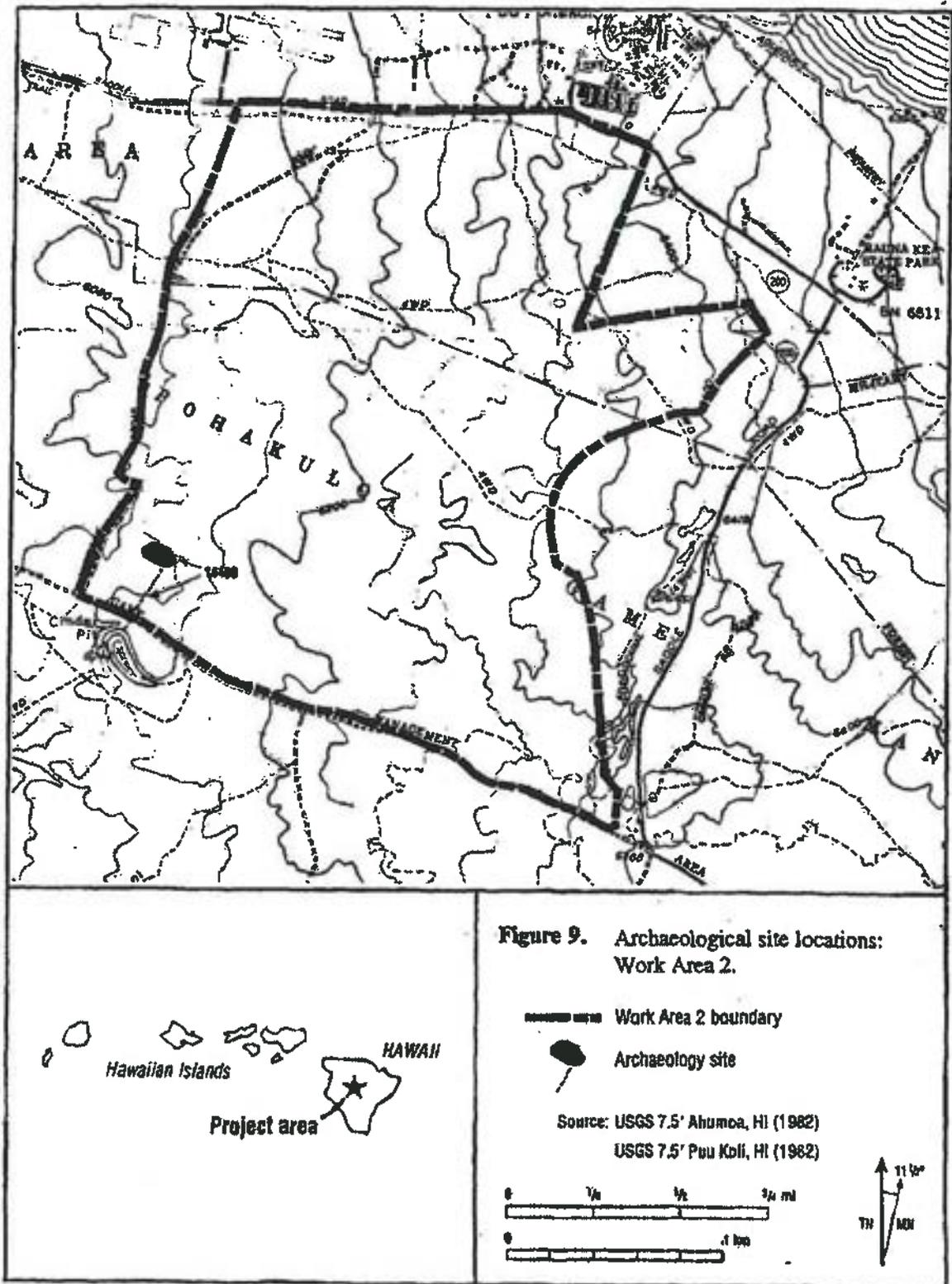
## 1.2 ENVIRONMENTAL SETTING

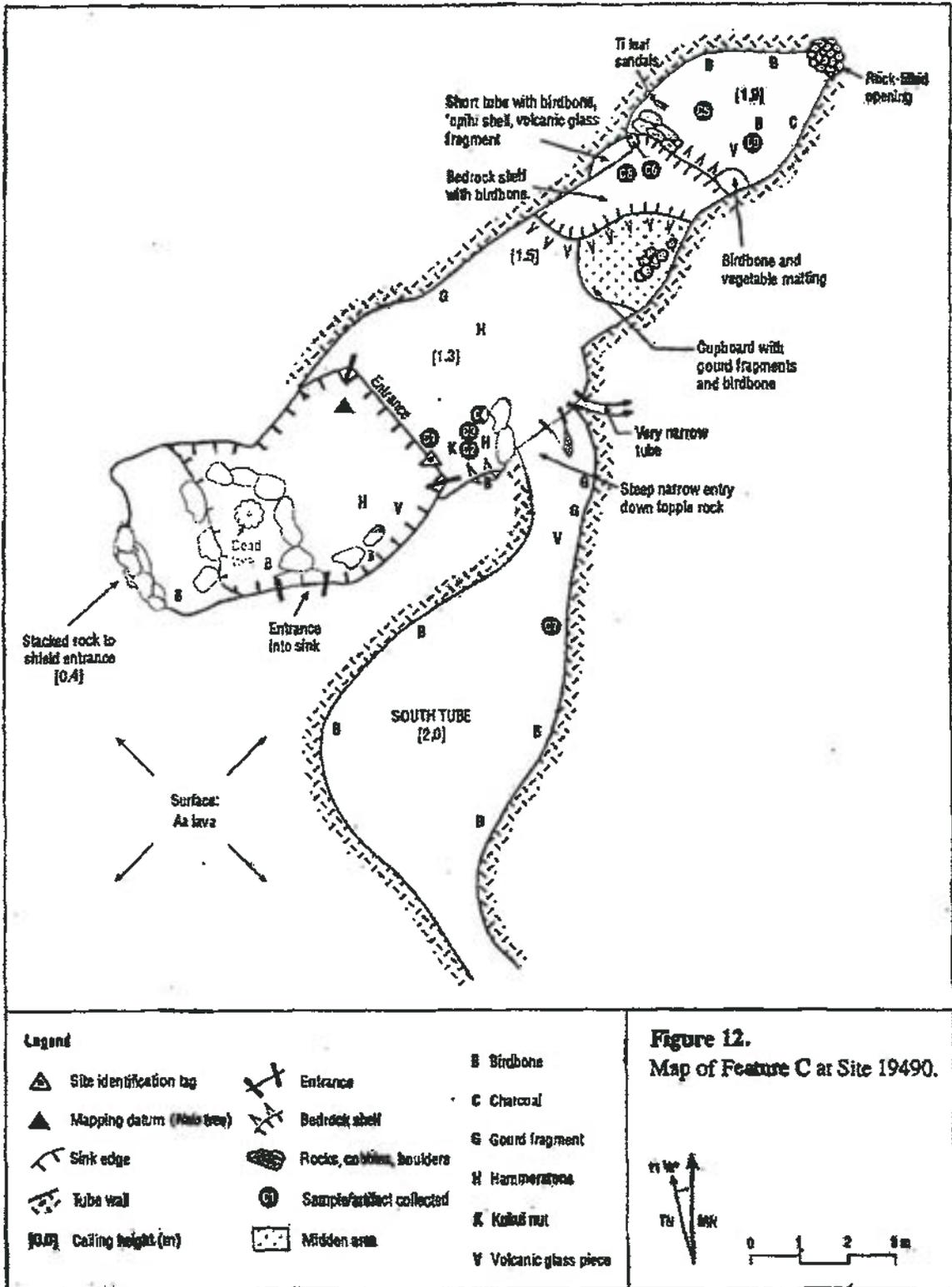
Elevation in the PTA ranges from 4,060 ft (1,238 m) amsl in the northwest corner to 8,880 ft (2,707 m) amsl in the southeast area (cf. Hommon and Ahlo 1983:6). Annual rainfall varies from 4 inches (102 mm) to 16 inches (406 mm). Fogs and occasional frosts occur in the area. Temperatures average about 60°F (15.6°C) in the lower elevations and 50°F (10°C) in the higher elevations. The upper altitudes are characterized by cooler winter temperatures (cf. Hommon and Ahlo 1983:10; Streck 1992:100).

The majority of the PTA is covered by pahoehoe and aa lava flows from Mauna Loa with a smaller area in the north PTA covered by soil and lava from Mauna Kea (Stearns and MacDonald 1946; Hommon and Ahlo 1983:7). Three of the Mauna Loa flows are from the recent past and date to A.D. 1843, 1859, and 1935. The pahoehoe lava flows contain subterranean geologic features such as tubes and blisters, some of which extend hundreds of meters beneath the ground. The tubes are most often entered by large collapsed sinks. Some of the pahoehoe flows formed surface chills of volcanic glass and dense, fine-grained basalt.

In Work Area 1, much of the lava underlying the northeast section is hawaiite from Mauna Kea (Wolfe and Morris 1996) and consists of "aa and blocky aa" interspersed with dense pahoehoe. These flows are dated before 10,000 B.P. The remaining part of the area is dominated by weathered pahoehoe, some aa, and interspersed by *kīpuka*. The earliest of these flows in the southwest are between 5,000 and 3,000 years B.P. (k1). They are surrounded by younger flows dated between 3,000 to 1,500 B.P. (k2) and another further east (k3) dated to 1,500 and 750 B.P. (Figure 2).

Work Area 2 is dominated by two early lava flows: one from Mauna Kea (1) dated before 10,000 B.P. and the other from Mauna Loa (k2) dated from 3,000 to 1,500 B.P. The former flow tends to consist of aa and blocky aa while the latter tends to consist of an old and badly weathered pahoehoe (Figure 2). Much of this latter terrain has been heavily disturbed by military activities.





The northeast end of the main tube is blocked with boulders and large rocks. This rear area contains scattered charcoal and bird bone (e.g., *Pterodroma phaeopygia*), especially concentrated along the wall crevices. Along the south wall is a midden area (2 × 2 m) on the soil floor containing 'opihi shell, kukui nut pieces, charcoal flecks, bird bone, and volcanic glass. A charcoal sample (Sample C9) from a burned firebrand in this region 9.3 m inside the tube produced a C<sup>13</sup> corrected radiocarbon age of 160 ± 70 years B.P. and calibrated date of A.D. 1640 to 1950 (Appendix D).

Two, small, adjacent openings from the main tube lead down a narrow topped rock entry into a south chamber (10 × 5 × 2 m high). A continuous surface distribution of cultural debris is noted throughout the lower tube surface (e.g., bird bone, a few firebrands, vegetable matings, gourd fragments, and a volcanic glass blade). Bird bone and gourd fragments are especially concentrated along the wall crevices.

Collected items from Feature C include fish bone and bird bone samples, charcoal, volcanic glass, and a grinding stone and pestle (see below). Two pieces of artifact glass were submitted for source analysis (Appendix E) and were found to be characteristic of the Pohakuloa Basalt/Glass chemical group (cf. Jackson and Miksicek 1994).

- Feature D Feature D is a small blister shelter (ca. 3.3 × 2 × 1 m high) containing bird bone and two volcanic glass fragments. Two aa rocks are placed along the entrance to provide a step down onto the interior floor.
- Feature E Feature E is a small tube (4 × 2 × 1 m high) located 25 m east of Features A through D. Its cultural elements include an ash concentration and a volcanic glass blade. A basalt hammerstone was found about 3 m outside the tube on a mixed lava surface. Recent military debris (e.g., ammunition boxes) littered the vicinity.
- Feature F Feature F is a short trail (ca. 23.5 m long) through aa in the west site region (Figure 14). It is visible from the lava tubes (Features A through D) and is located 62 m west of Feature A. The trail is constructed of pahoehoe slabs (averaging 40 cm in diameter) aligned east-west to provide stepping stones across the aa. Located approximately 10 m south of the trail is a short (1.3 m long by 0.4 m high) stacked wall of pahoehoe slabs of probable recent manufacture as suggested by construction techniques and military debris.
- Feature G Feature G is an *ahu* located on a slight rise about 20 m northeast of Feature E. It is constructed of multiple-stacked aa cobbles and pahoehoe slabs and averages 0.6 m high and wide.

# EXHIBIT “C”

H-02191

**Final Report**

**PHASE I ARCHAEOLOGICAL RECONNAISSANCE SURVEY FOR SBCT GO/NO GO  
MANEUVER AREAS AT U.S. ARMY POHAKULOA TRAINING AREA, KA'OHE  
AHUPUA'A, HĀMĀKUA DISTRICT AND PU'UANAHULU AHUPUA'A, NORTH KONA  
DISTRICT, ISLAND OF HAWAII, HAWAII (TMKs 3-4-4-16:01 and 3-7-1-04:07)**

**Prepared For:**

U.S. Army Engineer District, Honolulu  
CEPOH-EC-E, Building 252  
Fort Shafter, HI 96858-5440

Contract No. DACA83-03-D-0011  
Task Order No. 0001



**Prepared By:**

Garcia and Associates  
146 Hekili St., Suite 101  
Kailua, HI 96734



**GANDA**

April 2005

CIVIL NO. 14-1-1085-04 GWBC  
PLAINTIFFS EXHIBIT 25  
IN EVIDENCE FOR IDENTIFICATION  
REC'D \_\_\_\_\_ 2015

CLERK, 14<sup>th</sup> DIVISION

GANDA Report No. 2051-1

**EXHIBIT "C"**

002226 HI-134

T315 (Figure 4). The number of military features which are actually within the current project area, however, cannot be ascertained from their report. According to Langlas *et al.* (1999:ii), military features consist primarily of small c-shape shelters and walls. Military refuse and bullet casings were found in association with these features. Features were assessed as "not significant and not eligible for listing on the National Register of Historic Places (NRHP)."

The portion of the current project area within Training Area 6 is relatively close to three previously recorded sites (5002, 5003, and 14638; see Figure 4). Site 5002 consists of several sections of stone wall to the south and east of Training Area 6. These walls were probably built for cattle by Parker Ranch late in the nineteenth century (Welch 1993:47). Site 5003 is a cave shelter to the northeast of Training Area 6 (Bayman *et al.* 2001:26-31). Volcanic glass was observed both inside and outside the cave by Welch in 1990 (Welch 1993:47-51). Excavation by Welch (1993) produced lithic material and midden within stratified deposits. Test excavation confirmed that the cave had previously been utilized by Hawaiians, probably sometime after A.D. 1630 (Welch 1993:81). Later investigation by the University of Hawai'i produced similar information, but returned somewhat earlier dates (2 $\sigma$  calibrated A.D. 1618-1681 and A.D. 1444-1636). Site 14638 is a "Lithic Workshop Complex" south of Training Area 6 (Bayman *et al.* 2001:11-20). It covers an 18 by 38 m area and is comprised of volcanic glass nodules, basalt flakes, basalt adze preforms, bird bone, stone enclosures, and lava blisters (Welch 1993:52; Bayman *et al.* 2001:11). The University of Hawai'i Field School excavated a hearth feature at this site which returned a 2 $\sigma$  calibrated range of A.D. 1405-1531.

#### 2.4.1 Discussion

Various researchers have developed pre-Contact land-use interpretations for PTA and the Saddle Region generally (Athens and Kaschko 1989, Cleghorn 1998, Hommon and Ahlo 1983, Streck 1992, Williams 2002).

Hommon and Ahlo (1983:57) suggest that the Saddle Region was likely used on a temporary basis by travelers passing through the region on one of two travel "corridors"; one following the North Kona-Hamakua District boundary and one following the route of the current Saddle Road. The travel corridors likely facilitated the distribution of Mauna Kea adze blanks and occupation sites were predicted to occur in greater numbers within these corridors. Activities in the Saddle were focused on specific resource procurement such as hunting of 'u'au for food, hunting of honeycreepers for feathers, and local procurement of volcanic glass. Occupation of sites was likely on a seasonal basis by a very small population.

Athens and Kaschko (1989:89) later interpreted Saddle Region land-use intensity patterns to reflect the development of a complex stratified social organization on Hawai'i Island characteristic of the Expansion Period as defined by Kirch (1985:303-305) and in accord with Hommon's (1986) inland expansion hypothesis. As such, land-use in the Saddle Region corresponded with demand for elite goods such as feather adornments and food delicacies such as the immature 'u'au. Hammett and Shideler (1991:42) suggest a burst of such activities associated with the reign of 'Umi-a-Loa.

Subsequent declines in the intensity of human use of the region may correlate with over-exploitation of bird populations (Athens and Kaschko 1989:90), over-exploitation of other upland resources (stone tools, forest products), changes in sociopolitical structure, and decreased demand for Saddle Region resources (Streck 1992:106).



Figure 30. GANDA Site 126, view to southeast.

**GANDA Site: 127**

Site 127 is a pit complex composed of three excavated *pāhoehoe* pits in Training Area 19. (Figure 31). One pit was located with GPS. No cultural materials were observed.

The pit complex may have been utilized for bird hunting by Hawaiian hunters in pre-Contact or early historic times. Detailed mapping is recommended for these sites as well as sampling of any deposits found within the pits.

*Feature 1* is a single *pāhoehoe* pit measuring 1.6 by 1.0 m. Cobbles are loosely piled along the western portion of the feature.

*Features 2 and 3* are *pāhoehoe* pits situated approximately 100 m east of Feature 1. Feature 2 measures 1.5 m in diameter and Feature 3 is .8 m in diameter. Cobbles have been loosely piled on the western flank of the pit.

**GANDA Site: 128**

Site 128 is a cave located at the northern end of Training Area 16 (Figure 32). The cave is formed at the basal margin of a sink. The cave opening measures 4.1 m wide by 1.0 m high and faces east. A large amount of military debris was observed on the surface at the entrance.

Although there is no clear evidence of traditional Hawaiian or early historic cultural modification, the cave is quite suitable for a temporary shelter and appears to have moderately good

excavation potential. Since it is known that such geologic features have a higher than average likelihood of containing traditional Hawaiian cultural remains, it is recommended that Site 128 be fully mapped and photographed. Furthermore, the cave interior should be intensively investigated for cultural remains. If remains are found, test excavation should be performed.

**GANDA Site: 129**

Site 129 is a lithic scatter situated on the lower eastern slope of Pu'u Ke'eke'e within Training Area 16 (Figure 33). The scatter is in an exceptionally disturbed area. It is near a dirt road that leads into the *pu'u* and is just downslope from a military defensive position. Military debris was also observed in the area.

The scatter consists of five waterworn pebbles and one possible scoria abrader. These materials clearly do not match the surrounding geology and must have been imported to the site. It is unclear, however, when this happened and by whom. It is therefore recommended that Site 129 be further investigated. Future work should include intensive inspection of the surrounding 20 m area, mapping, and test excavation if further evidence of cultural activity is found. The possible scoria abrader should be examined by a lithic specialist.

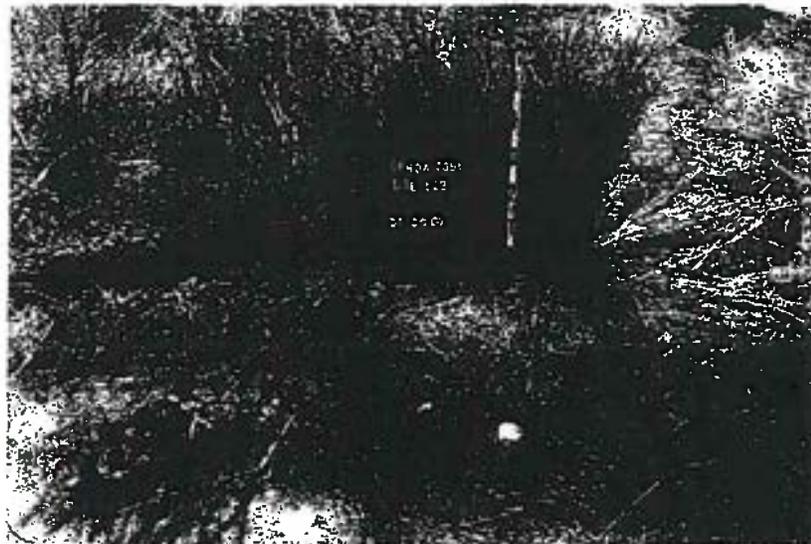


Figure 33. GANDA Site 129, view to northwest.

# **EXHIBIT “D”**



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII  
DIRECTORATE OF PUBLIC WORKS  
947 WRIGHT AVENUE, WHEELER ARMY AIRFIELD  
SCHOFIELD BARRACKS, HAWAII 96857-5013

## **ENVIRONMENTAL BASELINE SURVEY**

For  
Return of a Portion of Lands Leased from the State of Hawaii  
(State Lease #S-3849)  
Pohakuloa Training Area, Hawaii

November 2012

*Prepared for:*

Real Estate Branch  
Planning Division  
Directorate of Public Works  
U.S. Army Garrison, Hawaii

*Prepared by:*

Environmental Division  
Directorate of Public Works  
U.S. Army Garrison, Hawaii

**EXHIBIT "D"**

CIVIL NO. 14-1-1085-04 GWBC  
PLAINTIFFS **EXHIBIT 34**  
IN EVIDENCE FOR IDENTIFICATION  
REC'D \_\_\_\_\_, 2015

CLERK, 14<sup>th</sup> DIVISION III-139

SUBJECT: EBS for Return of a Portion of Lands Leased from the State of Hawaii  
(State Lease #S-3849), Pohakuloa Training Area, Hawaii



Photo IR-2.6 mi. Blank Ammunition. Small arms blank ammunition observed close to Gate SR-2.

**SUBJECT: EBS for Return of a Portion of Lands Leased from the State of Hawaii (State Lease #S-3849), Pohakuloa Training Area, Hawaii**



**Photo MKT-2.9 mi: Blank Ammunition. A small amount of blank ammo observed at this location very close to Gate 4 off new Saddle Road.**

# EXHIBIT "E"

**Final**  
**First Five-Year Review**  
**Pohakuloa Training Area**  
**Landfills 1 and 2 (POTA-03 & 06)**  
**ISLAND OF HAWAII**

**October 2014**



**U.S. Army Environmental Command**  
**2450 Connell Rd., Building 2264**  
**Fort Sam Houston, Texas 78234-7664**



**Directorate of Public Works**  
**United States Army Garrison, Hawaii**  
**948 Santos Dumont Avenue**  
**Building 105, Wheeler Army Airfield**  
**Schofield Barracks, Hawaii 96857-5013**

**Contract No.: W91ZLK-05-D-0009**  
**Delivery Order 0004**

P000170

CIVIL NO. 14-1-1085-04 GWBC  
**PLAINTIFFS** **EXHIBIT 31**  
IN EVIDENCE FOR IDENTIFICATION  
REC'D \_\_\_\_\_ 2015  
HF-143

**EXHIBIT "E"**

CLERK 14<sup>th</sup> DIVISION

Table 4-1b: POTA-06 Landfill 2  
Summary of Inspections During the Review Period

| B. Type of Waste           |   |                                                                                                                              |                 |
|----------------------------|---|------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 7/13/2009                  | X | n/a                                                                                                                          |                 |
| 9/30/2009                  | X | n/a                                                                                                                          |                 |
| 1/29/2010                  | X | n/a                                                                                                                          |                 |
| 4/6/2010                   | X | n/a                                                                                                                          |                 |
| 7/7/2010                   | X | n/a                                                                                                                          |                 |
| 3/25/2011                  | X | n/a                                                                                                                          |                 |
| 6/23/2011                  | X | n/a                                                                                                                          |                 |
| 9/8/2011                   | X | n/a                                                                                                                          |                 |
| 4/17/2012                  | X | n/a                                                                                                                          |                 |
| 9/6/2012                   | X | n/a                                                                                                                          |                 |
| 3/28/2013                  | X | n/a                                                                                                                          |                 |
| 9/13/2013                  | X | n/a                                                                                                                          |                 |
| V. Additional Observations |   |                                                                                                                              |                 |
| 7/13/2009                  | X | Permanent gas vent identification tags/markers need to be attached to each gas vent                                          | Next inspection |
| 9/30/2009                  | X | Permanent gas vent identification tags/markers attached to each gas vent and gas vents painted                               | 9/30/2009       |
| 1/29/2010                  | X | Identification tags on gas vents                                                                                             |                 |
| 4/6/2010                   | X | Identification tags on gas vents                                                                                             |                 |
| 7/7/2010                   | X | None                                                                                                                         |                 |
| 3/25/2011                  | X | None                                                                                                                         |                 |
| 6/23/2011                  | X | None                                                                                                                         |                 |
| 9/8/2011                   | X | Project sign fastener detached, Reattached                                                                                   | 9/8/2011        |
| 4/17/2012                  | X | None                                                                                                                         |                 |
| 9/6/2012                   | X | Re-secured project sign and replaced fence cap                                                                               | 9/6/2012        |
| 3/28/2013                  | X | Observed possible UXO while performing inspection of fence. Informed Range Control. Changed PM contact info on project sign. | 3/29/2013       |
| 9/13/2013                  | X | None                                                                                                                         |                 |

P000124

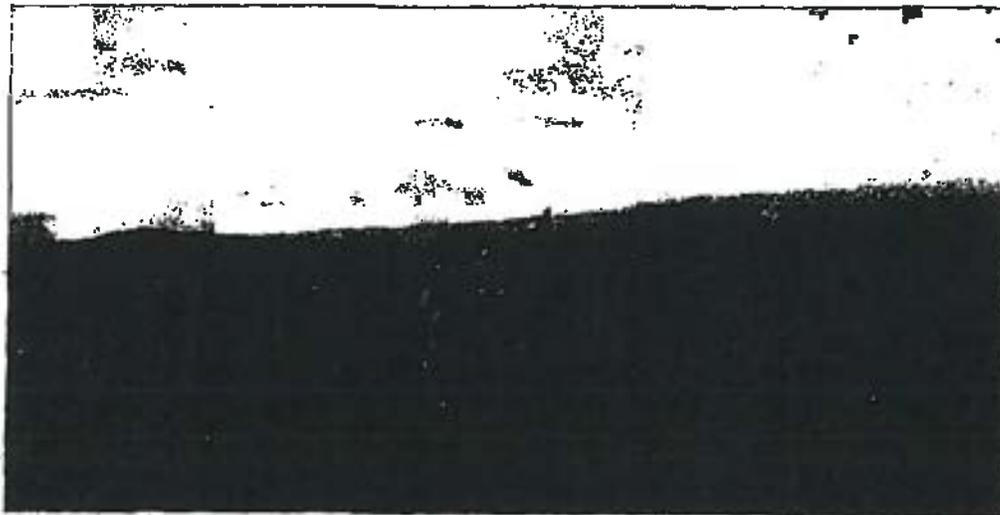
# **EXHIBIT “F”**

H-02196

GANDA Project 2049

**FINAL**

**PHASE II ARCHAEOLOGICAL RESEARCH OF PROPOSED  
BATTLE AREA COMPLEX (BAX) & ANTI-ARMOR LIVE FIRE  
AND TRAINING RANGE (AALFTR) TRAINING AREAS FOR  
STRYKER BRIGADE COMBAT TEAM (SBCT) U.S. ARMY  
POHAKULOA TRAINING AREA,  
ISLAND OF HAWAII, HAWAII (TMK 3-4-4-16:1)**



**Prepared for:**

U.S. Army Engineer District, Honolulu  
CEPOH-EC-E, Building 252  
Fort Shafter HI 96858-5440



CONTRACT No. DACA83-01-D-0013  
Task Order No. 0014

**Prepared by:**

Garcia and Associates  
146 Hekili St, Suite 101  
Kailua, HI 96734

April 2006



CIVIL NO. 14-1-1085-04 GWBC  
**PLAINTIFFS** **EXHIBIT 26**  
IN EVIDENCE FOR IDENTIFICATION  
REC'D \_\_\_\_\_, 2015

CLERK, 14<sup>th</sup> DIVISION

**EXHIBIT "F"**

002625

HI-146

**Williams (2002)**

An archaeological Phase I survey was conducted by Ogden of approximately 1,183 acres east of Redleg Trail (see Figure 9) and Phase II excavations of sites previously identified south and east of the survey area (Williams 2002). A total of 35 sites were identified, including pre-Contact habitation sites, excavated pits, shrines, cairns, and newly identified volcanic glass quarries (termed "chill glass"). The volcanic glass quarries, numbering over 197 individual quarries, were grouped into separate site numbers according to spatial associations between the features. Four of the volcanic glass quarry sites (Sites 21667, 21669, and 21670 and 21671) overlap the eastern portion of AALFTR and AALFTR Extension. Subsurface testing was conducted at Site 18673, located in the current project area. The site was previously recorded by Shapiro *et al.* (1998) prior to the Williams (2002) study. Williams notes the site deposit was thin, except in intact hearths near the entrance, and contained bird bone, gourd fragments, volcanic glass, and charcoal.

**Shapiro *et al.* (1998)**

BioSystems conducted an archaeological survey and aerial reconnaissance of a 1,000-m-wide corridor centered on Redleg Trail (see Figure 9) (Shapiro *et al.* 1998). The survey identified ten sites in the corridor, evaluated as pre-Contact Hawaiian sites associated with habitation (lava tubes and C-shape), ceremony or burial, transportation (trail) and quarrying of basalt material. Two of the habitation sites are within the current project area (Sites 18671 and 18673). Site 18671 is a small lava tube shelter with a scant cultural deposit near the light zone. Datable material collected from the light zone and inner chamber of the lava tube produced respective, calibrated date ranges of AD 1630 to 1955 and AD 1478 to 1680. Site 18673 is an extensive lava tube system with several internal features (e.g., hearths, alignments, clearings and rock uprights) denoting sleeping, cooking and ceremonial areas. Abundant cultural material was collected from the site, including hearth ash and charcoal, burned wood, grass matting, gourd pieces, a sling stone or bird cooking, and a volcanic glass "blade", 'opihi shells and bird bone. Three charcoal samples collected from three areas of the site produced different calibrated date ranges spanning between AD 1280 and 1680.

**Shapiro and Cleghorn (1998)**

BioSystems conducted an archaeological survey of two areas at PTA (Shapiro and Cleghorn 1998). One of the study areas (Work Area 2) included Training Area 5, which overlapped the northeast corner of BAX (see Figure 9). Only one site (Site 19490) was identified in the BAX. Site 19490 is a pre-Contact complex of features (Features A-E), including four lava tubes, two trails, a C-shape, four *ahu* and a surface scatter of volcanic glass flakes. Abundant cultural material was identified in the lava tubes, particularly Feature C, including two *ti* leaf sandals, gourds, burned wooden poles, a hammerstone, vegetable matting, bird and fish bone, 'opihi shell, *kukui* shell and volcanic glass. Military debris was also noted on the surface of the site. Charcoal from a burned firebrand in Feature C produced a calibrated date range of AD 1640 to 1950. A sample of volcanic glass also collected from Feature C was analyzed as material characteristic of the Pohakuioa Basalt/Glass (Hawaii) chemical group (cf. Jackson and Miksicek 1994).

**Phase I Survey; Roberts *et al.* (2004a)**

GANDA conducted a Phase I survey and identification of all sites in the BAX and AALFTR portions of the project area (see Figure 9) (Roberts 2004a). The Phase I work originally identified 24 potential archaeological sites, 15 of which were determined to be archaeological sites during the current Phase II work (see Table 1). All 15 sites are pre-Contact sites attributable to habitation, quarrying, possible bird hunting and travel (trails).

## 5.0 FIELD METHODS

Intensive archaeological survey of the three study areas focused on data collection necessary to evaluate site significance and to determine mitigation treatments for significant cultural resources. Tasks included preparation of detailed site descriptions, drawing of scaled and gps-generated site maps, limited excavations (where possible) and photographic documentation.

Due to the presence of unexploded ordnance in the various study areas, the field crew was accompanied by a team of UXO specialists from Donaldson Enterprises, Inc (DEI) during all field activities. Prior to subsurface testing, the ground was tested for buried UXO with a magnetometer.

All aspects of the fieldwork, including schedule, personnel, archaeological findings and evaluations, were documented in a daily log. Sites were thoroughly recorded on site and feature record forms specifically designed for PTA. Most of the newly recorded sites were mapped to scale using a meter tape and declinated compass. Scale maps were created for a representative number of features at the excavated pit complexes (Sites 23621, 23463, and 23622). All of the volcanic glass quarries were mapped using a gps and are displayed on GIS maps included in this report. Scale maps of representative features in Site 23455 were completed during a previous study (See Appendix C in Roberts et al. 2004b). Digital and 35mm photographs were taken of all the sites.

Test units were excavated at several sites to assess the nature and depth of cultural deposits and to collect datable samples for radiocarbon dating. The test units were excavated by natural soil layers, within 10-cm arbitrary levels. Excavated materials were screened through 1/8-inch mesh. Subsurface cultural features were fully exposed, drawn to scale, bisected if necessary, and profiled. At least two walls were profiled of each excavation unit and descriptions of soils and sediments were recorded following U.S. Soil Conservation Service standards and munsell color notations. Photographs were taken of all subsurface features, profiles, and plan views.

## 6.0 RESULTS

The following section provides descriptions, testing results and radiocarbon information (if applicable) for the 24 sites currently documented in the project area (Figures 10 and 11; see Table 3).

All 24 sites are classified as pre-Contact Hawaiian sites attributable to short-term habitation, possible bird hunting, quarrying, and transportation. All cultural material collected from the sites are tabulated and provided in the Laboratory Analysis Section 7.0 of this report. Sites are presented below by individual study areas (BAX, AALFTR, and AALFTR Extension) and organized – in numerical order – by their State site number, prefaced by 50-10-31. Each description contains a header table providing a brief summary of the site including possible significance evaluations according to NRHP criteria defined in Section 9.0 of this report.

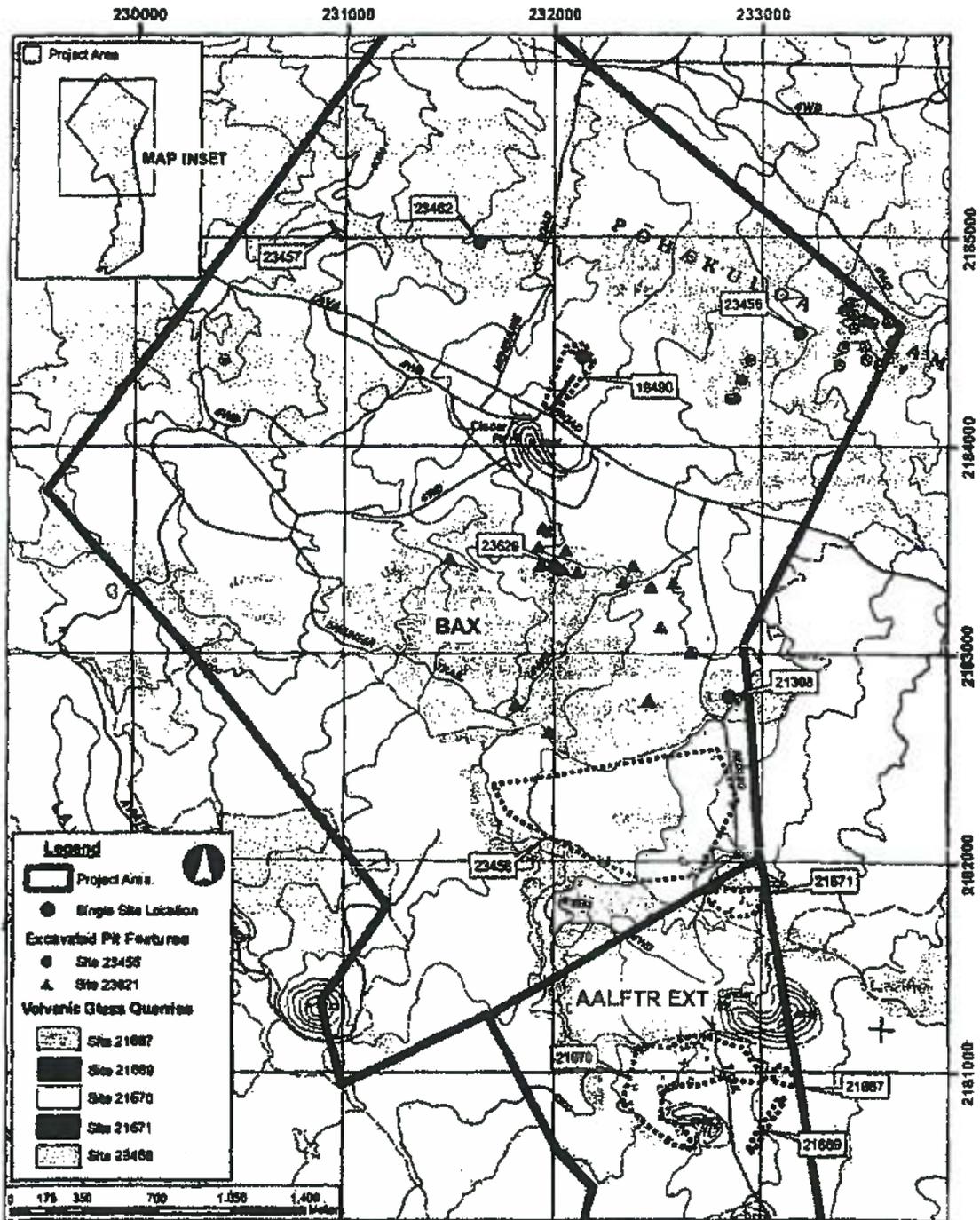


Figure 10. USGS 7.5 Minute Puu Koli Quad Showing Site Locations in Northern Portion of Project Area



# **EXHIBIT “G”**



# EXHIBIT "H"

PERMISSION TO COPY DENIED, HRS 606.13, etc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII  
Intermediate Court of Appeals  
CAAP-18-0000432  
25-JUL-2018

Electronically Filed

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|                                      |   |                     |
|--------------------------------------|---|---------------------|
| CLARENCE CHING and MARY MAXINE       | ) |                     |
| KAHAULELIO,                          | ) |                     |
|                                      | ) |                     |
| Plaintiffs,                          | ) |                     |
| v.                                   | ) | Civil No.           |
|                                      | ) | 14-1-1085-04 (GWBC) |
| SUZANNE D. CASE, in her official     | ) |                     |
| capacity as Chairperson of the       | ) |                     |
| Board of Land and Natural Resources) | ) |                     |
| and State Historic Preservation      | ) |                     |
| Officer, BOARD OF LAND AND NATURAL   | ) |                     |
| RESOURCE; DEPARTMENT OF LAND AND     | ) |                     |
| NATURAL RESOURCES,                   | ) |                     |
| Defendants.                          | ) |                     |

---

TRANSCRIPT OF PROCEEDINGS

before the HONORABLE GARY W. B. CHANG Judge, 14th  
Division, presiding, on Wednesday, September 30, 2015.

FURTHER JURY-WAIVED TRIAL

APPEARANCES:

DAVID FRANKEL, ESQ.  
SUMMER SYLVA, ESQ.  
For the Plaintiffs

DANIEL MORRIS, ESQ.  
For the State

NIKKI BEAVER CHEANG, CRR, CSR-340  
OFFICIAL COURT REPORTER  
STATE OF HAWAI'I

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31

1           A.       Well, from our maps, uh-huh.

2           Q.       I want to ask you about what you saw on the  
3 land the State leases at Pohakuloa to the U.S., just  
4 that area, okay, the area north of Lava Road.

5           A.       Right.

6           Q.       Okay.  Actually, before I go there -- well,  
7 other than the cultural sites that you saw, what did you  
8 see on the land the State leases at Pohakuloa to the  
9 U.S.?

10          A.       Other than the cultural --

11                   THE COURT:  Can you be more specific, what  
12 area of land you're talking about.

13

14 BY MR. FRANKEL:

15          Q.       Sure.  This area north of Lava Road.

16          A.       Mm-hm.

17          Q.       East of Kaua Road and west of Menehune  
18 Road, and south of the blue line that's parallel to  
19 Saddle Road, and that area's all marked in yellow on  
20 this map; right?

21          A.       Yes, yes.

22          Q.       And maybe I'm going to include a little bit  
23 east of Menehune Road where the blue goes a little  
24 farther east of Menehune Road.

25          A.       Okay.

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32

1 Q. Is that clear what I'm talking about?

2 A. Yeah, I think so.

3 Q. So other than historic and cultural  
4 sites --

5 A. Mm-hm.

6 Q. -- what did you see in this area?

7 A. Well, basically the construction going on,  
8 which is what we were monitoring as well, and you know,  
9 Army stuff.

10 Q. Be more descriptive about the Army stuff.  
11 What Army stuff did you see on the ground there?

12 A. Oh, on the ground, um, well, spent Army  
13 things, rounds and munitions and unexploded ordinance  
14 and things like that.

15 Q. Where did you see this unexploded  
16 ordinance?

17 A. All over.

18 Q. Can you describe the age of the debris that  
19 you saw.

20 A. I mean, what I can say is that, you know,  
21 you would have anything from new stuff. You can tell  
22 because it's not oxidized, and then old stuff which is  
23 oxidized, you know, it kind of rusted and things like  
24 that, I mean, yeah, all different ages.

25 Q. Who is in the field with you?



# Department of Defense

## INSTRUCTION

**NUMBER** 4710.03

October 25, 2011

Incorporating Change 1, August 31, 2018

---

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USD(A&S)

**SUBJECT:** Consultation With Native Hawaiian Organizations (NHOs)

**References:** See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues Directive-Type Memorandum 11-001 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5134.01 (Reference (b)).

b. Establishes policy and assigns responsibilities for DoD consultation with NHOs when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. Provides the DoD Components in Hawaii with a framework to develop localized processes to facilitate consultation.

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD with consultation responsibilities to NHOs (hereinafter referred to collectively as the "DoD Components").

b. Is intended only to improve the internal management of the DoD Components regarding their consultation responsibilities and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the DoD, its Components, officers, or any person.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. The DoD respects the traditions and cultures of all native peoples of the United States as well as the strong desire of Native Hawaiians to maintain their rich history and tradition amidst other prevalent influences in American society.

b. The DoD recognizes the special status afforded NHOs by the U.S. Government through various Federal laws, regulations, and policy. The Military Services' long presence in Hawaii has provided the DoD with a strong appreciation for the importance of consultation when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. The DoD shall conduct meaningful consultation for the purpose of avoiding or minimizing, to the extent practicable and consistent with law, the effects of DoD Component actions on a property or place of traditional religious and cultural importance to an NHO.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 provides procedures and requirements for when, with whom, and how to consult with NHOs, including considerations for natural and cultural resources.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. SUMMARY OF CHANGE 1. This change reassigns the office of primary responsibility for this Instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (c)).

9. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Frank Kendall  
Acting Under Secretary of Defense for  
Acquisition, Technology, and Logistics

Enclosures

1. References

2. Responsibilities
  3. Procedures
  4. Compliance Measures of Merit
- Glossary

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ENCLOSURE 1

REFERENCES

- (a) Directive-Type Memorandum 11-001, “Consultation with Native Hawaiian Organizations,” February 3, 2011 (hereby cancelled)
- (b) DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)),” December 9, 2005
- (c) Deputy Secretary of Defense Memorandum, “Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment,” July 13, 2018
- (d) Sections 691-716 of title 48, United States Code (also known as “The Hawaiian Homes Commission Act, as amended”)
- (e) Public Law 86-3, “The Admission Act,” March 18, 1959
- (f) Sections 4321-4370f<sup>1</sup> and 2000bb-1<sup>2</sup> of title 42, United States Code
- (g) Sections 470-470x-6 of title 16, United States Code (also known as “The National Historic Preservation Act of 1966 (NHPA), as amended”)
- (h) Sections 3001-3013 of title 25, United States Code (also known as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended”)
- (i) DoD Instruction 4710.02, “DoD Interactions with Federally-Recognized Tribes,” September 14, 2006
- (j) Public Law 103-150, “Overthrow of Hawaii,” November 23, 1993 (also known as “The Apology Resolution”)

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<sup>1</sup> Also known as “The National Environmental Policy Act of 1969, as amended”

<sup>2</sup> Also known as “The Religious Freedom Restoration Act of 1993, as amended”

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall establish DoD policy for interactions with federally recognized tribes and requirements for DoD consultation with NHOs.

2. DEPUTY UNDER SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT (DUSD(I&E)). The DUSD(I&E), under the authority, direction, and control of the USD(AT&L), shall:

- a. Develop policy and guidance for interactions with federally recognized tribes and for consultation with NHOs.
- b. Designate responsibilities and provide procedures for DoD consultation with NHOs.
- c. Enhance DoD Component understanding of NHO issues and concerns through education and training programs and outreach activities.
- d. Assist the DoD Components in identifying requirements of Presidential Memorandums, Executive orders, statutes, and regulations governing DoD consultations with NHOs.
- e. Designate an NHO liaison within the Office of the DUSD(I&E) (ODUSD(I&E)) to coordinate DoD consultation activities.
- f. As requested, assist the DoD Components with consultation with NHOs.

3. HEADS OF THE DoD COMPONENTS WITH CONSULTATION RESPONSIBILITIES TO NHOs. The Heads of the DoD Components with consultation responsibilities to NHOs shall:

- a. Ensure compliance with the applicable requirements of Presidential Memorandums, Executive orders, statutes, and regulations regarding DoD consultations with NHOs, and integrate required consultation activities into mission activities in order to facilitate early and meaningful consultation.
- b. Plan, program, and budget for Presidential Memorandum, Executive order, statutory, and regulatory requirements applicable to consultation with NHOs consistent with DoD guidance and fiscal policies, and within available resources.
- c. Ensure that consultation with NHOs occurs in accordance with Enclosure 3 of this Instruction.

d. Notify the DUSD(I&E) of NHO issues that are controversial, cannot be resolved at the DoD Component level, and have the potential to be elevated to the USD(AT&L) for resolution.

e. Assign NHO liaison responsibilities to staff at the headquarters level to coordinate NHO consultation issues with ODUSD(I&E).

f. Assign a point of contact in Hawaii to ensure that NHO inquiries are channeled to appropriate officials and responded to in a timely manner.

g. Develop consultation procedures and provide cultural communications training for military and civilian personnel with consultation responsibilities.

ENCLOSURE 3

PROCEDURES

1. WHEN TO CONSULT

a. The DoD Components shall consult with NHOs:

(1) When proposing an undertaking that may affect a property or place of traditional religious and/or cultural importance to an NHO.

(2) When receiving notice of or otherwise becoming aware of an inadvertent discovery or planned activity that has resulted or may result in the intentional excavation or inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on Federal lands or lands administered for the benefit of Native Hawaiians pursuant to sections 691-716 of title 8, United States Code (U.S.C.) (also known as “The Hawaiian Homes Commission Act, as amended”) (Reference (d)) and section 4 of Public Law 86-3 (Reference (e)).

(3) When proposing an action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO.

(4) When proposing an action that may substantially burden a Native Hawaiian’s exercise of religion (as defined in the Glossary).

(5) When proposing an action that may affect a property or place of traditional religious and cultural importance to an NHO or subsistence practices, and for which the DoD Components have an obligation to consult pursuant to sections 4321-4370f of title 42, U.S.C. (also known as “The National Environmental Policy Act of 1969, as amended” (Reference (f))) or any other statute, regulation, or Executive order.

b. The DoD Components shall conduct their consultation activities early enough in the DoD project planning process to allow the information provided to be meaningfully considered by DoD project planners and decision makers.

c. Recognizing that consultation is most effective when conducted in the context of an ongoing relationship, the DoD Components are encouraged to, insofar as practicable, establish and maintain relationships with NHOs separate from consultations related to specific actions. As part of this effort, the DoD Components and NHOs may exchange information related to operational and mission requirements, concerns about stewardship of important cultural resources and culturally-important natural resources, procedures to streamline action-specific consultations, and long-term planning.

## 2. WHOM TO CONSULT

a. The DoD Components shall make a reasonable and good faith effort to contact and consult with NHOs whose members perform cultural, religious, or subsistence customs and practices in an area that may be affected by a proposed DoD Component activity in Hawaii.

b. As a State of Hawaii organization established to promote the interests of Native Hawaiians, the Office of Hawaiian Affairs (OHA) (see <http://www.oha.org/>) may provide the DoD Components with up-to-date information and recommendations for appropriate contacts relative to a particular proposed action. OHA may also assist the DoD Components with consultation through dissemination of notices and announcements of proposed DoD Component actions that may affect resources of religious and cultural importance to NHOs.

c. As a practical matter, the DoD Components may find it helpful to contact:

(1) Individual Native Hawaiians and others who may have specific knowledge about the history and culture of an area that may have the potential to be adversely affected by a proposed DoD Component action.

(2) Individual Native Hawaiians and others who live near an area that may be affected by a proposed DoD Component activity and who regularly use the area for cultural, religious, or subsistence purposes.

(3) The U.S. Department of Interior, Office of Hawaiian Relations, which maintains an NHO Notification List at <http://www.doi.gov/ohr/nativehawaiians/list.html>.

(4) The Hawaii State Historic Preservation Officer at <http://hawaii.gov/dlnr/hpd/hpgreeting.htm>.

3. HOW TO CONSULT. The DoD Components shall fully integrate, including staff officers at the installation level, the principles and practices of meaningful consultation and communication with NHOs by:

a. Providing interested NHOs an opportunity to participate in pre-decision consultation that will ensure that NHO concerns are given due consideration whenever a DoD Component proposes an action that may affect historic properties or places of traditional religious and cultural importance to an NHO as defined by sections 470-470x-6 of title 16, U.S.C. (also known and hereinafter referred to as "The National Historic Preservation Act of 1966 (NHPA), as amended" (Reference (g))).

b. Considering the advice and recommendations of OHA to facilitate effective consultation between NHOs and DoD Components, with the understanding that no single NHO is likely to represent the interests of all NHOs.

c. Consulting in good faith, whenever a DoD Component proposes an action that may adversely affect resources of traditional religious or cultural importance to NHOs, and for which the DoD Components have an obligation to consult under any Presidential Memorandum, statute, regulation, or Executive order.

d. Initiating and maintaining effective communication with NHOs using tools and techniques designed to facilitate greater understanding and participation.

e. Providing continuity by ensuring new commanders are provided, as soon as possible, information regarding existing written agreements between the installation and NHOs, points of contact, and NHO areas of special interest concerning installation activities.

f. Recognizing the importance of improving communication between the DoD Components and NHOs by establishing a process for outreach regarding DoD activities that may have an effect on a property or place of traditional religious and cultural importance to an NHO or subsistence practices on each island to foster a positive relationship between the DoD Components in Hawaii and NHOs.

g. Involving the Hawaii State Historic Preservation Officer in consultations in accordance with NHPA, and, with respect to sections 3001-3013 of title 25, U.S.C. (also known and hereinafter referred to as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended” (Reference (h))), appropriate Burial Councils.

4. CULTURAL AND NATURAL RESOURCE CONSIDERATIONS. The DoD Components shall recognize and respect the significance that NHOs give to resources of traditional religious and cultural importance by:

a. Undertaking DoD Component actions and managing DoD lands and water resources so as to protect and preserve, to the extent practicable and consistent with the law and operational and readiness requirements, places that NHOs have identified, consistent with law, as being of particular significance to Native Hawaiian traditional religious and/or cultural practices.

b. Enhancing the ability of NHOs to help the DoD Components protect and manage a natural resource that is also a property or place of traditional religious and cultural importance to an NHO on DoD lands, through NHO participation in the development of Integrated Cultural Resource Management Plans (ICRMP).

c. Accommodating, to the extent practicable and consistent with the safety of NHO representatives, military training, security, and readiness requirements, NHO access to a property or place of traditional religious and cultural importance to an NHO for religious or cultural activities.

d. Developing written agreements to the extent practicable, appropriate, or required, among the DoD Components, the Secretary of the Interior, and NHOs to protect confidential information regarding a property or place of traditional religious and cultural importance to an NHO.

e. Developing written agreements, to the extent practicable, appropriate, or required, between the DoD Components and the Hawaii State Historic Preservation Officer, in consultation with NHOs, to address the effects of proposed DoD undertakings on a property or place of traditional religious and cultural importance to an NHO.

ENCLOSURE 4

COMPLIANCE MEASURES OF MERIT

1. POLICY IMPLEMENTATION. The ODUSD(I&E) shall assess the number of DoD Components that have incorporated a process for consultation with NHOs as part of an ICRMP when a property or place of traditional religious and cultural importance to an NHO has been identified.
  
2. NAGPRA. The ODUSD(I&E) shall assess compliance with NAGPRA in accordance with the compliance measures of merit included in DoDI 4710.02 (Reference (i)).

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

|            |                                                                                   |
|------------|-----------------------------------------------------------------------------------|
| DUSD(I&E)  | Deputy Under Secretary of Defense for Installations and Environment               |
| ICRMP      | Integrated Cultural Resource Management Plans                                     |
| NAGPRA     | Native American Graves Protection and Repatriation Act of 1990                    |
| NHOs       | Native Hawaiian Organizations                                                     |
| NHPA       | National Historic Preservation Act of 1966                                        |
| ODUSD(I&E) | Office of the Deputy Under Secretary of Defense for Installations and Environment |
| OHA        | Office of Hawaiian Affairs                                                        |
| U.S.C.     | United States Code                                                                |
| USD(AT&L)  | Under Secretary of Defense for Acquisition, Technology and Logistics              |

### PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

consultation. Seeking, discussing, and considering the views of other participants and, when feasible, seeking a mutually acceptable understanding regarding the matters at hand. As appropriate to the circumstances, consultation may include, but is not limited to, the exchange of written communications, face-to-face discussions, and telephonic or other means of exchanging information and ideas.

cultural patrimony. Defined in section 2(3)(D) of Reference (h).

culturally affiliated. Defined in section 2(2) of Reference (h).

exercise of religion. Defined in section 2000bb-1 of Reference (f) (also known as “The Religious Freedom Restoration Act of 1993, as amended”).

human remains, funerary objects, sacred objects, or objects of cultural patrimony. Defined in Reference (h).

Native Hawaiian. Defined in Public Law 103-150 (also known as “The Apology Resolution” (Reference (j))).

NHOs. Organizations that serve and represent the interests of Native Hawaiians have a primary and stated purpose of providing services to Native Hawaiians, and have expertise in Native Hawaiian affairs. Pursuant to NHPA and NAGPRA, NHOs include OHA and Hui Malama I Na Kupuna ‘O Hawai’I Nei (see <http://huimalama.tripod.com/>). The DoD Components may identify any other organization as an NHO if they determine that the organization meets the criteria in this definition.



*Preserving America's Heritage*

Consultation with  
Native Hawaiian Organizations  
In The Section 106 Review Process:  
A Handbook

January 2020

The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.

Aimee Jorjani is chairman of the 24-member council, which is served by a professional staff with offices in Washington D.C. For more information about the ACHP contact:

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**Consultation with Native Hawaiian Organizations  
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## I. About This Handbook

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, requires federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings. The ACHP has issued the regulations implementing Section 106 (Section 106 regulations), 36 CFR Part 800, “Protection of Historic Properties.” The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings.

In 2008, the ACHP adopted the [\*ACHP Policy Statement on the ACHP’s Interaction with Native Hawaiian Organizations\*](#). The policy is intended to set “forth actions the ACHP will take to oversee the implementation of its responsibilities under the NHPA with respect to the role afforded to Native Hawaiian organizations in the NHPA.” The policy includes three principles:

1. The ACHP acknowledges Native Hawaiian traditional cultural knowledge, beliefs and practices and recognized their value in the understanding and preservation of historic properties in Hawaii;
2. The ACHP commits to working with Native Hawaiian organizations to fully consider the preservation of historic properties of importance to them; and,
3. The ACHP acknowledges the important contributions of Native Hawaiian organizations to the national historic preservation program.

While the policy does not directly apply to other federal agencies, it serves as a model for how federal agencies should interact with Native Hawaiian organizations in meeting their Section 106 responsibilities. At the very least, it serves to inform federal agencies of the ACHP’s position regarding the role of Native Hawaiian organizations in the Section 106 process.

In fulfillment of the commitments in the policy statement, the ACHP offers this handbook as a reference for federal agency staff in Hawaii with responsibility for compliance with Section 106. Native Hawaiian organizations, State Historic Preservation Office (SHPO) staff, and other Section 106 participants may also find this handbook helpful. Readers should have a basic understanding of the Section 106 review process because this document focuses only on Section 106 consultation with Native Hawaiian organizations. It is not a source for understanding the full breadth of Section 106 responsibilities such as consulting with the SHPO or involving the public.

This handbook will be updated periodically by the ACHP when new information is obtained or laws or policies change. Agencies should also supplement this document with their own agency-specific directives, policies, and guidance pertaining to consultation with Native Hawaiian organizations.

In addition, federal agency staff may refer questions about the Section 106 review process, and the requirements to consult with Native Hawaiian organizations, to their agency’s Federal Preservation Officer (FPO).

Finally, agency staff may obtain assistance from the ACHP in understanding and interpreting the requirements of Section 106. For general information on the requirements of Section 106, access the ACHP website at <http://www.achp.gov>. For additional questions about Native Hawaiian organization consultation, contact:

Office of Native American Affairs  
Advisory Council on Historic Preservation  
401 F Street, NW  
Suite 308  
Washington, DC 20001-2637  
(202) 517-0200

## II. Federal Government Consultation with Native Hawaiian organizations

### A. Legal Requirements and Directives to Consult with Native Hawaiian organizations

#### 1) Statutes

A number of federal statutes require federal agencies to consult with Native Hawaiian organizations<sup>1</sup>. This section will address only those applicable to historic preservation and cultural resource protection. It is useful to be familiar with various statutory requirements not only to ensure compliance, but also to explore opportunities to maximize consultation opportunities. For instance, if a project requires compliance with both Section 106 of the NHPA and the Native American Graves Protection and Repatriation Act (NAGPRA), it may be helpful to carry out consultation in a comprehensive manner. However, consultation under another statute or regulation does not satisfy the consultation requirements under Section 106.

The following are broad summaries of key federal historic preservation and cultural resource protection statutes that require federal agencies to consult with Native Hawaiian organizations or accommodate Native Hawaiian views and practices. This is not an exhaustive list of requirements, nor does it imply that each of these statutes is applicable to each proposed project.

- Amended in 1992, the **National Historic Preservation Act of 1966 (NHPA)** is the basis for Native Hawaiian organization consultation in the Section 106 review process. The two amended sections of NHPA that have a direct bearing on the Section 106 review process are:
  - Section 101(d)(6)(A), which clarifies that properties of religious and cultural significance to Native Hawaiian organizations may be eligible for listing in the National Register of Historic Places; and
  - Section 101(d)(6)(B), which requires that federal agencies, in carrying out their Section 106 responsibilities, consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

The Section 106 regulations incorporate these provisions. Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and to provide the ACHP an opportunity to comment. Also known as the Section 106 review process, it seeks to avoid unnecessary harm to historic properties from such undertakings. The procedure for meeting Section 106 requirements is defined in the Section 106 regulations, [36 CFR Part 800, "Protection of Historic Properties."](#)<sup>2</sup>

The Section 106 regulations include both general direction regarding consultation with Native Hawaiian organizations and specific requirements at each stage of the review process. (Section 106 is discussed

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<sup>1</sup> The NHPA defines a Native Hawaiian organization as "any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii." 16 U.S.C. Section 470w(18). The NHPA defines Native Hawaiian as "any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii." 16 U.S.C. Section 470w(17).

<sup>2</sup> Available at <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

more fully in the next section, “Consultation with Native Hawaiian organizations under Section 106 of NHPA”).

For more information about the NHPA and the Section 106 regulations, visit [www.achp.gov](http://www.achp.gov)

Other relevant laws include:

- **The American Indian Religious Freedom Act of 1978 (AIRFA)** establishes the policy of the federal government “to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” For a copy of the act, go to: [http://www.nps.gov/history/local-law/FHPL\\_IndianRelFreAct.pdf](http://www.nps.gov/history/local-law/FHPL_IndianRelFreAct.pdf).
- **Section 3(c) of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)** requires federal land-managing agencies to consult with Native Hawaiian organizations prior to the intentional removal or excavation of Native American human remains and other cultural items as defined in NAGPRA from federal lands. For more information, to go: <https://www.nps.gov/archeology/tools/laws/nagpra.htm>.

In instances where a proposed project that is funded or licensed by a federal agency may cross federal lands, it is the federal land managing agency that is responsible for compliance with NAGPRA. Detailed information about NAGPRA and its implementing regulations is available at the National Park Service (NPS) National NAGPRA website.<sup>3</sup>

Federal agencies should also be aware that Hawaii has state laws regarding historic preservation and the treatment of burials. For more information, go to: <http://hawaii.gov/dlnr/hpd/hphrs.htm>.

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<sup>3</sup> Available at <https://www.nps.gov/subjects/nagpra/index.htm>

### III. Consultation with Native Hawaiian organizations in the Section 106 Process

*Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.* (36 CFR Section 800.16 (f)).

Consultation constitutes more than simply notifying a Native Hawaiian organization about a planned undertaking. The ACHP views consultation as a process of communication that may include written correspondence, meetings, telephone conferences, site visits, and e-mails.

The requirements to consult with Native Hawaiian organizations in the Section 106 review process are derived from the specific language of Section 101(d)(6)(B) of NHPA.

While federal agencies are required to consult with Native Hawaiian organizations at specific steps in the Section 106 review process, the ACHP suggests that agencies approach consultation with flexibility and in a spirit of cooperation. In fact, in its *Policy Statement on the ACHP's Interaction with Native Hawaiian Organizations*, the ACHP states that “the NHPA and the regulations implementing Section 106 of the NHPA, 36 C.F.R. Part 800, set the minimum standards for federal agency interaction with its preservation partners.”

Carrying out the process in the spirit and intent of the NHPA can lead to less adversarial relationships and better historic preservation outcomes. In fact, many Native Hawaiians believe that it is the *kuleana* (responsibility) of federal agencies to protect historic properties. Thus, a collegial or cooperative attitude or approach to the Section 106 process builds trust and good working relationships.

#### Regulatory Principles and General Directions for Section 106 Native Hawaiian Consultation

The procedures for meeting Section 106 requirements are defined in the Section 106 regulations, “Protection of Historic Properties” (36 CFR Part 800).<sup>4</sup> Under the NHPA, “historic properties” are defined as those properties that are listed on the National Register of Historic Places, or are eligible for such listing.

The regulations provide both overall direction as well as specific requirements regarding consultation at each step of the Section 106 review process. The Section 106 regulations at 36 CFR Section 800.2(c)(2) outline the following important principles and general directions to federal agencies regarding consultation with Native Hawaiian organizations:

- The agency shall ensure that consultation provides the Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance to it; articulate its views on the undertaking’s effects on such properties; and participate in the resolution of adverse effects.
- Consultation with Native Hawaiian organizations should commence early in the planning process, in order to identify and discuss relevant preservation issues and plan how to address concerns about confidentiality of information obtained during the consultation process.
- Historic properties of religious and cultural significance to a Native Hawaiian organization may be located on ancestral or ceded lands, e.g. Hawaiian Homelands. For historical reasons, members of a Native Hawaiian organization may now be located on another Hawaiian island or other distant location far away from historic properties that still hold such significance for them. Accordingly, the

<sup>4</sup> Available at <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

regulations require that agencies make a *reasonable and good-faith effort*<sup>5</sup> to identify Native Hawaiian organizations that may attach religious and cultural significance to historic properties that may be affected by the undertaking, even if Native Hawaiian organizations now are located a great distance away from such properties and undertakings.

- A Native Hawaiian organization may enter into an agreement with a federal agency regarding any aspect of that organization's participation in the review process. The agreement may specify a Native Hawaiian organization's geographic area of interest, types of projects about which it wishes to be consulted, or provide the Native Hawaiian organization with additional participation or concurrence in agency decisions under Section 106 provided that no modification is made to the roles of other parties without their consent.

While the Section 106 regulations are fairly prescriptive in nature, they only direct agencies on what to do and at which stages of the process to engage in consultation. They do not direct agencies on exactly how to otherwise carry out consultation. Thus, the following questions and answers are designed to clarify the most common questions and issues regarding consultation with Native Hawaiian organizations under the Section 106 review process.

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<sup>5</sup> Tips on how to fulfill this requirement are provided under the heading "How do I identify Native Hawaiian organizations that must be invited to consult," on page 11 of this handbook.

#### **IV. General Questions and Answers**

The following list of questions is meant to address general issues that commonly arise in the Section 106 review process, typically before an agency begins the review process or very early in the process. Section V of this Handbook addresses questions that might arise at each step of the Section 106 review process.

##### **When are federal agencies required to consult with Native Hawaiian organizations?**

The 1992 amendments to the NHPA require federal agencies, in carrying out the Section 106 review process, to consult with Native Hawaiian organizations when a federal undertaking may affect historic properties of traditional religious and cultural significance to them. An “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; or those requiring a federal permit, license or approval. This requirement applies to all undertakings regardless of where they are located.

The Section 106 regulations, 36 CFR Part 800, identify the steps in the Section 106 process when consultation must take place. It is important to keep in mind that consultation should take place early in project planning when the widest possible range of alternatives still exists.

It is also important to understand that Native Hawaiian organizations are not the “general public” for purposes of the NHPA and the Section 106 process. Federal agencies have a statutory, affirmative responsibility to consult with Native Hawaiian organizations and this responsibility cannot be satisfied through public notices or public meetings. NHOs can certainly participate in public meetings but such participation is not a substitute for the consultation required under the NHPA and laid out in the Section 106 regulations.

##### **Which Native Hawaiian organizations must be consulted?**

Native Hawaiian organizations that attach religious and cultural significance to historic properties that may be affected by undertakings must be consulted. Federal agencies must make “a reasonable and good faith” effort<sup>6</sup> to identify each and every such Native Hawaiian organization and invite them to be consulting parties in the Section 106 review process.

This includes Native Hawaiian organizations that live nearby as well as those that no longer reside in or near the project area but that, for example, may still have ancestral ties to that area. It is also possible that a Native Hawaiian organization attaches religious and cultural significance to a historic property on another island. For example, Mauna Kea, on the island of Hawaii, is widely regarded as a place of religious and cultural significance to many individual Native Hawaiians and Native Hawaiian organizations throughout the state of Hawaii. Accordingly, a proposed undertaking that might affect Mauna Kea could necessitate consultation with Native Hawaiian organizations throughout the state.

If a Native Hawaiian organization has not been invited by the agency to consult, that organization may request in writing to be a consulting party. The NHPA and the Section 106 regulations require that the agency grant consulting party status to any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the undertaking.

##### **Must a Native Hawaiian organization demonstrate its affiliation to an area to be considered a**

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<sup>6</sup> Tips on how to fulfill this requirement are provided under the heading “How do I identify Native Hawaiian organizations that must be invited to consult,” on page 11 of this handbook.

**consulting party in the Section 106 process?**

No. A Native Hawaiian organization does not have to demonstrate its cultural affiliation in order to be a consulting party in the Section 106 process. The term “cultural affiliation” is used in the Native American Graves Protection and Repatriation Act and has no relevance in the Section 106 review process. In fact, the NHPA at Section 101(d)(6)(B) states that “in carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties” that are eligible for inclusion in the National Register. Therefore, **any** Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking *must* be invited by the federal agency to participate in the Section 106 consultation process.

**What should a federal agency do if one NHO will not participate in the consultation process with another NHO or demands that the agency not consult with another NHO?**

It is important to remember that the NHPA requires a federal agency to consult with *any* Native Hawaiian organization that attaches religious and cultural significance to a historic property. Therefore, the views of one Native Hawaiian organization regarding the participation of another Native Hawaiian organization have no bearing on a federal agency’s obligation to extend an invitation to consult.

If such conflicts arise in the Section 106 process, the federal agency should approach consultation with flexibility. For instance, it may be necessary to conduct meetings or teleconferences separately with each consulting party.

**What are appropriate consultation methods for individual undertakings?**

The consultation process must provide a Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of religious and cultural significance to it; articulate views on the undertaking’s effects on such properties; and participate in the resolution of adverse effects. (See 36 CFR Section 800.2(c)(2)(ii)(A)).

Appropriate consultation can take many forms or combine more than one type of interaction and should be commensurate with the nature of the undertaking and the properties which may be affected. For instance, face-to-face meetings or on-site visits may be the most practical way to conduct consultation. However, there is no specific way in which consultation must be conducted beyond the procedural specifics provided in the Section 106 regulations. In all cases, however, consultation should be approached with flexibility that respects the Native Hawaiian organization’s role within the overall project planning process and facilitates its full participation.

Documentation of consultation is important because it allows consulting parties to more accurately track the stages of the Section 106 process. Federal agencies should document all efforts to initiate consultation with Native Hawaiian organizations, as well as documenting the consultation process once it has begun. Such documentation, in the form of correspondence, telephone logs, e-mails, etc., should be included in the agency’s official Section 106 record. Agencies should also keep notes so that the consultation record documents the *content* of consultation meetings, site visits, and phone calls in addition to information about dates and who participated. Doing so allows agencies and consulting parties to review proceedings and correct any errors or omissions, thus facilitating better overall communication. Keeping information confidential can present unique challenges (see Section V(B)(4) of this handbook).

Finally, a federal agency and a Native Hawaiian organization may enter into an agreement in accordance

with the Section 106 regulations at 36 CFR Section 800.2(c)(2)(ii)(E) regarding how Section 106 consultation will take place. These are not project-specific agreements but, instead, are meant to address Section 106 consultation more broadly. Such agreements can cover all potential agency undertakings, or apply only to a specific undertaking. They can establish protocols for carrying out consultation, including how the agency will address concerns about confidentiality of sensitive information. Such agreements can cover all aspects of the Section 106 process, provided that no modification is made to the roles of other parties to the Section 106 process without their consent. Determining the types of undertakings and the potential geographic project areas within which a Native Hawaiian organization wants to be consulted, and how that consultation will take place can lead to tremendous efficiencies for both the federal agency and the Native Hawaiian organization. Filing such agreements with both the Hawaii SHPO and the ACHP is required per 36 CFR Section 800.2(c)(2)(ii)(E), and can eliminate questions about consultation with a Native Hawaiian organization when either the SHPO or the ACHP is reviewing a proposed undertaking. For more information about these types of agreements, see Section VI on Consultation Tools.

**Can a federal agency pay for expenses that facilitate consultation with Native Hawaiian organizations?**

Yes. The NHPA authorizes such expenditures, at 16 U.S.C. Section 470h-2(g), and the ACHP encourages federal agencies to take the steps necessary to facilitate Native Hawaiian organization participation at all stages of the Section 106 process. These steps may range from scheduling meetings in places and at times that are convenient for Native Hawaiian organizations, to paying travel expenses for participating Native Hawaiian organization representatives. Indeed, agencies are strongly encouraged to use available resources to help overcome financial impediments to effective Native Hawaiian organization participation in the Section 106 process. However, federal agencies should not expect to pay a fee to any consulting party to provide comments or concurrence in an agency finding or determination.

**Can a federal agency pay a fee to a Native Hawaiian organization for services provided in the Section 106 process?**

Yes. However, it should be noted that while the ACHP encourages agencies to utilize their resources to facilitate working with Native Hawaiian organizations, the NHPA or the ACHP's regulations do not require an agency or an applicant to pay for any form of Native Hawaiian organization involvement.

However, during the identification and evaluation phase of the Section 106 process, when the agency or applicant is carrying out its duty to identify historic properties that may be significant to a Native Hawaiian organization, it might ask a Native Hawaiian organization for specific information and documentation regarding the location, nature, and condition of individual sites, or even request that a survey be conducted by the Native Hawaiian organization. In doing so, the agency or applicant is essentially asking the Native Hawaiian organization to fulfill the duties of the agency in a role similar to that of a consultant or contractor. In such cases, the Native Hawaiian organization would be justified in requesting payment for its services, just as is appropriate for any other contractor. Since Native Hawaiian organizations are a recognized source of information regarding historic properties of religious and cultural significance to them, federal agencies should reasonably expect to pay for work carried out by Native Hawaiian organizations on behalf of the agency. The agency or applicant is free to refuse just as it may refuse to pay for an archaeological consultant, but the agency still retains the responsibility for obtaining the necessary information for the identification of historic properties, the evaluation of their National Register eligibility, and the assessment of effects on those historic properties, through reasonable methods.

It should be noted that reimbursing any party, including Native Hawaiian organizations, for work they perform on behalf of the federal agency is not reimbursement for consultation. Consulting parties should

not be expected to be reimbursed for participating in the consultation process.

**What specific activities might be reimbursed?**

Examples of reimbursable costs may include those costs associated with expert consultants to identify and evaluate historic properties as outlined in the immediately preceding answer. This may include field visits to provide information about specific places or sites, monitoring activities, research associated with historical investigation, documentation production costs, and related travel expenses.

**Can Native Hawaiian organizations, as well as federal agencies, request ACHP involvement in the Section 106 review process?**

Yes. Any party, including Native Hawaiian organizations, may request that the ACHP review the substance of any federal agency's finding, determination, or decision or the adequacy of an agency's compliance with the Section 106 regulations.

A Native Hawaiian organization may request that the ACHP enter the Section 106 review process for any number of reasons, including concerns about the identification, evaluation or assessment of effects on historic properties of religious and cultural significance to it. It may also request ACHP involvement in the resolution of adverse effects or where there are questions about policy, interpretation, or precedent under Section 106. The ACHP has discretion in determining whether to become involved in the process whether upon request or its own initiative.

**Does the ACHP have a policy on the treatment of Native American burials that are located on state or private lands (and thus not subject to the disinterment provisions of NAGPRA)?**

Yes. On February 23, 2007, the members of the ACHP unanimously adopted its revised "Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects." This policy is designed to guide federal agencies in making decisions about the identification and treatment of burial sites, human remains, and funerary objects encountered in the Section 106 process in various instances including those where federal or state law does not prescribe a course of action. The policy is not exclusively directed toward Native American burials, human remains or funerary objects, but those would be included under the policy. In accordance with Section 106, the policy does not recommend a specific outcome from the consultation process, but rather focuses on issues and perspectives that federal agencies ought to consider when making their Section 106 decisions. The policy is available at <https://www.achp.gov/sites/default/files/policies/2018-06/ACHPPolicyStatementRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects0207.pdf>.

Federal agencies should be aware there is a state law in Hawaii regarding burials. For more information, go to <http://hawaii.gov/dlnr/hpd>.

## **V. Consultation with Native Hawaiian Organizations for Proposed Undertakings**

As noted earlier in the handbook, under the NHPA, consultation with Native Hawaiian organizations is required for *all* federal undertakings, regardless of whether the undertaking's Area of Potential Effect (APE) includes federal, state, or private lands, so long as the undertaking may affect historic properties of religious and cultural significance to a Native Hawaiian organization. Consultation should begin early in project planning and continue throughout the Section 106 process when properties of religious and cultural significance to Native Hawaiian organizations may be affected.

The organization of this section of the handbook corresponds with the Section 106 review process's four steps of initiation, identification, assessment, and resolution.

### **A. Initiation of the Section 106 Process**

#### **1) How would I know if historic properties of traditional religious and cultural significance to Native Hawaiian organizations may be affected by the proposed undertaking?**

Unless such properties have already been identified and the information is readily available, you probably will not know in advance. As with any undertaking that might affect historic properties, you must determine whether the proposed undertaking is generically the kind that might affect historic properties assuming such properties are present. Therefore, if the undertaking is the kind of action that might affect places such as archaeological sites, burial grounds, sacred landscapes or features, or ceremonial areas, then you must identify Native Hawaiian organizations that might attach significance to such places and invite them to participate in the process. Please note that this list of examples is not all-inclusive. It is through consultation with Native Hawaiian organizations themselves that such properties can be properly identified and evaluated.

#### **2) How do I identify the Native Hawaiian organizations that must be invited to consult?**

Identification of Native Hawaiian organizations that must be invited to consult could include a number of initiatives. For instance, it might be useful to check with other federal agencies and their cultural resource specialists for a list of Native Hawaiian organizations with whom they have consulted in past Section 106 reviews. The SHPO and the Office of Hawaiian Affairs might also be able to suggest which Native Hawaiian organizations to contact. Other sources for such information may include ethnographies, local histories, experts at local universities, oral accounts, and, of course, the Native Hawaiian organizations themselves. Do not hesitate to ask about others that might also be interested in participating in consultation. Finally, the Department of Interior's Office of Hawaiian Relations maintains a list of Native Hawaiian organizations at <https://www.doi.gov/hawaiian/NHOL>.

It may also be helpful to publish notices in local newspapers about the initiation of the Section 106 review process and the opportunity for Native Hawaiian organizations to participate in the consultation. For major or controversial projects, it might be advisable to work with the Office of Hawaiian Affairs to include information in its radio programs.

Keep in mind that identification of Native Hawaiian organizations with ancestral connections to an area is not a "one stop shopping" endeavor in which any single source can be depended upon to fulfill the agency's legal responsibilities. Agency officials should bear in mind that while Internet sources are convenient and can be useful, their informational content may be incomplete.

Once the agency has identified Native Hawaiian organizations that may attach religious and cultural

significance to any historic properties that may exist in the APE, the agency must invite them to consult.

Finally, it is important to remember that documentary or other sources of information that do not appear to support a Native Hawaiian organization's assertions should not be used to deny the organization the opportunity to participate in consultation. A common misunderstanding is that a Native Hawaiian organization needs to document its ties to historic properties in the area of the undertaking. Instead, the NHPA requires agencies to consult with any Native Hawaiian organization that attaches religious and cultural significance to a historic property. It stands to reason that the best source for determining what historic properties have significance for a Native Hawaiian organization would be the experts designated by the Native Hawaiian organization to determine its own interest. Such experts might include elders, traditional practitioners, or Native Hawaiian historians. The Native Hawaiian organization will designate the appropriate representative(s) to represent its interests in the Section 106 consultation process.

#### **4) Who initiates the consultation process with a Native Hawaiian organization?**

Consultation with a Native Hawaiian organization should be initiated by the agency official<sup>7</sup> through a letter. It is helpful to follow up such correspondence with direct telephone communication to ensure the letter has been received.

If the agency official has correspondence from the Native Hawaiian organization designating a person or position within the organization to act on its behalf in the Section 106 process, the agency may initiate consultation accordingly. It is good practice, in this instance, to send a copy of all correspondence to the organization's leadership as well.

#### **5) Can applicants for federal permits or contractors hired by the agency initiate and carry out Native Hawaiian organization consultation?**

The Section 106 regulations at 36 CFR Section 800.2(c)(4) allow federal agencies to authorize an applicant or group of applicants to initiate consultation with the SHPO and other consulting parties. However, this is a formal authorization and requires notification from the federal agency to the SHPO. The federal agency remains responsible for all findings and determinations charged to the agency in the review process.

The Section 106 regulations allow for federal agencies to use the services of consultants or designees to prepare information, analyses, and recommendations, but not to initiate and carry out consultation.

#### **6) What are the consultation responsibilities for undertakings that involve more than one federal agency?**

The Section 106 regulations at 36 CFR Section 800.2 (a)(2) provide that, if more than one federal agency is involved in an undertaking, some or all of the agencies may designate a lead federal agency who will act on their behalf to fulfill their collective responsibilities under Section 106, including consultation with Native Hawaiian organizations. Those federal agencies that do not designate a lead agency remain individually responsible for their Section 106 compliance; thus, they each would need to initiate and carry out Section 106 consultation with Native Hawaiian organizations for the undertaking.

### **B. Identification of Historic Properties**

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<sup>7</sup> As defined in Section 800.2(a) of the ACHP regulations, an agency official is one who has jurisdiction over the undertaking and takes legal and financial responsibility for Section 106 compliance.

### **1) Does the federal agency consult with Native Hawaiian organizations to carry out identification and evaluation of historic properties?**

Yes, the agency consults with Native Hawaiian organizations to plan and carry out identification efforts and to evaluate the National Register eligibility of identified properties for proposed undertakings.

Many agencies assume that agency or contract archaeologists can identify which properties are of significance to Native Hawaiian organizations when they conduct archaeological surveys. However, unless an archeologist has been specifically authorized by a Native Hawaiian organization to speak on its behalf on the subject, it should not be assumed that the archaeologist possesses the appropriate expertise to determine what properties are or are not of significance to a Native Hawaiian organization. The appropriate individual to carry out such a determination is the representative designated by the Native Hawaiian organization for this purpose. Identification efforts may include site visits to assist in identifying these types of properties.

The Section 106 regulations state that the agency official shall acknowledge that Native Hawaiian organizations possess special expertise in assessing the National Register eligibility of historic properties that may possess religious and cultural significance to them (36 CFR § 800.4(c)(1)).

The agency must provide Native Hawaiian organizations with the same information that is provided to the SHPO during consultation, including information on buildings and other standing structures that may be affected by the proposed undertaking. A federal agency should not presume to know what is of significance to a particular Native Hawaiian organization.

### **2) How can I identify historic properties that may possess traditional religious and cultural significance to Native Hawaiian organizations and determine their National Register eligibility?**

The identification of those historic properties that are of traditional religious and cultural significance to a Native Hawaiian organization must be made by that Native Hawaiian organization's designated representative as part of the Section 106 consultation process.

The National Register eligibility of such places is determined in the same manner as any potentially eligible property, by applying the criteria of eligibility.

### **3) What are Traditional Cultural Properties?**

The term "Traditional Cultural Property" (TCP) is used in the National Park Services (NPS) Bulletin 38, entitled "*Guidelines for Evaluating and Documenting Traditional Cultural Properties.*"<sup>8</sup> That bulletin explains how to identify a property "that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that a) are rooted in that community's history, and b) are important in maintaining the continuing cultural identity of the community." For a TCP to be found eligible for the National Register, it must meet the existing National Register criteria for eligibility as a building, site, structure, object, or district. TCPs are defined only in NPS guidance and are not referenced in any statute or regulation, and **refer to places of importance to any community, not just to Native Hawaiian organizations.** Therefore, this terminology may be used when an agency is considering whether any property is eligible for the National Register.

Within the Section 106 process, the appropriate terminology for National Register listed or eligible sites of importance to Native Hawaiian organizations is "**historic property of religious and cultural**

<sup>8</sup> Available at <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>

**significance to Native Hawaiian organization.**” Unlike the term TCP, this phrase appears in the NHPA and the Section 106 regulations. **It applies (strictly) to Native Hawaiian sites, unlike the term TCP.** Furthermore, Section 101(d)(6)(A) of the NHPA reminds agencies that properties of religious and cultural significance to Native Hawaiian organizations may be eligible for the National Register. Thus, it is not necessary to use the term TCP when considering whether a site with significance to a Native Hawaiian organization is eligible for the National Register as part of the Section 106 process. The NPS Bulletin 38 guidelines are helpful, however, in providing an overview of how National Register criteria are applied.

Another issue with the term TCP is that Bulletin 38 has sometimes been interpreted as requiring a Native Hawaiian organization to demonstrate continual use of a site in order for it to be considered a TCP in accordance with Bulletin 38. This could be problematic in that Native Hawaiian use of a historic property may be dictated by cyclical religious or cultural timeframes that do not comport with mainstream conceptions of “continuous” use; while in other cases, Native Hawaiian organizations may have been denied access to historic properties of religious and cultural significance to them. This is particularly true for historic properties located within military installations or on private property. It is important to note that under the NHPA and the Section 106 regulations, the determination of a historic property’s religious and cultural significance to a Native Hawaiian organization is **not** tied to continual or physical use of the property. Also, continual use is not a requirement for National Register eligibility.

**4) What procedures should be followed if a Native Hawaiian organization does not want to divulge information to the federal agency regarding places of traditional religious and cultural significance?**

Native Hawaiian organizations may have internal prohibitions against or cultural protocols about the disclosure of certain information about traditional religious and cultural properties. The ACHP’s regulations at 36 CFR Section 800.4(b)(i) state, in part, that “[t]he agency official shall take into account any confidentiality concerns raised by ... Native Hawaiian organizations during the identification process.”

The NHPA and the Section 106 regulations also provide a vehicle for protecting information that a Native Hawaiian organization has disclosed for the purpose of identification and evaluation in the Section 106 process. Section 304 of the NHPA (16 U.S.C. 470w-3(a)) and the regulations at 36 CFR Section 800.11(c)(1) provide that an agency, after consultation with the Secretary of the Interior, “*shall* withhold from disclosure to the public” information about the location, character, or ownership of a historic property when the agency and the Secretary determine that the disclosure of such information may cause a significant invasion of privacy; risk harm to the historic property; or, impede the use of a traditional religious site by practitioners. After such a determination, the Secretary of the Interior will determine who, if anyone, may have access to the information for purposes of the NHPA.

One important caveat: the Section 304 confidentiality provisions only apply to properties that have been determined eligible for the National Register. Thus, it is possible that information disclosed prior to an eligibility determination may not be protected. Therefore, the ACHP suggests that agencies and Native Hawaiian organizations contact National Register staff for guidance regarding the amount of information and detail needed to make a determination of eligibility when such information may be at risk of disclosure. It may be possible for a Native Hawaiian organization to share just enough information for the agency to identify the existence of a site and make a determination of eligibility without compromising the site or the Native Hawaiian organization’s beliefs. Such information might include general aspects of the historic property’s attributes, i.e., that an important yearly ceremony takes place in a certain general location, that quiet is required in an area where spirits reside, that visual impacts will impede the ability to properly perform a required ritual, or that important ceremonial harvesting activities must occur at a particular place, time, or under certain conditions. However, if there are questions about the adequacy of

such information in making determinations of eligibility, the National Register staff should be consulted.

Issues of confidentiality and sensitivity of information require flexibility and cooperation among the consulting parties. There may be situations where a Native Hawaiian organization is only willing to share information with the federal agency and not with the other non-federal consulting parties. This can challenge the traditional Section 106 process where the federal agency also consults with the SHPO to determine the National Register eligibility of properties. In such cases, it is recommended that the agency promptly talk with the ACHP or the National Register staff about how to resolve such a situation.

**5) Is the federal agency required to verify a Native Hawaiian organization's determination of significance with archaeological or ethnographic evidence before making a National Register eligibility determination?**

No. The agency is not required to verify a Native Hawaiian organization's determination that a historic property is of religious and cultural significance to it. However, the fact that a property may be of religious and cultural significance to a Native Hawaiian organization does not necessarily mean that the property is eligible for the National Register. The ACHP regulations at 36 CFR 800.4(c)(1) do state, in part, that "[t]he agency official shall acknowledge that Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them." Additionally, traditional knowledge and oral histories are sources of information which federal agencies should consider in assessing the National Register eligibility of properties. For additional guidance on making eligibility determinations, the agency should consult with the staff of the National Register.<sup>9</sup>

**6) Does the federal agency need to obtain a Native Hawaiian organization's concurrence with the agency's determination of National Register eligibility?**

No. The agency does not need to obtain a Native Hawaiian organization's concurrence with eligibility determinations. The agency only needs the concurrence of the SHPO for a determination and, absent such concurrence, the matter goes to the Keeper of the National Register for final resolution. The federal agency must acknowledge, however, that Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may be of significance to them, as required in the Section 106 regulations at 36 CFR Section 800.4(c)(1).

Also, if a Native Hawaiian organization disagrees with the federal agency's determination of eligibility, the Native Hawaiian organization may, per the Section 106 regulations at 36 CFR 800.4(c)(2), ask the ACHP to request that the federal agency obtain a formal eligibility determination from the Keeper of the National Register.

**7) Once the required identification and evaluation efforts are completed, does the federal agency need to consult with a Native Hawaiian organization in reaching a finding that there are no historic properties that will be affected by the undertaking, or that there are historic properties present but the undertaking will have no effect on them?**

Despite the requirements for Native Hawaiian organization consultation up to this point in the process, the agency does not have to consult with a Native Hawaiian organization in reaching a finding that there are no historic properties present, or that the proposed undertaking will not affect an identified historic property. However, the agency must provide notification and documentation supporting its finding on

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<sup>9</sup> Contact information for National Register headquarters in Washington, D.C., available at <https://www.nps.gov/subjects/nationalregister/index.htm>

these questions to any consulting Native Hawaiian organization.

If a consulting Native Hawaiian organization disagrees with the agency's finding, it should immediately contact the ACHP and request that the ACHP object to the finding, per 36 CFR 800.4(d)(1)(iii). If, upon the review of the finding, the ACHP also objects to the finding, the ACHP may provide its opinion to the agency official, and, if the ACHP determines the issue warrants it, to the head of the agency. The regulations stipulate that if the ACHP wants to object to a no historic properties affected finding on its own initiative (as opposed to in response to a SHPO unresolved objection), it must do so within 30 days of the agency's issuance of that finding.

### **C. Assessment of Adverse Effects**

#### **1) Which parties does the federal agency consult with to apply the criteria of adverse effect to historic properties within the APE?**

The agency consults with the SHPO and Native Hawaiian organizations in applying the criteria of adverse effect to historic properties within the APE. Again, federal agencies must recognize the special expertise of Native Hawaiian organizations in assessing the eligibility of properties of religious and cultural significance to them per 36 CFR 800.4(c)(1), and 36 CFR 800.5(a) requires that agencies apply the criteria of adverse effect in consultation with Native Hawaiian organizations. Therefore, in assessing how a proposed undertaking might affect historic properties of religious and cultural significance to Native Hawaiian organizations, federal agencies need to consider the views of those Native Hawaiian organizations.

#### **2) When proposing a finding of "no adverse effect," does the federal agency consult with Native Hawaiian organizations?**

No. The agency consults with the SHPO in proposing a finding of "no adverse effect," but notifies consulting parties such as Native Hawaiian organizations, and provides them with documentation supporting that finding. The federal agency is encouraged, but not required, to seek the concurrence of Native Hawaiian organizations that attach religious and cultural significance to the historic property subject to the finding.

#### **3) What happens if a Native Hawaiian organization disagrees with a finding of "no adverse effect"?**

If a consulting Native Hawaiian organization disagrees with a proposed agency finding of "no adverse effect," it must specify the reasons for its objection in writing within 30 days of receipt of the agency's issuance of the proposed finding. Once a timely written objection is received, the agency must either consult with the objecting party to resolve the disagreement or request ACHP review of the "no adverse effect" finding, per 36 CFR 800.5(c)(2)(i). The agency must concurrently notify all other consulting parties that it has requested ACHP review of the finding.

Consulting Native Hawaiian organizations can make a direct request to the ACHP to review the finding, specifying, in writing and within the 30 day review period, the reasons for its objection, per 36 CFR 800.5(c)(2)(iii).

After review of the objection, the ACHP may provide its opinion to the agency official, and, if the ACHP determines the issue warrants it, to the head of the agency. The regulations stipulate that if the ACHP wants to object to a finding on its own initiative (as opposed to in response to a consulting party unresolved objection), it must do so within 30 days of receipt of the agency's issuance of that finding.

## **D. Resolution of Adverse Effects**

### **1) Which parties does the federal agency consult with to develop and evaluate alternatives or modifications to the undertakings to avoid, minimize, or mitigate adverse effects?**

The agency consults with the SHPO, Native Hawaiian organizations, and other consulting parties at this phase of the Section 106 process. The agency must provide project documentation to all consulting parties and invite the ACHP into consultation. Any consulting party may request ACHP participation in consultation to facilitate the resolution of adverse effects.

In fact, the Section 106 regulations at 36 CFR Section 800.2(b) stipulate that the ACHP may enter into the consultation at any point in the Section 106 process without invitation when it determines that its involvement is necessary to ensure that the purposes of Section 106 are met. As specified in Appendix A to 36 CFR Part 800, the ACHP may elect to enter the consultation if, among other things, an undertaking presents issues of concern to Native Hawaiian organizations.

### **2) What happens if agreement is reached on how to resolve adverse effects?**

If agreement is reached, the agency, SHPO and consulting parties, including Native Hawaiian organizations, develop a Section 106 memorandum of agreement (MOA) or programmatic agreement (PA) outlining how the adverse effects will be addressed.

In order to go into effect, the agreement must be signed by the agency, SHPO, and the ACHP if it is participating in the consultation.

### **3) Is the federal agency obligated to invite a Native Hawaiian organization to be a signatory or a concurring party to an MOA or PA?**

No. The agency may, but is not required, to invite a Native Hawaiian organization to become a signatory or concurring party. A signatory to an MOA or PA possesses the same rights with regard to seeking amendments to or terminating the agreement as all other signatories, which include the agency official, the SHPO, and the ACHP, if participating. Those that sign as a concurring party do not have such rights to amend or terminate the MOA or PA. Refusal by Native Hawaiian organization to become a signatory or concurring party to an MOA or PA, however, does not invalidate it. Certainly, agencies are encouraged to invite Native Hawaiian organizations that attach religious and cultural significance to affected historic properties to sign the agreement. If a Native Hawaiian organization is assuming review or other responsibilities under the MOA or PA, the agency should consider inviting the Native Hawaiian organization to become a signatory.

### **4) What happens if agreement is not reached on how to resolve adverse effects?**

If agreement is not reached, the agency, the SHPO, or the ACHP (if participating), may terminate consultation. Other consulting parties, including Native Hawaiian organizations, may decline to participate, but they cannot terminate consultation. After consultation is terminated, the ACHP prepares its formal comments to the head of the agency, who must consider and respond to the ACHP's comments before reaching a final decision on the undertaking. Per the Section 106 regulations at 36 CFR Section 800.7 (c), the ACHP must provide an opportunity for the agency, all consulting parties, and the public to provide their views to the ACHP during the time in which the comments are being developed. When the ACHP issues comments, it means the ACHP membership issues the comments, not the ACHP staff. In addition to providing the comments to the head of the agency, the ACHP provides copies of those comments to each of the consulting parties. Once the head of the agency has received the ACHP's

comments, he or she is required to prepare a summary of his or her final decision regarding the proposed undertaking that contains both the rationale for its decision as well as evidence that it had considered the ACHP's comments when making that decision. In addition, the agency must provide copies of this summary to all consulting parties.

## **VI. Consultation Tools**

While the Section 106 regulations direct agencies to consult with Native Hawaiian organizations on proposed undertakings, the regulations do not offer guidance on how to carry out such consultation. The following are some examples of ways in which consultation could be achieved and improved.

### **Agreements**

The Section 106 regulations at 36 CFR Section 800.2(c)(2)(ii)(E) provide for agreements between federal agencies and Native Hawaiian organizations that tailor how consultation will be carried out. Such agreements are not project-specific but, instead, are more general and are focused on the relationship between an agency and a Native Hawaiian organization. An agreement can cover all aspects of the consultation process and could grant a Native Hawaiian organization additional rights to participate or concur in agency decisions in the Section 106 process beyond those specified in the regulations. The only restriction on the scope of such agreements is that the role of other parties in the process may not be modified without their consent.

Such agreements can be a means not only to ensure that consultation would be carried out to the satisfaction of both parties but also as a workload management tool. Agreements can outline the geographical areas within which a Native Hawaiian organization has an interest.

The negotiation process to develop an agreement with a Native Hawaiian organization does not require participation by any other parties outside of the agency (there may be other entities within the agency, such as the agency's office of legal counsel, that must participate). The only requirements for such agreements under the ACHP's regulations are that:

- the role of other parties is not modified without their consent; and
- the agreement is filed with both the ACHP and the SHPO.

### **Summits, Listening Sessions, and Meetings**

Some agencies have hosted summits with Indian tribes and continue to do so on a regular basis. These meetings provide a means for agencies to share information about proposed undertakings and for Indian tribes to voice their views and talk with agency personnel. They also serve to develop trust and build relationships. Federal agencies in Hawaii could certainly host summits with Native Hawaiian organizations and change the dynamic from one of consultation on specific projects to programmatic discussions.

Listening sessions are another very useful tool for improving the relationship between agencies and Native Hawaiian organizations. The ACHP has hosted listening sessions in Hawaii and based, in part, on the feedback it received, decided that a policy regarding its interaction with Native Hawaiian organizations was called for.

Some agencies also host annual or regular meetings with Indian tribes to ensure that the consultation relationships are working and to address any outstanding issues. These gatherings are separate from Section 106 consultation meetings. They provide a forum for airing more general concerns, a means for recharging the relationship, and an opportunity to meet new agency personnel and tribal representatives. Again, these kinds of meetings would be especially helpful in Hawaii.

### **Guidance Materials and Training**

Training is extremely useful in that it ensures that both federal agencies and Native Hawaiian organizations have a common understanding of legal requirements, organizational structures, decision-making, and other important mechanics of the consultation relationship. Training can also address cultural issues to help foster greater mutual understanding. Some agencies have hosted joint training sessions, while others require new personnel to receive training specific to their new duties. For instance, the ACHP has an internal requirement to train all staff and members regarding tribal and Native Hawaiian consultation within the Section 106 process.

## VII. Principles and Tips for Successful Consultation

The key to success in any consultation relationship is building trust, having common goals, and remaining flexible. There is no “one size fits all” model for consultation with Native Hawaiian organizations. This final section of the Native Hawaiian Consultation Handbook provides helpful tips on how to put them into practice.

### Respect is Essential

- Become aware of and respect Native Hawaiian conventions and protocols. Understand that they may vary from island to island. Do not take photographs without obtaining permission first.
- Behavior you may perceive as normal may be insulting or offensive to others. Consider Native Hawaiian perspectives and values. When in doubt, ask respectfully.
- Members of Native Hawaiian organizations may have many other duties and obligations. In fact, unlike their tribal counterparts, Native Hawaiians may not hold paid positions in a Native Hawaiian organization. They may have full-time jobs that make it challenging to participate in meetings held during the day, for example. Look for ways to work cooperatively, because this is your undertaking and consultation is your responsibility.
- Be sensitive to time and costs. A Native Hawaiian organization’s lack of human and financial resources may impede its representatives’ ability to respond quickly or to participate in meetings. Do not demand that everyone adhere to your schedule and deadlines. Instead, explain why your deadline exists, who set it, and why it is important. Make an effort to facilitate and support consultation with available agency resources. Above all, strive to be as flexible as possible.
- Do not voice your opinion on what is best for the Native Hawaiian organization; that is for its members to determine.
- Be mindful of the significance of history. The history of U.S. government relations with Native Hawaiian organizations may color current perceptions and attitudes and cause distrust or suspicion. Take the time to learn about the unique history of Hawaii and Native Hawaiians.

### **Communication is Key**

- Communicate with Native Hawaiian organization representatives directly whenever possible—do not rely solely on letters. Follow up written correspondence by phone or in person. Create documentation of your communications, such as notes on the content of discussions, keep phone logs, etc.
- Provide project information and timelines for the project as early in consultation as possible. Clarify any constraints or additional requirements which may impact the Section 106 process.
- Do not expect quick answers. Native Hawaiian organization representatives may need time to consult with others in the organization. Make sure you understand their timelines for decision-making.
- Do not assume silence means concurrence; it could signal disagreement. Always verify views with the official Native Hawaiian organization representative.
- Always ask the representatives of Native Hawaiian organizations about their preferred way of doing business and any specific protocols for meetings. Be aware that their cultural norms may be different from yours.
- Be mindful of appropriate behaviors. Always show deference toward elders and allow them plenty of time to speak first. Do not interrupt or raise your voice. Learn by observation and by talking to others. Again, when in doubt, ask respectfully.

### **Consultation: Early and Often**

- Make sure you identify and initiate consultation with Native Hawaiian organizations at the *start* of the planning process for your agency's undertaking.
- Suggest a process for consultation and discuss it with the Native Hawaiian organizations. Collaborate in a way that accommodates the protocols and schedules of Native Hawaiian organizations. The ACHP regulations at 36 CFR Section 800.2(c)(2)(ii)(E) provide for agreements with Native Hawaiian organizations that set out procedures for Section 106 consultation and can address concerns of Native Hawaiian organizations about confidentiality of information.
- Consider establishing an on-going working group that can provide continuity for future undertakings by your agency.
- Focus on partnerships rather than on project-by-project coordination.
- Remember to document all correspondence, follow-up telephone calls, consultation meetings and visits to project sites. Be sure to include the content of your communications in your documentation.
- Ask Native Hawaiian organizations representatives to keep you up-to-date on any changes to postal or email addresses and contact information for new leadership.

### **Effective Meetings Are A Primary Component of Successful Consultation**

- Consider requests from Native Hawaiian Organizations to meet to discuss the project or address concerns. Some Native Hawaiian Organizations might request individual meetings to discuss issues privately with the federal agency.
- Offer to go on-site with traditional authorities. Some people may be uncomfortable relying solely on maps, and site visits may stimulate consideration of alternatives.
- Do not create expectations or make commitments that you are unable or unwilling to fulfill. Before entering into consultation, be certain that what you are negotiating is supported by the Office of General Counsel or Solicitor of your agency, and anyone else who will need to review and approve your position.
- Do not set your own meeting agenda or logistics without consulting with Native Hawaiian organization representatives to learn what they expect the process and substance to be. Native Hawaiian organizations may have their own ways of conducting meetings so be respectful of customs and protocols.
- Inform Native Hawaiian organization representatives in advance of the meeting's goal and what needs to be accomplished in the time you have, so that participants can stay focused. Like you, Native Hawaiian organizations representatives are there to work and accomplish results.
- Give plenty of notice beforehand so that Native Hawaiian organization representatives have adequate time to prepare. Provide participants with a list of all attendees, an agenda, and most importantly, complete project documentation.
- Speak to Native Hawaiian organization representatives by phone beforehand so that you know who will be attending the meeting. Allow Native Hawaiian organizations to send as many representatives as they wish, but explain any limitations that your agency may have with funding travel.
- Check if anyone has special needs. Some elders may need special accommodations.
- Offer the Native Hawaiian organization participants the opportunity to make an opening or welcoming statement.
- Make sure you invite Native Hawaiian organization representatives to sit at the table with you, and introduce all participants with their proper titles. Check with your Native Hawaiian organization contact beforehand so you know if certain officials or elders should be introduced and acknowledged first.
- Review your agency's mission and operations at the start of the meeting. Do not assume that everyone knows how your agency functions or is familiar with all of the programs it oversees.
- Take accurate notes during the meeting, or, ***if the Native Hawaiian organization representatives agree in advance***, arrange for meetings to be recorded (it is still advisable to take notes to avoid problems should a recording be lost or damaged). It is important to document not only that you have consulted, but the substance of the meeting and the views and concerns expressed by the Native Hawaiian organization, as well. Be sensitive to the issue of confidentiality, which may require that you switch the recorder off, or to omit certain sensitive information from your notes

if the Native Hawaiian organization representatives so request. Documenting meeting content ensures that participants can later review and correct any inaccuracies, and also provides the agency with a solid consultation record.

- Be prepared on the issues and be open to Native Hawaiian organization perspectives.

### **Conclusion**

We hope this handbook has been helpful. If needed, you may obtain further assistance from the ACHP in understanding and interpreting the requirements of Section 106, including Native Hawaiian consultation. For general information, please visit the ACHP web site at <https://www.achp.gov/>.

ENCLOSURE 4

**UNITED NATIONS  
DECLARATION ON  
THE RIGHTS OF  
INDIGENOUS  
PEOPLES**



United Nations

ENCLOSURE 4

**UNITED NATIONS  
DECLARATION ON  
THE RIGHTS OF  
INDIGENOUS  
PEOPLES**



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**Resolution adopted by the  
General Assembly on 13 September 2007**

*[without reference to a Main Committee (A/61/L.67  
and Add.1)]*

**61/295. United Nations Declaration on the  
Rights of Indigenous Peoples**

*The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006<sup>1</sup>, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

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<sup>1</sup> See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.



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**Adopts** the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting  
13 September 2007*

### **Annex**

#### **United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

**Guided** by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

**Affirming** that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,



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***Affirming*** further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

***Reaffirming*** that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

***Concerned*** that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

***Recognizing*** the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

***Recognizing*** also the urgent need to respect and promote the rights of indigenous peoples



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affirmed in treaties, agreements and other constructive arrangements with States,

**Welcoming** the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

**Convinced** that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

**Recognizing** that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

**Emphasizing** the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,



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*Recognizing* in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering* also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by

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<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> A/CONF.157/24 (Part I), chap. III.



## ENCLOSURE 4

virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

***Bearing*** in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

***Convinced*** that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

***Encouraging*** States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

***Emphasizing*** that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,



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*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

### *Article 1*

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all



## ENCLOSURE 4

human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>4</sup> and international human rights law.

### *Article 2*

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

### *Article 3*

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

### *Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

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<sup>4</sup> Resolution 217 A (III).



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### *Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

### *Article 6*

Every indigenous individual has the right to a nationality.

### *Article 7*

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.



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### *Article 8*

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.



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### *Article 9*

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

### *Article 10*

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

### *Article 11*

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

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2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

### *Article 12*

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

### *Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future genera-



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tions their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

### *Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including



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those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

### *Article 15*

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

### *Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous



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cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

### *Article 17*

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

### *Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect



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their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### *Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### *Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.



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### *Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

### *Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.



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### *Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

### *Article 24*

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.



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### *Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

### *Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.



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### *Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

### *Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take



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the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

### *Article 29*

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.



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### *Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

### *Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the



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right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

### *Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and



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appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

### *Article 33*

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

### *Article 34*

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.



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### *Article 35*

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

### *Article 36*

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

### *Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and re-



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spect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

### *Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

### *Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

### *Article 40*

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective



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remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

### *Article 41*

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

### *Article 42*

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.



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### *Article 43*

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

### *Article 44*

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

### *Article 45*

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

### *Article 46*

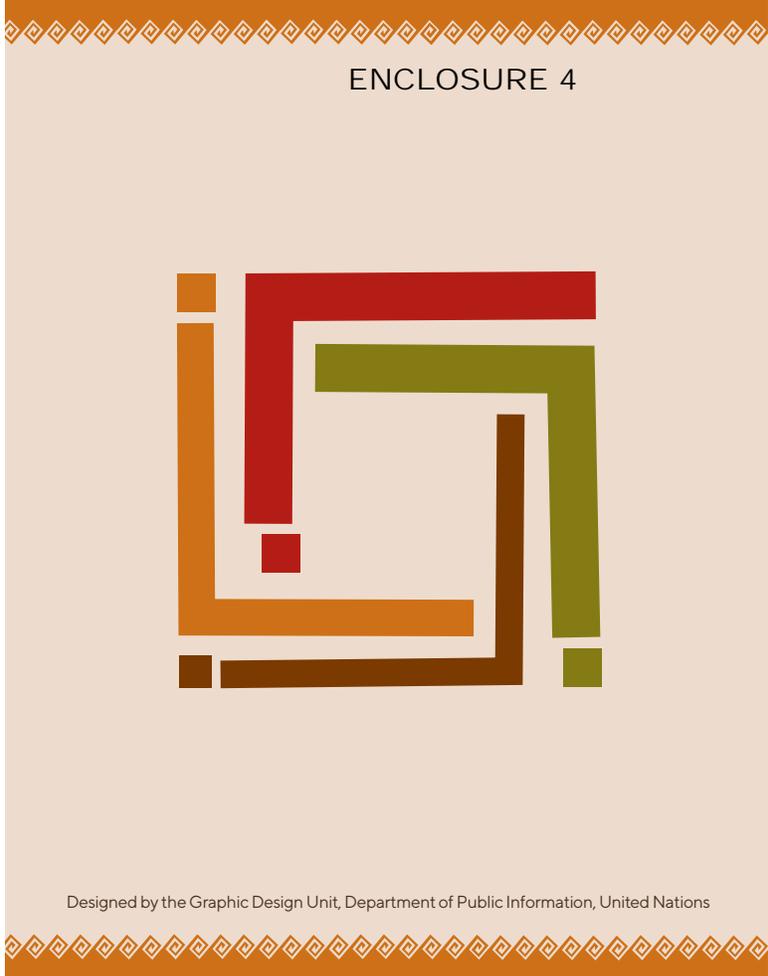
1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismem-



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ber or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



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Designed by the Graphic Design Unit, Department of Public Information, United Nations

# **County of Hawai'i Agencies**



# County of Hawai'i Agencies

Hawai'i Department of Water Supply..... CNTY-1

Hawai'i Fire Department..... CNTY-3

Hawai'i Planning Department..... CNTY-4



## Department of Water Supply, County of Hawaii

We have reviewed the subject Draft Environmental Impact Statement and have no further comments at this time.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I**  
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 24, 2022

Mr. Jeff Overton  
G70  
111 South King Street, Suite 170  
Honolulu, HI 96813

Dear Mr. Overton:

**Subject: Army Training Land Retention at Pohakuloa Training Area  
Draft Environmental Impact Statement  
Island of Hawai'i, Hawai'i  
Tax Map Keys (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007,  
(3) 3-8-001:013 and (3) 3-8-001:022**

We have reviewed the subject Draft Environmental Impact Statement and have no further comments at this time.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.  
Manager-Chief Engineer

RQ:dfg

copy – U.S. Army Garrison-Hawai'i and United States Army Installation Management Command

# Hawaii Fire Department

In regards to the this project, it will need to have the proper infrastructure for Fire Department access and water supply for firefighting that meets the requirements of the Hawaii State Fire Code and the Hawaii County Code.

Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563



## County of Hawai'i

### PLANNING DEPARTMENT

Zendo Kern  
*Director*

Jeffrey W. Darrow  
*Deputy Director*

East Hawai'i Office  
101 Puuahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

June 7, 2022

U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command  
Colonel Daniel Misigoy, U.S. Army Commanding  
USAG-Pōhakuloa Training Area, HI

Dear Colonel Misigoy:

**SUBJECT: Draft Environmental Impact Statement (EIS) for the Army Training Land Retention at Pōhakuloa Training Area (PTA)**  
**Applicant: U.S. Army Garrison-Hawai'i & U.S. Army Installation Mgmt. Command**  
**Project: Army Training Land Retention at Pōhakuloa Training Area**  
**TMKs: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022, County & State of Hawai'i**

---

Thank you for including us in the review of Army Training Land Retention at Pōhakuloa Training Area (PTA), Draft Environmental Impact Statement (EIS). We understand the United States Army has initiated the EIS process under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA, implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500-1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS has also been initiated under Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1 (HEPA).

The County of Hawai'i has little to no jurisdiction over these subject lands. During the scoping period, the Planning Department transmitted a pre-consult letter dated October 12, 2020, which included a list of relevant stakeholders to be consulted with and a request for this EIS to be heard by the County's Cultural Resource Commission (CRC). We reiterate those requests herein.

If you have any question regarding this letter, please feel free to contact me at (808) 961-8125 or via email at [zendo.kern@hawaiicounty.gov](mailto:zendo.kern@hawaiicounty.gov).

Sincerely,

*Zendo Kern*

Zendo Kern (Jun 7, 2022 17:17 HST)

ZENDO KERN  
Planning Director

Cc: Russell Tsuji, Administrator, DLNR  
Gregory Wahl, U.S. Army Garrison-Hawai'i & U.S. Army Installation Mgmt. Command  
Jeff Overton, G70  
HI-DOH-Office of Environmental Quality Control (OEQC)

## **Elected Officials**



# Elected Officials

Council Member

Senator Kurt Fevella, District 19 ..... EO-1



# Senator Kurt Fevella, State of Hawaii, District 19

VIA EMAIL: atlr-pta-eis@g70.design Mr. Michael Donnelly, Public Affairs Officer U.S. Army Garrison-Hawaii & U.S. Army Installation Management Command Army Training Land Retention at Pohakuloa Training Area Environmental Impact Statement (EIS) Comments P.O. Box 3444 Honolulu, Hawaii 96801-3444

Dear U.S. Army Garrison-Hawaii: I am writing to oppose the Army's proposal to retain for continued military training up to 23,000 acres of State-owned land at the Pohakuloa Training Area (Pohakuloa) situated between the peaks of Mauna Loa and Mauna Kea on Hawaii Island. The U.S. military began using lands at Pohakuloa in the early 1940s during World War II as an artillery live-fire training area. This was followed by the Governor of the Territory of Hawaii issuing an Executive Order in 1956 for use of 758 acres. And finally, the present lease between the State of Hawaii and the U.S. Government of the 23,000 acres began in 1964 and is set to expire on August 16, 2029. This means lands at Pohakuloa first under the Territory of Hawaii and now the State of Hawaii have been used by the military for nearly eight (8) decades. The U.S. military control cannot continue indefinitely and the time has come to return these public lands at Pohakuloa to the State of Hawaii. The Army reports that there is no other training area besides Pohakuloa in Hawaii that can accommodate collective training, yet the military already has jurisdiction over nearly 110,000 acres of adjacent U.S. federal government-owned lands for military training. And while I recognize the need to protect the United States' efforts to use these islands for various military training, we also need to consider the health and safety of our people, land, air, and water quality that has continuously been negatively impacted by military training. The historical training activity by the military on State lands continues to have long-lasting negative effects on the historical value of these Hawaiian Islands. The history of Kaho'olawe since the start of the U.S. Navy bomb training in 1953, set the precedence of a continuous historical trauma between the Kānaka Maoli (original inhabitants), the people of the State and the military's use of State's lands. As a result of Protect Kaho'olawe 'Ohana actions and litigation, President George Bush, Sr. ordered a stop to the bombing of Kaho'olawe in 1990. Kaho'olawe was then turned over to the State of Hawai'i Kaho'olawe Island Reserve Commission in 1994. Huge efforts and sums of

Page 2 of 2

monies were given to remove, clear and restore the lands back to its original state, and these efforts continue today. The damage that was endured on Kaho'olawe sets a standard on what is to be expected in the future should the military continue its present use which will result in further desecration and impact to these islands. Kaho'olawe is only one prime example. There are also other harmful desecrations that have occurred on Oahu lands including the Kahuku Training Area, Kawaihoa-Poamoho and Makua Military Reservation. The military must now redirect its efforts to cultivate these lands back to its original natural state. It is in the best interest of the Kānaka Maoli, the community and the State of Hawai'i that these lands are given back to the people to steward these ancestral lands. It would be detrimental for Native Hawaiians, like myself, to stand idly by and relinquish claims to public lands (aka government and crown lands), which we believe were taken without consent or proper compensation. I firmly believe the U.S. Government must return the State-owned lands at Pohakuloa Training Area and provide the necessary funding for protection and restoration projects. Thank you for your consideration of my testimony.

Sincerely, Senator Kurt Fevella State of Hawaii, District 19 Minority Leader/ Minority Floor Leader ----- State Capitol, Room 217 415 S. Beretania

Street, Honolulu, HI 96813 Phone: (808) 586-6360 Fax: (808) 586-6361  
senfevella@capitol.hawaii.gov

**From:** Elizabeth Tavake <[e.tatofi@capitol.hawaii.gov](mailto:e.tatofi@capitol.hawaii.gov)>  
**Sent:** Friday, April 22, 2022 3:15 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa Training Center  
**Attachments:** [Draft.EIS Comments.Pohakuloa Training Center.Final.pdf](#)

Aloha U.S. Army Garrison-Hawaii,

On behalf of Senator Fevella please see the attached letter for your attention. Should you have any questions or concerns please feel free to contact Senator Fevella's office.

Mahalo,

**Elizabeth Tatofi Tavake | Legislative Office Manager**

*Office of State Senator & Minority Leader Kurt Fevella*  
Senate District 19 | 'Ewa, 'Ewa Beach, Ocean Pointe,  
'Ewa by Gentry, Iroquois Point, portion of 'Ewa Villages  
**e:** [e.tatofi@capitol.hawaii.gov](mailto:e.tatofi@capitol.hawaii.gov) **o:** [\(808\) 586-6360](tel:(808)586-6360)  
**d:** [\(808\) 586-6623](tel:(808)586-6623) **i:** [x6-6623](tel:x6-6623) **f:** [\(808\) 586-6361](tel:(808)586-6361)

**HAWAII STATE LEGISLATURE**  
HAWAII STATE SENATE | STATE CAPITOL  
415 SOUTH BERETANIA STREET, ROOM 217  
HONOLULU, HAWAII 96813



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## The Senate

STATE CAPITOL  
HONOLULU, HAWAII 96813

April 22, 2022

VIA EMAIL: [atlr-pta-eis@g70.design](mailto:atlr-pta-eis@g70.design)

Mr. Michael Donnelly, Public Affairs Officer  
U.S. Army Garrison-Hawaii & U.S. Army Installation  
Management Command  
Army Training Land Retention at Pohakuloa Training Area  
Environmental Impact Statement (EIS) Comments  
P.O. Box 3444  
Honolulu, Hawaii 96801-3444

Dear U.S. Army Garrison-Hawaii:

I am writing to oppose the Army's proposal to retain for continued military training up to 23,000 acres of State-owned land at the Pohakuloa Training Area (Pohakuloa) situated between the peaks of Mauna Loa and Mauna Kea on Hawaii Island. The U.S. military began using lands at Pohakuloa in the early 1940s during World War II as an artillery live-fire training area. This was followed by the Governor of the Territory of Hawaii issuing an Executive Order in 1956 for use of 758 acres. And finally, the present lease between the State of Hawaii and the U.S. Government of the 23,000 acres began in 1964 and is set to expire on August 16, 2029. This means lands at Pohakuloa first under the Territory of Hawaii and now the State of Hawaii have been used by the military for nearly eight (8) decades. The U.S. military control cannot continue indefinitely and the time has come to return these public lands at Pohakuloa to the State of Hawaii.

The Army reports that there is no other training area besides Pohakuloa in Hawaii that can accommodate collective training, yet the military already has jurisdiction over nearly 110,000 acres of adjacent U.S. federal government-owned lands for military training. And while I recognize the need to protect the United States' efforts to use these islands for various military training, we also need to consider the health and safety of our people, land, air, and water quality that has continuously been negatively impacted by military training. The historical training activity by the military on State lands continues to have long-lasting negative effects on the historical value of these Hawaiian Islands.

The history of Kaho'olawe since the start of the U.S. Navy bomb training in 1953, set the precedence of a continuous historical trauma between the Kānaka Maoli (original inhabitants), the people of the State and the military's use of State's lands. As a result of Protect Kaho'olawe 'Ohana actions and litigation, President George Bush, Sr. ordered a **stop** to the bombing of Kaho'olawe in 1990. Kaho'olawe was then turned over to the State of Hawai'i Kaho'olawe Island Reserve Commission in 1994. Huge efforts and sums of

monies were given to remove, clear and restore the lands back to its original state, and these efforts continue today. The damage that was endured on Kaho'olawe sets a standard on what is to be expected in the future should the military continue its present use which will result in further desecration and impact to these islands. Kaho'olawe is only one prime example. There are also other harmful desecrations that have occurred on Oahu lands including the Kahuku Training Area, Kawaihoa-Poamoho and Makua Military Reservation.

The military must now redirect its efforts to cultivate these lands back to its original natural state. It is in the best interest of the Kānaka Maoli, the community and the State of Hawai'i that these lands are given back to the people to steward these ancestral lands. It would be detrimental for Native Hawaiians, like myself, to stand idly by and relinquish claims to public lands (aka government and crown lands), which we believe were taken without consent or proper compensation. I firmly believe the U.S. Government must return the State-owned lands at Pohakuloa Training Area and provide the necessary funding for protection and restoration projects.

Thank you for your consideration of my testimony.

Sincerely,



Senator Kurt Fevella  
State of Hawaii, District 19  
Minority Leader/ Minority Floor Leader

---

State Capitol, Room 217  
415 S. Beretania Street,  
Honolulu, HI 96813  
Phone: (808) 586-6360  
Fax: (808) 586-6361  
[senfevella@capitol.hawaii.gov](mailto:senfevella@capitol.hawaii.gov)



# **Organizations**



# Organizations

|                                                               |      |
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## **Military Affairs Council (MAC)**

June 7, 2022

To Whom it may Concern:

Re: Statement in Support of the Draft Environmental Impact Statement for the Retention of Training Lands at Pohakuloa Training Area.

The Military Affairs Council of the Chamber of Commerce Hawaii supports the retention of state-owned lands to be able to continue critical training of the Army, Marines and Hawaii National Guard. These lands have been used for training since 1956 and continue to be important to ensure that when we put our brave warriors in harm's way, they are prepared to execute their missions and return home safely to their families. As many have said before, freedom is not free. And the more our troops can be ready and trained, the greater the likelihood they return home with less injuries or loss of life.

The MAC continues to work and engage in community conversations about the importance of the Army being a good environmental steward of the training lands, to include cleaning up of unexplored ordnance to allow for the greater use and enjoyment of the surrounding lands. It also includes partnerships with Native Hawaiian cultural practitioners to assure regular access to cultural sites, and to begin a discussion about what co-management of the lands could look like. Lastly, let's commit to being creative on economic opportunities for Hawaii Island business and young people.

The MAC encourages the Army to continue to actively engage with the community and stakeholders to address concerns raised in the draft EIS. MAC stands ready to assist. The retention of these lands is good for our nation, and the state of Hawaii.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Chung', with a stylized flourish at the end.

Jason Chung  
VP, Military Affairs  
Chamber of Commerce Hawaii

### **Military Affairs Council (MAC)**

Chamber of Commerce Hawaii

733 Bishop Street, Makai Tower, Suite 1200 – Honolulu, Hawaii 96813

[mac@hawaiimac.com](mailto:mac@hawaiimac.com)

(808) 380-2612

## County GMAC

Aloha Brian Ley, County GMAC. (Game Management Advisory Council)

If PTA continues with its lease. We highly recommend that it installs and repairs excising waters for the animals entrusted to its care. the lack of water for the game animals is not a state mandate according to Hawaii West Biologist Kanalu Sproat. there is no reason for the environmental damage being caused because these animals are dying of thirst. Watching the damage and suffering going on in PTA is very disturbing. The bird hunting has gone from highly exceptional to almost nonexistence, in a few short years. habitat management and control burns would be greatly appreciated

**From:** Melodie Aduja <legislativepriorities@gmail.com>  
**Sent:** Sunday, June 5, 2022 11:15 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Alan Burdick; Burdick, Alan B; Melodie Aduja  
**Subject:** Comments for the EIS for the Army Training Retention of Pohakuloa Training Area  
**Attachments:** [Pohakuloa EIS Comments^J I^J 2022 June.pdf](#)

Aloha Lt. General Gabram, Col. Daniel Misigoy, and Jeff Overton:

Kindly, please find attached, the comments of the Environmental Caucus of the Democratic Party of Hawai'i. Please consider and include these comments in the Final Environmental Impact Statement.

Mahalo nui loa,  
Melodie Aduja and Alan B. Burdick  
Co-chairs, Environmental Caucus  
Democratic Party of Hawaii  
(808) 258-8889



# Environmental Caucus of The Democratic Party of Hawai'i

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via EIS website: <https://home.army.mil/hawaii/index.php/ptaeis/public-involvementand>

Email: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design)

Monday June 6, 2022

Lieutenant General Douglas M. Gabram  
Commander, U.S. Army Installation Management Command

Col. Daniel Misigoy  
Installation Management Command  
2405 Gun Shed Road, Building 2261  
Joint Base San Antonio, Texas 78234-1223

Mr. Jeff Overton, Agent  
Agent: G70  
111 S. King Street, Suite 170  
Honolulu, Hawaii 96813

## **Comments for the Environmental Impact Statement for the Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i**

Aloha, Lt. Gen. Gabram, Col Misigoy, and Mr. Overton:

Thank you for the opportunity for the Environmental Caucus of the Democratic Party of Hawai'i ("DPH") to provide comments relating to the Draft Environmental Impact Statement ("EIS") for the Army Training Land Retention ("ATLR") at Pōhakuloa Training Area ("PTA"), Island of Hawai'i, State of Hawai'i, pursuant to the EIS Preparation Notice, dated April 8, 2022.

This is the second time that the Environmental Caucus has been invited to comment on the renewal of the lease of the PTA. The first time was in October 2020. We are disappointed to state that we have not seen any significant changes in the Army's plans since that time. Accordingly, too, we feel obliged to restate a number of points that we have previously stated, in the wishful hope that they might be taken seriously this time around.

In summary, we ask for the following:

1. If the lease is to be renewed, that the "rental rate" be a serious amount, and not a neo-colonial one-dollar for sixty-five more years, and that the Military must in any event pay arrearages for past grossly insufficient rent;



2. The DOD must undertake **SERIOUS** environmental clean-up; and
3. The DOD must undertake and abide by serious plans for the return of portions of the PTA over the course of a reasonable period of time, with eventual closure.

The Democratic Party of Hawai'i (DPH) has an enrolled membership of some 145,000 active and associate members in the State of Hawai'i. The Environmental Caucus of the Democratic Party is a semi-autonomous organization of over 5,330 DPH members. We advocate to advance the Party's environmental Platform planks and Resolutions, including those adopted by DPH members at the Democratic State Convention in 2018 that are quoted below.

Fundamentally, we object to the renewal of the lease of 22,971 acres of stolen, ceded State lands (Hawaii Revised Statutes ("HRS") §343-5(a)(1)) in a Conservation District (HRS §343-5(a)(2)) and county Forest Reserve that was entered into between the Army and the State of Hawaii in 1964 in consideration of \$1.00 for a 65-year lease to expire in 2029. For multiple reasons summarized here, we object to the continuation of the lease and the continued failure of the Army to adequately clean up the site. We reluctantly use the draft EIS process as an inadequate means of redress to express our concerns, as permitted under the National Environmental Policy Act ("NEPA").

The reasons for this opposition are simple: the U.S. Military has historically and systematically abused and degraded the environment and has not been environmentally sound in its clean-up and restoration. There are more than 40,000 hazardous sites across the country polluted by U.S. military operations, affecting a total amount of land larger than the entire state of Florida. Many of these sites have extensive groundwater and soil pollution, or present a risk of exploding bombs and munitions, even if they are open to the public. Some have been converted to parks and wildlife reserves and even housing developments. Many sites were part of old defense facilities that have long since shut down, and may not be known locally, even though a risk of exposure to contaminants may still be present. Even sites where the DOD says it has already completed its response can present an ongoing threat or risk to the public. While the data pinpoint a precise location, contamination from that location may well affect a much larger area, including public and private lands and the water supplies beneath them.

<https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard>

There are at least 25 hazardous sites at the PTA. Many of these sites have been declared "clean" by the DOD but are still not safe for use by people. This military installation is safe only with the following conditions in place: fences, signs, local use ordinances, prohibit or otherwise manage excavation, prohibit residential use, landfill restriction, prohibit activities that would impact the landfill cap (or cover system), and drainage system, landfill restriction - prohibit excavation on landfill cap or cover system, landfill restriction - restrict access to the site.

Currently, the PTA has one **HIGH RISK** active site where cleanup remains ongoing. The Pu'u Pa'a site is of high risk and is subject to the removal of unexploded munitions and ordnance at an estimated cost of \$90 million plus expected future cost of cleanup and an expected final cleanup

action to occur in November 2045. The high risk assessment is made by the DOD which prioritizes the cleanup of sites that pose greatest threat to safety, human health, and the environment.

A second site subject to removal of unexploded munitions and ordnance is located at the former Bazooka Range. Its cleanup cost in 2015 plus future cost of cleanup was expected to be \$1.7 million with a final cleanup action in June 2017.

The other 23 inactive sites are: (1) Humu'ula Sheep Station – West Training and Maneuver Area (explosives and munitions cleanup, restricted access, 2012); (2) Landfill 2 (WSC#7) (hazardous substances cleanup, restricted access, 1997); (3) PBA@MMRP Pōhakuloa (explosives and munitions cleanup, restricted access, 2008); (4) former FFTA PIT (WSC#11) Fire/crash Training Area (hazardous substances cleanup, restricted access, 1997); (5) former STG Area behind Building T-31 (WSC#12) spill site area (hazardous substances cleanup, restricted access, 1997); (6) Artillery Firing Area Powder Burn (hazardous substances cleanup, restricted access, 1994); (7) Impact Area (WSC#1) Unexploded munitions and ordnance area (hazardous substances cleanup, restricted access, 1990); (8) POL Storage Area (WSC#3) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (9) Underground Storage Tanks Sites (7) (WSC#4) (hazardous substances cleanup, restricted access, 1990); (10) Maintenance Area (WSC#5) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (11) Ammunition STG Magazines (8) (WSC#8) Spill Site Area (hazardous substances cleanup, restricted access, 1990); (12) Foam Storage Shed (WSC#9) Spill Site Area (hazardous substances cleanup, 1990); (13) Underground Storage Tanks Site (WSC#10) (hazardous substances cleanup, restricted access, 1990); (14) Former Transformer STG Area (WSC#13) Spill Site Area (hazardous substances cleanup, 1995); (15) 43 Septic tanks/12 Leach Wells (WSC#15) Surface Disposal Area (hazardous substances cleanup, restricted access, 1990); (16) Underground Storage Tanks Bldg 186 (hazardous substances cleanup, restricted access, 1994); (17) Vehicle Refueling Area Maintenance Yard (hazardous substances cleanup, restricted access, 1997); (18) Equipment Storage Area (hazardous substances cleanup, restricted access, 1996); (19) Abandoned Landfill 1 (WSC#6) (hazardous substances cleanup, restricted access, 1997); (20) Humu'ula Sheep Station-East Unexploded Munitions and Ordnance Area (Explosives and Munitions, restricted access, 2006); (21) Bradshaw Field Storage Area (WSC#2) Spill Site Area (hazardous substances cleanup, restricted access, 1995); (22) Kulani Burn Pile Burn Area (Explosives and munitions, no access, 2013); (23) Kulani Boys' Home Unexploded Munitions and Ordnance Area (Explosives and munitions, no access, 2012).

<https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&c=shrink>

Given the U.S. Military's use of hazardous substances, explosives and ordnance necessitating numerous cleanups leaving the land with restricted or no access available, it appears that the purpose of NEPA cannot be accomplished by the continuation of military training at Pōhakuloa as the land can never be restored and enjoyed even after thirty years of cleanup.

PTA is not the only site of subject to hazardous substances, explosives and ordnances necessitating numerous cleanups. In fact, there are 115 Military Installations with hazardous sites in the State of Hawai'i with a total past and future cleanup cost of \$2.77B and of the 115 Military Installations, 43 are determined by the DOD to be HIGH and MEDIUM hazardous risk Installations. *See*, chart

| <b><u>MILITARY INSTALLATION</u></b> | <b><u>#HAZ. SITES</u></b> | <b><u>CITY</u></b> | <b><u>COUNTY</u></b> | <b><u>RISK OF HARM</u></b> |
|-------------------------------------|---------------------------|--------------------|----------------------|----------------------------|
| PEARL HARBOR NAVAL STATION          | 145                       | PEARL HARBOR       | Honolulu             | High Risk                  |
| LUALUALEI NAVAL MAGAZINE            | 40                        | WAI'ANAE           | Honolulu             | High Risk                  |
| WAHIAWA NCTAMS EASTPAC              | 30                        | WAHIAWĀ            | Honolulu             | High Risk                  |
| PEARL HARBOR NSY                    | 27                        | PEARL HARBOR       | Honolulu             | High Risk                  |
| PŌHAKULOA TRAINING AREA             | 25                        | KAWAIHAE HARBOR    | Hawaii               | High Risk                  |
| WAIKOLOA MANEUVER AREA              | 25                        | WAIKOLOA           | Hawaii               | High Risk                  |
| PEARL HARBOR FISC                   | 17                        | PEARL HARBOR       | Honolulu             | High Risk                  |
| NAVFAC HAWAII PEARL HARBOR          | 17                        | PEARL HARBOR       | Honolulu             | High Risk                  |
| WAIKAKALAUVA AMMO STORAGE           | 7                         | MILILANI           | Honolulu             | High Risk                  |
| WAIKANE TRAINING AREA               | 3                         | WAIKĀNE            | Honolulu             | High Risk                  |
| 'AIEA MILITARY RESERVATION          | 2                         | 'AIEA              | Honolulu             | High Risk                  |
| MAUI BOMBING TARGETS                | 2                         | MAUI               | Maui                 | High Risk                  |
| HE'EIA COMBAT TRAINING CAMP         | 2                         | KAHALU'U           | Honolulu             | High Risk                  |
| MAKANALUA BOMBING RANGE             | 1                         | MOLOKA'I           | Kalawao              | High Risk                  |
| RABBIT ISLAND                       | 1                         | WAIMANALO BAY      | Honolulu             | High Risk                  |
| PACIFIC JUNGLE COMBAT               | 1                         | PUNALU'U/KAHANA    | Honolulu             | High Risk                  |
| PAKINI BOMBING RANGE                | 1                         | KA'U               | Hawaii               | High Risk                  |
| KAHUKU TRAINING CAMP                | 1                         | KAHUKU             | Honolulu             | High Risk                  |
| FORT SHAFTER                        | 54                        | HONOLULU           | Honolulu             | Medium Risk                |
| KANEOHE BAY MCB                     | 33                        | KĀNE'OHE BAY       | Honolulu             | Medium Risk                |
| WHEELER ARMY AIRFIELD               | 31                        | HONOLULU           | Honolulu             | Medium Risk                |
| BELLOWS AIR FORCE STATION           | 28                        | BELLOWS AFS        | Honolulu             | Medium Risk                |



|                                      |    |                   |             |             |
|--------------------------------------|----|-------------------|-------------|-------------|
| <b>MAKUA MILITARY RESERVATION</b>    | 10 | O'AHU             | Honolulu    | Medium Risk |
| <b>PEARL HARBOR NSB</b>              | 7  | PEARL HARBOR      | Honolulu    | Medium Risk |
| <b>JFHQ HI ARNG</b>                  | 4  | HONOLULU          | Honolulu    | Medium Risk |
| <b>BIG ISLAND BOMBING TARGETS</b>    | 3  | ISLAND OF HAWAI'I | Hawai'i     | Medium Risk |
| <b>PALMYRA ISLAND</b>                | 2  | PALMYRA           | So. Pacific | Medium Risk |
| <b>MAKAPU'U LIGHT HOUSE RES</b>      | 2  | MAKAPU'U          | Honolulu    | Medium Risk |
| <b>ARMY IMPACT RANGE</b>             | 2  | HILO              | Hawai'i     | Medium Risk |
| <b>WAIMEA TRAINING SITE</b>          | 1  | WAIMEA            | Kaua'i      | Medium Risk |
| <b>WAILUA ARTILLERY IMPACT AREA</b>  | 1  | WAILUA            | Kaua'i      | Medium Risk |
| <b>O'AHU ISLAND TARGET</b>           | 1  | MOKUAUIA          | Honolulu    | Medium Risk |
| <b>AHUKINI</b>                       | 1  | OFFSHORE AHUKINI  | Kaua'i      | Medium Risk |
| <b>WAIMEA FALLS PARK</b>             | 1  | HALE'IWA          | Honolulu    | Medium Risk |
| <b>GROVE FARM ARTY IMP</b>           | 1  | LIHUE             | Kaua'i      | Medium Risk |
| <b>MOKU HO'ONIKI ISLAND</b>          | 1  | MOLOKA'I          | Maui        | Medium Risk |
| <b>RANGE D-400-L</b>                 | 1  | WAHIAWA           | Honolulu    | Medium Risk |
| <b>PAPOHAKU RANCLAND SUB</b>         | 1  | MOLOKA'I ISLAND   | Maui        | Medium Risk |
| <b>UNEXPLODED ORD REMOVAL</b>        | 1  | MOLOKINI ISLAND   | Maui        | Medium Risk |
| <b>CENTER COMBAT RANGE</b>           | 1  | WAHIAWĀ           | Honolulu    | Medium Risk |
| <b>KANE PU'U NAVAL BOMBING RANGE</b> | 1  | LANAI             | Maui        | Medium Risk |
| <b>KA'U BOMBING RANGE</b>            | 1  | VOLCANO           | Hawai'i     | Medium Risk |
| <b>WAIAWA TRAINING AREA</b>          | 1  | WAIAWA            | Honolulu    | Medium Risk |

<https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&c=shrink>

To this very long list, we must now add the Red Hill Underground Fuel Storage Facility on O'ahu. It is now well known that the Red Hill facility is an imminent danger to the fresh water sole source aquifer of the entire Island of O'ahu, where 65 percent of Hawai'i's population resides, and where huge military facilities are located. The Department of Defense has now recognized that the facility needs to be shut down as soon as possible at the probable cost of two

or three billion Dollars because of 80 years of corrosion, disrepair, and lack of adequate testing and maintenance of the Facility and its pipelines, that it absolutely cannot be properly and safely operated.

The point of providing this listing is to demonstrate the absolutely terrible record of the U.S. military in exercising its stewardship responsibilities as a user of lands in Hawai'i, regardless of whether these are open lands like Pōhakuloa, or complex operational facilities like Red Hill. Given the multitude of Military Installations throughout the State of Hawai'i that remain high and medium risk of injury and contamination, the Environmental Caucus remains steadfast in its opposition to the proposed retention of the PTA for the continuation of uninterrupted military training pursuant to NEPA, Article XI, Section 1 of the Hawai'i State Constitution; the Precautionary Principle; and Ching v. Case, 145 Hawai'i 148, 449 P.3d 1146 (2019).

The Hawai'i State Constitution, Article XI, Section 1, states:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.

The Hawai'i Supreme Court has declared in *Ching v. Case* that this section makes the Public Trust Doctrine ("PTD") a fundamental element of Constitutional law in the State of Hawai'i.

Specifically, under Article XI, Section 1, of the Hawai'i State Constitution, the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people. The Hawai'i Supreme Court has declared that this Constitutional provision creates a duty for the State to protect public trust purposes. The Public Trust Doctrine therefore seeks to protect the following Public Trust purposes:

1. Domestic water use of the general public, particularly drinking water,
2. The exercise of Native Hawaiian and traditional and customary rights including appurtenant rights,
3. Reservations of water for Hawaiian Home Land allotments, and
4. Maintenance of waters in their natural state. (Water Resource Protection Plan (2008), Commission on Water Resource Management).

Both the Hawai'i Supreme Court and the Commission on Water Resource Management have declared that the Public Trust Doctrine applies equally to groundwater and surface water.

The Precautionary Principle is a duty under the Public Trust Doctrine. The PTD is a preventive doctrine, not a remedial one, as the Hawai'i Supreme Court recognized when it found



that the Precautionary Principle was an inherent attribute of the PTD. In endorsing the Precautionary Principle, the Hawai'i Supreme Court rejected the requirement of scientific certainty before acting to protect Public Trust Purposes, noting that to do so will often allow for only reactive, not preventive regulation.

In 2018, the Democratic Party of Hawai'i, out of concern and an abundance of caution over military degradation, devastation, and desecration of the State's Public Trust lands, affecting hundreds of thousands of *Kanaka Maoli*, residents, businesses, and visitors to the State of Hawai'i, adopted the following Resolution:

*GOV:2018-18 Urging the Congressional Delegation to Actively Work to Ensure that the Military Protects Our Natural Resources*

*Whereas, Damaging the land and impairing natural resources is inconsistent with protecting the homeland; and*

*Whereas, Military activities have contaminated our groundwater at Red Hill, littered the landscape of Pōhakuloa with unexploded ordnance, adversely affected archaeological sites and habitat at Mākua, and rendered substantial portions of Kaho'olawe unsafe; and*

*Whereas, The military once claimed that it was a matter of national security that it be allowed to continue to bomb Kaho'olawe and continue to train at Mākua, but that has proven to be inaccurate; and*

*Whereas, A state judge questioned the Army's veracity and reliability when it claimed to regularly clean up debris after each training exercise at Pōhakuloa; and*

*Whereas, Although the Navy argues that its fuel has not found its way into our drinking water wells, yet it is undisputed that leaks from some of its Red Hill tanks have contaminated our groundwater in an unacceptable manner; now, therefore, be it Resolved,*

*That the Democratic Party of Hawai'i urge all members of the Hawai'i Congressional Delegation to actively work to ensure that the military takes all necessary action to prevent degradation of our natural resources and clean up the existing contamination; and be it*

*Ordered, That copies of this Resolution be transmitted to the Hawai'i Congressional delegation.*

[End quote]



For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i opposes the renewal of the 65-year lease for PTA between the U.S. Army and DLNR. In this light, the Environmental Caucus rejects the process involved in developing a draft EIS for the U.S. Army. Further, given that the U.S. Army – Hawai'i ("USARHAW") is retaining the U.S. Army Corps of Engineers, Honolulu District under contract W9128A19D0004 to process the EIS, we urge the U.S. Army to retain a disinterested third-party to conduct an Environmental Impact Statement before it proceeds to negotiate for the retention of the PTA.

Pursuant to the EIS Preparation Notice of two years ago, the EIS proposed to evaluate the following 14 affected environmental subject areas: (1) land use, (2) biological resources, (3) archaeological and cultural resources, (4) hazardous and toxic materials and wastes, (5) air quality and greenhouse gases, (6) noise, (7) geology, topography and soils, (8) socioeconomics and environmental justice, (9) water resources, (10) transportation and traffic, (11) airspace, (12) electromagnetic spectrum, (13) utilities, and (14) human health and safety.

However, the Army Training Land Retention area at PTA is not in compliance with the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. § 4321. The purpose of NEPA is to declare a national policy that will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. Clearly, the continuous of act of maintaining (1) live-fire and non-live-fire artillery firing points; (2) ranges for mounted, dismounted, and aviation training; and (3) support facilities, including ammunition storage areas and helicopter and tilt-rotor aircraft landing zones fails to encourage productive and enjoyable harmony between man and his environment as the environment suffers irreparable harm; fails to promote efforts that prevents or eliminates damage to the environment and biosphere as the target areas remain littered with spent munitions and fragments and unexploded ordnance, contaminated with depleted uranium which fails to stimulate the health and welfare of man; and it fails to enrich the understanding of the rare ecological systems and natural resources and wildlife important to the Nation.

The EIS is intended to evaluate the following affected environmental aspects: (1) land use in a Conservation District, Open, and zoned Forest Reserve; (2) biological resources where 35% of the plants found at PTA are indigenous or endemic and 25 federally listed species, one of which is threatened and 19 plants are listed as endangered, and the terrestrial mammal, the Hawaiian hoary bat, is listed as endangered, and there are endangered inveterate species and four endangered bird species and 5,000 acres of the State-owned land are designated as critical habitat for the endangered Palila; (3) archaeological and cultural resources as only 45% of the accessible land have been surveyed for archaeological sites and about 450 acres of the State-owned land are closed to personnel and vehicles to protect cultural resources; (4) hazardous and toxic materials and wastes of munitions and explosives of concern which include unexploded ordnance, discarded



June 6, 2022

Page 9

military munitions, and munitions constituents, plus historically unknown quantities and types of hazardous material were disposed of on State-owned land; (5) air quality and greenhouse gases, including sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, and lead from military vehicles, aircraft flight operations, boilers, internal combustion engines, dust from vehicle use on gravel and dirt roads and emissions from ordnance use and explosives detonations and training in the 1960s using 20-millimeter spotter rounds containing a depleted uranium alloy, fragments of rounds were documented in the impact area in 2008; (6) noise including live-fire ordnance, large and small caliber weapons and military movement of vehicles and aircraft; (7) geology, topography and soils including Ahi Quarry with a vein of highly desirable “blue rock” for its hardness, abrasion resistance and tensile strength; (8) socioeconomics and environmental justice including the jobs of 120 military and civilian personnel working at PTA Cantonment and approximately 12,000 military personnel trained at PTA over roughly 200,000 troop training days, balanced with the impact on low-income and minority populations including Native Hawaiian and other Pacific Islander consisting of a disproportionate burden of negative effects resulting from federal actions; (9) water resources including the Waikahalulu Gulch, Pōhakuloa Gulch, and ‘Auwaiakeakua Gulch, and Flood Zone X; (10) transportation and traffic including the Old Saddle Road which is the primary access to the State-owned land; (11) airspace including aviation training consisting of aerial gunnery and assault support for ground troops; (12) electromagnetic spectrum including radio, short-wave radio, television signals, and microwaves; (13) utilities, including electrical, potable water, wastewater, stormwater, solid waste, fire protection water, and communications equipment; and (14) human health and safety including the risks associated with hazardous material and depleted uranium, explosive safety-quantity distance arcs, surface danger zones, clear zones, accident potential zones, natural hazards, multiple ammunition storage areas, impact area of a live-fire range with projectiles that have a 1:1,000,000 probability of escapement, and a runway that possess an increased potential for aircraft accidents.

We believe that a comprehensive and objective analysis of U.S. military activities at Pōhakuloa pursuant to these 14 enumerated factors must lead inexorably to the conclusion that the military needs to cease further gunnery activities, engage in thorough clean-up of the site, and return it to the people of Hawai‘i not later than the original lease expiration date in 2029. It must also pay arrearages for the grossly insufficient rent.

The environmental damages from the continued military training use at PTA are substantial. We continue to oppose further retention of the PTA by the DOD as the risk of damage to the environment and ecosystem is great and the likelihood of restoration is low to the detriment of the Native Hawaiian community, the community at large, and indigenous plants and animals.



Mahalo for the opportunity to provide comments.

/s/ *Alan B. Burdick*

Co-Chair, Environmental Caucus of the Democratic Party of Hawai'i  
Co-Chair, Human Environmental Impacts Committee  
Email: [burdick808@gmail.com](mailto:burdick808@gmail.com)

/s/ *Melodie Aduja*

Co-Chair, Environmental Caucus of the Democratic Party of Hawai'i  
Co-Chair, Human Environmental Impacts Committee  
Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)

## Hawaii Island Chamber of Commerce

Thank you, and good evening. My name is Miles Yoshioka, M-I-L-E-S, Y-O-S-H-I-O-K-A, and I represent the Hawai'i Island Chamber of Commerce, an organization of nearly member businesses, professionals and nonprofits from primarily East Hawai'i. We fully support the U.S. military's training mission at Pohakuloa Training Area. Allowing the full retention of the acres of land currently leased from the State of Hawai'i will allow the Army to maintain those training requirements. Properly trained soldiers -- properly training soldiers for their crucial deployments is a paramount responsibility of the U.S. Army. PTA provides an unparalleled venue to accomplish this goal and prepare our troops for the challenges they will face when sent to counter threats to American citizens and our national interests or to support our allies. Training saves lives, and we owe it to the brave men and women who annually arrive at PTA to receive the instruction and training that they need. Many of our local men and women in uniform, our friends, our neighbors, our family, including those in the Hawai'i Army Air National Guard, Hawai'i Army National Guard, U.S. Army Reserves, and all other branches of the military train at PTA. State and county of Hawai'i first responders, including our fire fighters and police, train at PTA facilities and ranges. Additionally, PTA fire and rescue team members are the first responders in the Saddle area handling emergencies in the first critical minutes with fire trucks and Blackhawk helicopters at their disposal. This is extremely important to the health and safety of the many drivers, hunters, and visitors in the area. For these and other reasons, the Hawai'i Island Chamber of Commerce strongly supports the renewal of the lease for the state land at Pohakuloa. Thank you very much.

Ka Ohana O Na Pua  
Nancy Redfeather  
P.O. Box 906  
Kealahou, Hawaii 96750  
Attention: Public Input on Draft EIS for Pohakuloa Training Area

June 5, 2022

To whom it may concern,

The U.S. Army has now completed the Draft EIS that will lay out and analyze its proposal to retain up to approximately 23,000 acres of state-owned land at Pohakuloa Training Area (PTA) for military training, the public has been invited to comment on this EIS Draft. I would like to submit this statement as my Testimony. Ka Ohana O Na Pua is a 31 year old state and federal non-profit whose mission is to provide agricultural education for keiki to kupuna.

It is my understanding that The area has been used for military training since 1943, and the state-owned land has been leased by the Army since 1964. PTA is the largest contiguous live-fire range and maneuver training area in the state and is located between Mauna Loa, Mauna Kea, and Hualalai on the island of Hawai'i. Of the 132,810 acres at PTA, approximately 23,000 are leased from the state. The current 65-year lease is set to expire in August 2029.

**I am opposed to the continued occupation of State lands on Hawaii Island for military training exercises and I would like to briefly identify points that the final EIS should seriously consider in detail.**

1. In the Army's lease agreement with the State of Hawaii, you are required to "make every reasonable effort to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner." Has the Army complied with this lease provision and what were the steps taken and when to fulfill this promise?
2. A thorough investigation of the entire area should be undertaken to determine whether there is any military debris remaining and that would also include unexploded ordnance on any lands that have been used for training/exercises over the historical time period of your occupation. I know that over many years, there have been many Cultural Monitors who spent extensive time on the Pohakuloa lands and have observed firsthand military debris, including unexploded ordnance and spent shell casings on the grounds of the lands leased by the Army.
3. There was a draft document titled: "Action Memorandum for the Time Critical Removal Action" prepared in 3/2015 by the US Army Garrison at Wheeler Army airfield on Schofield Barracks in Wahiawa, Oahu, Hawaii. This bazooka range was used as a military maneuver area through the early 2000s. During the joint DLNR/Army inspection in 2014, the area was found to be "heavily contaminated on the surface with potentially explosive materials and munitions debris. 4 different types of ordnance were observed to be present.

- 1.) M29A2 training rounds with dummy M405 fuses
- 2.) Practice 81mm mortars
- 3.) Other high explosive anti-tank rifle grenades
- 4.) M28A2 bazooka rounds with M404 fuse
- 5.) M30 white phosphorus bazooka rounds

At that time the Army noted the number of ordinance present on the ground “coupled with the accessibility to the public make for the potential for significant danger to public health and welfare.” Estimated cost of cleanup in 2015 was \$2,353,000.00. The reason the Army recommended this cleanup was that it “presents an imminent and substantial endangerment to public health, or welfare, or the environment.”

Any final EIS should summarize the details and the status of that cleanup effort. Was it accomplished, is it now safe for the public and the environment, what and how much waste was collected from the area, where was it disposed?

4. This upcoming EIS should fully and transparently disclose the extent to which the ungulates exist in the area used by the Army for training exercises and the damage they have caused to date.

5. To my knowledge, from reading reports of the number and significance of cultural sites the investigation into this aspect of land use has been superficial. The final EIS should include a thorough inventory of all historic sites in the area with photos and GPS location. This could be one of the Appendix pages. It should also include a thorough discussion of the history and the cultural significance of Pohakuloa through historical time to the present. (this would show your sensitivity to the host culture) The EIS should also include a detailed discussion as to the current condition of each of these sites and how they have changed while the Army has been using these lands.

#### **Concerns still Linger from the 8/2018 EA Finding of No Significant Impact**

1. I can see that a thorough evaluation of the potential ancient and historical sites has not been completed. There have been identified 1,198 sites, 822 have not been evaluated, and 364 are traditional Hawaiian sites, and that only 20% of the high impact zone has been evaluated. That no sacred sites were identified seems highly unlikely. This information should have affected the final determination of No Significant Impact.

2. While I understand that there has been numerous lava flows as well as 100 years of ranching in the zone, and that a collection of physical artifacts exists that was recovered through surveys, it seems that there very well could be long term impacts to the Island of Hawai'i through continued use of the area as a training area for the use and training of various weapon systems. These impacts would include, contamination of the ground water serving communities at lower elevations, contamination of soils from depleted uranium pieces and dust kicked up in the impact zone unknowingly (because you really don't know where all the DU lies) impacting both the soldiers and communities down

wind, and the potential for ancient sites which have not yet been surveyed to be destroyed.

3. The Hawai'i County Council has passed various Resolutions that clearly stated their concerns about these potential impacts. Resolution 639-88 urges the military to address the potential hazards of DU at the Pohakuloa Training Area. This Resolution has 8 action areas including ceasing of live fire and clean up of DU that have not been adequately addressed in the past 9 years. As a courtesy to Hawaii Island County Government this needs to be addressed. Again could be an Appendix page.

4. The State of Hawai'i land lease does not allow for storage of nuclear storage on site, even though the NRC has given Pokahuloa a permit to possess DU on site. The Army has not been transparent with the public about the use of DU coated weapons being used currently on site. IF the Army is not using DU coated weapons and firing them at the Pohakuloa Training Site, you should tell the public. That would make a huge difference in many peoples minds of how they view your continued presence here

#### **Personal Observations Over the past 24 years.**

I live in the Kawanui Ahupua'a of Kona at the 1,500 ft. elevation and many times over the past 20 years my house has shook from the ordnance that has been used at Pokaukoa. I have also been out on my farm and literally felt the earth shake under my feet. Can this possibly trigger earthquakes or shift movements of magma beneath the surface? Please include such seismic and geological information in the final EIS.

Thank you for taking all these concerns under consideration when laying out your plan for the final EIS. I will look for updates on this process in our local news, unless you of course wish to update the stakeholders in a timely manner. Mahalo.

Sincerely,

Nancy Redfeather  
Ka Ohana O Na Pua  
Kona, Hawai'i  
[nancyredfeather@hawaii.rr.com](mailto:nancyredfeather@hawaii.rr.com)

**From:** Kupuna Moopuna <kupuna4moopuna@gmail.com>  
**Sent:** Monday, June 6, 2022 10:03 AM  
**To:** usarmy.hawaii.comrel@mail.mil; G70 - ATR PTA EIS  
**Subject:** Fwd: Pōhakuloa - Army Land Retention at PTA Draft EIS - NO ACTION ALTERNATIVE  
**Attachments:** [6.5.2022 - Pōhakuloa - Army Land Retention at PTA Draft EIS - NO ACTION ALTERNATIVE.pdf](#)  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To US Army:

**FORWARDING (to the usarmy email provided by G70 Design)**

**Please acknowledge receipt of our PŌHAKULOA DRAFT EIS COMMENTS.**

**Our comments follow below as an email and as a PDF attachment.**

Thank you,  
Kūpuna for the Mo'opuna

----- Forwarded message -----

**From:** Kupuna Moopuna <[kupuna4moopuna@gmail.com](mailto:kupuna4moopuna@gmail.com)>  
**Date:** Mon, Jun 6, 2022 at 8:35 AM  
**Subject:** Fwd: Pōhakuloa - Army Land Retention at PTA Draft EIS - NO ACTION ALTERNATIVE  
**To:** <[atlr-pta-eis@g70.design](mailto:atlr-pta-eis@g70.design)>  
**Cc:** Kupuna Moopuna <[kupuna4moopuna@gmail.com](mailto:kupuna4moopuna@gmail.com)>

To G70 or to whom it may concern,

Please acknowledge receipt of this email with our Pōhakuloa Draft EIS Comments submitted yesterday, June 5, 2022.

Thank you,  
Kūpuna for the Mo'opuna

----- Forwarded message -----

**From:** Kupuna Moopuna <[kupuna4moopuna@gmail.com](mailto:kupuna4moopuna@gmail.com)>  
**Date:** Sun, Jun 5, 2022 at 7:17 AM  
**Subject:** Pōhakuloa - Army Land Retention at PTA Draft EIS - NO ACTION ALTERNATIVE

To: <[atlr-pta-eis@g70.design](mailto:atlr-pta-eis@g70.design)>  
Cc: Kupuna Moopuna <[Kupuna4moopuna@gmail.com](mailto:Kupuna4moopuna@gmail.com)>

## PDF ATTACHMENT ALSO EMAILED

SENT VIA EMAIL TO: [atlr-pta-eis@g70.design](mailto:atlr-pta-eis@g70.design)

June 5, 2022

### **Kūpuna for the Mo‘opuna**

*committed to the well-being of Hawai‘i for the next generations to come*

[kupuna4moopuna@gmail.com](mailto:kupuna4moopuna@gmail.com)

SUBJECT: Army Training Land Retention at Pōhakuloa Training Area – Draft EIS

RE: Comments

Kūpuna for the Mo‘opuna, a network of homestead farmer beneficiaries of the Hawaiian Homes Commission Act from Pana‘ewa, Hawai‘i, provide comments in **strong support of the Army’s No Action Alternative** in accordance with Council on Environmental Quality regulations. (ES.8.4. No Action Alternative)

We strongly support the position that when the lease expires in 2029, the Army must lose all access to the land. **No extension. No renewal. No new lease.**

1.) Describe the current condition of the leased area at PTA subsequent to the August 2019 Hawai'i Supreme Court decision - affirming Judge Chang's 2018 ruling that "military needs to clean up mess and destruction; follow through on your commitments" – along with the measures that have been taken that fully describe how the terms of the existing lease have been satisfactorily fulfilled.

page 1 - Kūpuna for the Mo'opuna – PTA DEIS

2.) Describe the detailed plan to clean up debris and toxins at PTA before the lease expires. Explain how this plan will differ from the long documented history of military pollution throughout Hawai'i.

3.) Describe how the State can meet fiduciary obligations to native Hawaiians and the public to protect the land since it is, in fact, the Army that has left the land in a degraded and hazardous condition at Pōhakuloa and other sites throughout Hawai'i.

<https://www.civilbeat.org/2021/01/the-history-of-u-s-military-pollution-in-hawaii-is-extensive/>

<https://www.hawaiitribune-herald.com/2022/04/14/hawaii-news/ordnance-removal-enters-next-phase-following-9-months-of-scanning-near-waimea-army-personnel-will-begin-digging-for-munitions/>

4.) Explain how claims that land retention is "necessary" are credible, since the military also claimed Kaho'olawe, the Kapūkakī (Red Hill) fuel tanks, Mākua Valley, Waikāne Valley, and Stryker armored fighting vehicles were all "necessary."

5.) Explain why a \$210 million dollar construction effort to "improve Army facility" at PTA was allowed to begin with the construction of new barracks in light of the lease set to expire in 7 years. Explain why the Army continues to focus on adding on rather than cleaning up as required by law.

<https://www.hawaiitribune-herald.com/2022/04/27/hawaii-news/new-barracks-unveiled-at-pta-project-is-part-of-a-210-million-effort-to-improve-the-army-facility/>

page 2 - Kūpuna for the Mo'opuna – PTA DEIS

6.) Explain and describe the analysis of fire impacts and the serious concerns about staffing and equipment, and the history of several past fires. Include in this a complete disclosure of all records pertaining to the July/August 2021 upper Ke'āmuku / Waikoloa/ Pu'ukapu brush fire, the Big Island's largest brush fire, which coincided with PTA training.

7.) Provide a complete disclosure of past history and current information on Depleted Uranium (DU) at PTA, e.g., Army not accounting for DU, Army questionable air monitoring of DU, Army unauthorized activities with DU, Army proposals to avoid Nuclear Regulatory Commission (NRC) oversight, Army documents with misinformation on DU, and possible Army contractor DU bias.

8.) Explain the reason for engaging elementary-school aged children and high school minors in activities at PTA with contaminated soil, unexploded munitions and other harmful by-products of live-fire testing (including depleted uranium from some of the ammunition used there, and other chemicals).

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9.) Explain and describe the Permissible Sound Levels of the PTA aircrafts when flying over Hawaiian Homes Commission Act agricultural/residential homestead communities of Pana'ewa and Keaukaha and the plans to address aircraft noise pollution, especially

at night. Include descriptions of “sometimes loud” noises of “essential training activities at Pōhakuloa Training Area (PTA) in March [2022] that may be heard by surrounding communities.”

[https://www.army.mil/article/254373/march\\_training\\_convoy\\_and\\_hunting\\_advisory\\_for\\_pohakuloa\\_training\\_area\\_pta](https://www.army.mil/article/254373/march_training_convoy_and_hunting_advisory_for_pohakuloa_training_area_pta)

page 3 – Kūpuna for the Mo’opuna – PTA DEIS

**PDF ATTACHMENT ALSO EMAILED**

**SENT VIA EMAIL TO:** [atlr-pta-eis@g70.design](mailto:atlr-pta-eis@g70.design)

June 5, 2022

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*committed to the well-being of Hawai'i for the next generations to come*  
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# Kona-Kohala Chamber of Commerce

June 7, 2022

Re: Draft Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloa Training Area

To Whom It May Concern,

The Kona-Kohala Chamber of Commerce strives to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. With 430 member businesses and organizations, we exist to provide leadership and advocacy for a successful business environment in West Hawai'i.

We support the U.S. military's training mission and land retention at Pōhakuloa Training Area. As a member of the PTA Advisory Committee, we have been to the site multiple times and understand the importance of this State-owned land. We are aware that the lease expires in 2029 and this Proposed Action is to retain the U.S. Government's lease. This 23,000 acre parcel is essential to the training mission and includes substantial infrastructure investments, allows access between U.S. Government-owned lands, and maximizes the use of the impact area.

In regards to the Draft EIS, we highly recommend Alternative 1: Full Retention. The U.S. Army would retain the land and substantial infrastructure investments while continue training without downtime.

Beyond training military personnel, PTA provides significant benefits to the environment. In a cooperative agreement with Colorado State University, PTA's natural resources team manages and maintains indigenous and endemic plant species found in the area. In partnership with Schofield Barracks and University of Hawai'i's Lyon Arboretum, horticulturists, botanists and biologists work to save endangered endemic species through cultivation and seed storage.

Additionally, PTA provides crucial services in wildfire management. In July and August of 2021, the Mana Road fire scorched more than 42,000 acres on Hawai'i Island. PTA supported the effort to put out the fire with 15 firefighters with their trucks along with four bulldozers. The U.S. Army provided five helicopters with 25 crewmembers and seven firefighters from Oahu. The Army aircraft conducted 250 water bucket drops totaling 170,000 gallons of water. This effort and the many first responder actions taken by PTA are greatly appreciated by our community!

Sincerely,

Wendy J. Laros, President and CEO  
Kona-Kohala Chamber of Commerce

June 7, 2022

Re: Draft Environmental Impact Statement (EIS) for Army Training Land Retention at Pōhakuloa Training Area

To Whom It May Concern,

The Kona-Kohala Chamber of Commerce strives to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. With 430 member businesses and organizations, we exist to provide leadership and advocacy for a successful business environment in West Hawai'i.

**We support the U.S. military's training mission and land retention at Pōhakuloa Training Area.** As a member of the PTA Advisory Committee, we have been to the site multiple times and understand the importance of this State-owned land. We are aware that the lease expires in 2029 and this Proposed Action is to retain the U.S. Government's lease. This 23,000 acre parcel is essential to the training mission and includes substantial infrastructure investments, allows access between U.S. Government-owned lands, and maximizes the use of the impact area.

In regards to the Draft EIS, **we highly recommend Alternative 1: Full Retention.** The U.S. Army would retain the land and substantial infrastructure investments while continue training without downtime.

Beyond training military personnel, PTA provides significant benefits to the environment. In a cooperative agreement with Colorado State University, PTA's natural resources team manages and maintains indigenous and endemic plant species found in the area. In partnership with Schofield Barracks and University of Hawai'i's Lyon Arboretum, horticulturists, botanists and biologists work to save endangered endemic species through cultivation and seed storage.

Additionally, PTA provides crucial services in wildfire management. In July and August of 2021, the Mana Road fire scorched more than 42,000 acres on Hawai'i Island. PTA supported the effort to put out the fire with 15 firefighters with their trucks along with four bulldozers. The U.S. Army provided five helicopters with 25 crewmembers and seven firefighters from Oahu. The Army aircraft conducted 250 water bucket drops totaling 170,000 gallons of water. This effort and the many first responder actions taken by PTA are greatly appreciated by our community!

Sincerely,



Wendy J. Laros, President and CEO  
Kona-Kohala Chamber of Commerce

# Malu'aina Center for Non-violent Education in Action

Aloha kakou. My name is Jim Albertini. I'm president of a non-profit organization Malu'aina Center for Non-violent Education in Action. Here is where I stand. I go beyond the no action alternative. I'm not renewing the lease. I'm for canceling that lease here and now. Stop the bombing. Comprehensive independent assessment of the military toxic mess at PTA, the entire 133,000 acres. Not simply the 23,000. There also needs to be thorough cleanup guaranteed with federal funds and a reserve fund, because there is always more after they clean up the mess, at Kaho'olawe and other sites. I brought with me a map of the Big Island, that our organization did more than 20 years ago. It documents 57 military sites on this island. Hundreds of thousands of acres contaminated with toxins. Many of them are Army. Army is not alone, though. Navy and others. But I want to make one thing. The Army has proven to be habitual liars. I will give you just one example of this related to PTA. The Army repeatedly lied that it never used depleted uranium weapons at PTA and other Hawai'i sites, and then the cat jumped out of the bag. Peace activists on O'ahu unearthed legal documents that proved the military lied. DU had been used in training at Schofield, at PTA, likely at Makua Valley, possibly Kaho'olawe and other sites. The lies about DU are just one of many. I am going to cite just one example. In the 1960s, the same time the Army got the lease at Pohakuloa, the Army got another lease from the state. A state land in the Waiakea Forest, the water shed of Hilo. It told the state it wanted to do weather testing. The Army was lying. They secretly tested some of the most toxic chemical and biological weapons in the U.S. Arsenal in the Hilo watershed, including Sarin nerve gas. 1/50th of a drop kills you. The Army repeatedly denied that it did that. And then Patsy Mink, the Congresswoman from Hawai'i, disclosed the facts. The Army still tried to dodge it. When she disclosed it, the Mayor of Hawai'i Island at the time, Shunichi Kimura, he said cancel the lease. They lied to us. And there was an uproar here and they canceled that lease. But the issue is this. How many people got sick and died because of the Army's lies in the Waiakea Forest area? How many got sick and died because of the depleted uranium and the toxic stew of chemicals you have used at Pohakuloa. And many of you don't even know the facts, because you are only short termers. I will give you an example from the EIS. One of the preparers, his name is Howard Killian, I understand he was the Garrison Commander, Colonel, he testified at the Hawai'i County Council in 2008, I was there, that based on the number of people certified and trained to use the Davey Crockett nuclear weapon that fired the DU spotting rounds, 2000 or more rounds were fired at PTA alone. In your EIS, you list maximum 400 rounds. So Killian testified at least five times more were used. Sum it up this way. The truth of the matter is this: Pohakuloa is the Big Island's toxic Red Hill. We all live downhill, downwind, and downstream of the toxic stew at PTA, where millions of live rounds have been fired annually for more than 70 years. And the last point I will end on is in December I asked for all the documents concerning the water wells being drilled at PTA. I said, all electronic and paper documents and communications dated from January 2013 to December 2021 related to discussions, studies, evaluations and plans for any drinking water wells at PTA. And I mentioned Red Hill. Here it is, four or five months later. All that I received, one page from an Army person, Mark Mitsunabi (ph.). One page of a document that tells you nothing. And finally, here are two resolutions passed by the County Council in 2008, 639-08, 701-08. The County Council is this island passed it by a large majority, 8 to 1, and unanimously for the other one. The Army has done nothing on these resolutions. You are insulting us. You are a fraud. And it's got to stop.

## Malu'aina Center for Non-violent Education in Action

I mentioned earlier about Howard Killian, the Colonel who testified at the County Council that the depleted uranium used at Pohakuloa is five times more than what's stated in the EIS. 400 rounds to 2000 or more. He also stated that depleted uranium was not prohibited from the use in training until 1996. Now, it was used as a spotting round by the Davey Crockett in the 1960s, that we know of. So that's 30 years when it was not prohibited from use in training. Now, what does that tell you? If it was not prohibited from use in training was it likely used? My hunch is that there is a hell of a lot more depleted uranium up there than what the military wants us to think. And this depleted uranium, it has a half life of 4.5 billion years. Billion. And when it's hit with high explosive, it turns into depleted uranium oxide particles. It can be carried long distances in the wind. It can be easily inhaled. And when you inhale it it gets into the lymph system and goes to various organs. It can cause cancer. Now, the person the Hawai'i County Council said the military should work with is Dr. Lauren Pang, M.D. 24 years Army Medical Corp., World Health Organization. You have ignored him. He's an expert on depleted uranium. And the eight action points of that 639-08, it's the first one was stop all live fire until there is a complete independent assessment of the DU present, and it's cleaned up. There were seven other actions in that thing. The only councilman that voted against that in 2008 was Pete Hoffman from Waikaloa, a retired Army Intelligence Colonel. A very decent man. But I remember talking to him and said, "Pete, why did you vote against this resolution when the eight other council members voted for it?" He said, "Well, the military has a mission." And I said, "Even if the mission is endangering the lives of the troops and the people it's supposed to be defending?" "Yeah, they have got a mission to do." Now, that's insanity. A good person saying that is insanity. You lose perspective on it. I had the Chief Engineer of the Nevada test site visit our farm. Gordon Yates was his name. And he was in charge of setting up 20 to 30,000 tons of dynamite to simulate a nuclear blast. And they would do a couple of those and then they would do a nuke to compare it. And he said the physicists were always pressuring him and the military, hurry up, hurry up. And he was saying, look, I have to be careful, and he was talking about the lives of the workers. But the military said, "Oh, yes, be careful. We wouldn't want to have to abort the experiment." Now, that's more insanity. So you have got to get a perspective on this from all the citizens here and how we view you folks and your mission up there. We're a military sacrifice zone. Depleted uranium is only one of many toxins of the toxic stew that you put on this island, and we don't appreciate it.

# Malu 'Aina Center For Non-violent Education & Action

(Due to time constraints, not all of the comments below could be offered verbally at the April 25, 2022 Draft EIS meeting held at the Imiloa Astronomy center in Hilo, Hawaii, but I want the entire statement included as part of the record.

April 25, 2022 Army Draft EIS meeting on Pohakuloa lease

Here's where I stand. I go beyond the "No Action Alternative" of not renewing any of the leased lands when the lease expires in 2029. I'm for canceling the lease here and now. I say --

1. Stop all Bombing and all live-fire training at PTA now.
2. I call for a comprehensive independent assessment of the massive military toxic mess at PTA --all 133,000-acres, not simply the 23,000-acres of leased lands, where firing points are located. We need to look at the impact area too.
3. There also needs to be a thorough Clean up with guaranteed federal funds for the leased lands and other PTA lands --more than 85,000 acres taken by presidential and governor's executive orders, lands simply seized without any compensation. These 85,000 acres are NOT US government owned lands as the Army claims. They are seized without ANY compensation.
4. Return all the lands, the entire 133,000-acres to Kanaka Maoli. Besides the guaranteed federal funds for clean up, there needs to be additional Reserve funds guaranteed for future clean up of missed UXO and toxins on the initial clean up.

The US Army has proven to be a habitual liar.

The Army repeatedly lied that it had never used depleted uranium weapons in training at PTA and other Hawaii sites. Then the cat ju5, 2022 Elmped out of the bag. Peace activists on Oahu unearthed legal documents that proved the military lied. DU had been used in training at Schofield, at PTA, likely at Makua valley and possibly Kaho'olawe and other sites.

The lies about DU are just one of many. Because of time restraints I'll give just one other example of blatant Army lies.

Hold up map of 57 military sites on Hawaii island. Map attached and list of 57 sites

In the 1960s, around the same time the Army got a lease of State lands at PTA, the Army also got a lease of state lands in the Waiakea forest area, Hilo's watershed. The Army said it wanted to do "Weather testing." Well, the Army way lying. The Army secretly tested chemical and biological weapons in the Hilo watershed, including sarin nerve gas that kills at 1/50 of a drop. Despite alarms sounded in the community the Army repeatedly denied use of chemical and biological weapons. But such testing was confirmed by Hawaii's congressional rep. Patsy Mink. Then Hawaii county mayor, Shunichi Kimura spoke out. The Army lied to us, he said. Cancel the lease. There was an uproar and the lease was canceled, but the damage was done. How many people got sick and died from the Army's poison and lies is still unknown, but hunters have told me there are areas in the Waiakea forest where today, nothing grows, more than 50 years after the chemical and biological secret weapons testing.

Congresswoman Patsy Mink and Mayor Shunichi Kimura were people with courage to stand up to the military. Where are such people today? Where does our current Mayor stand? Our council members, Our State legislators and Congressional reps. I'm sad to say, they all appear to me to be military lap dogs. I hope they prove me wrong.

The truth of the matter is that Pohakuloa is the Big Islands Toxic Red Hill. We all live, downhill, downwind and downstream of the Army's Pohakuloa Toxic stew, where millions of live-rounds have been fired annually for more than 70 years.

The Army continues to lie. In the draft PTA EIS the number of DU rounds fired at PTA is lowballed. The figure stated is 400 rounds. Yet the Army's own Garrison Colonel, Howard Killian testified before the Hawaii county council in 2008 that based on the number of people trained and certified to fire the Davy Crockett nuclear weapon system at PTA the number of rounds fired was 2000 or higher. That's 5 times what the Army has stated in its EIS. I should note that a Howard Killian is noted in the draft PTA EIS in the list of preparers. Is that the same person. Col. Howard Killian also testified before the HCC that the Army was NOT prohibited from using DU in training until 1996. What does that tell you? It tells me there is likely a hell of a lot more DU at Pohakuloa than simply what was used secretly as spotting rounds for the Davy Crockett N-weapon system in the 1960s. The real answer is blowing in the wind over Hawaii Island. Please note DU has a half-life of 4.5 BILLION years. That's right Billion years. And when DU metal is hit by high explosives, it burns and turns into DU oxide particles that can be carried long distances in the wind and easily inhaled, entering the lymph system, and causing cancer in various organs. In truth, Hawaii Island is a military sacrifice zone.

In July 2008, the HCC passed resolution 639-08 by a vote of 8-1 that called for 8 actions including stopping all live-fire at PTA until there was a comprehensive independent assessment of the DU at PTA and a clean up of the DU. The HCC also passed reso 701-08 by a 9-0 unanimous vote naming Dr. Lorrin Pang, MD and 24 years in the Army medical corps, as the county's designated representative to work with the Army of the DU issue. The Army has refused to carry out any of the 8 actions named by the HCC and to work with Dr. Pang. This failure of the Army to carry out these measures is insulting and a disgrace. Are we living in a military dictatorship?

Mike Donnelly, the PTA public affairs officer has been awarded the Big Is. Press clubs's Lava tube award for darkness, lack of openness, truth and transparency. It's further insulting, a disgrace, and a fraud that Mike Donnelly is the Army's community liaison. It speaks volumes.

The Draft EIS is totally inadequate. It is in the Lava tube award tradition of darkness, hiding the truth of what's really going on at the Pohakuloa Toxic Area -- the number and kinds of toxic weapons being used and the longterm impacts on people, plants, and animals. Bombing the aina in my view is the ultimate desecration of our sacred mother earth. It's very basic -- stop bombing Mama!

**From:** Jim Albertini <ja@malu-aina.org>  
**Sent:** Saturday, June 4, 2022 3:09 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Testimony on Draft EIS for Pohakuloa  
**Attachments:** [list of 57 military sites on Hawaii Island.jpeg](#); [military sites in Hawaii island.jpeg](#)

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**Jim Albertini**

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760

Phone 808-966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org) Visit us on the web at [www.malu-aina.org](http://www.malu-aina.org)

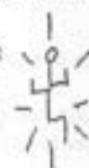
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**List of Current & Former Military Sites on Hawai'i Island** (List still in formation)

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| <ol style="list-style-type: none"> <li>1. Jungle Training Area, North Shore</li> <li>2. Waipio Bombing Targets</li> <li>3. Jungle Training Area near Waipio</li> <li>4. Nihoole Radar Station</li> <li>5. Upolu Point</li> <li>6. Navy Rocket Range, Hawi</li> <li>7. Big Island Bombing Targets -- Mahukona Range</li> <li>8. Navy Bombing Range, Kawaihae</li> <li>9. Kamoela Reservoir</li> <li>10. Kamoela Camp #4</li> <li>11. Anti-tank, artillery, impact range</li> <li>12. Nansay Hawaii - Ouli</li> <li>13. Big Island Bombing Targets -- Puako</li> <li>14. Puako</li> <li>15. Lalamilo Firing Range</li> <li>16. Big Island Bombing Targets -- Mano Point</li> <li>17. Makolea Point</li> <li>18. Kona &amp; Huehue Station</li> <li>19. Waikoloa Maneuver Area</li> <li>20. Camp Kihohaha</li> <li>21. Mauna Loa Training Area</li> <li>22. Camp Pohakuloa--anti-tank, artillery, impact Range</li> <li>23. Kahuku Ranch Radar Station</li> <li>24. Pakini Bombing Range</li> <li>25. Missile Tracking Station</li> <li>26. Ka La'e Military Reservation</li> <li>27. Morse Field</li> <li>28. Pahaia Hospital</li> <li>29. Ka'u Bombing Range</li> <li>30. Kilauea Crater maneuver/impact Area</li> <li>31. Kilauea Military Camp</li> <li>32. Pololu</li> <li>33. Kapoho Target Area</li> <li>34. Big Island Bombing Targets -- Cape Kumukahi</li> <li>35. Waiakoa Forest Reserve</li> <li>36. Firing Range near Mt. View</li> <li>37. Combat Training near Mt. View</li> </ol> | <ol style="list-style-type: none"> <li>38. Hilo Research Site (near Kurtistown)</li> <li>39. Ola'a Mill Camp</li> <li>40. Big Island Bombing Targets -- Kaloli Point</li> <li>41. Wahine Maka Nui</li> <li>42. Kea'au</li> <li>43. Waiakoa Storage Area</li> <li>44. Big Island Bombing Targets -- Lelewi</li> <li>45. Kalaniana'ole Camp</li> <li>46. LST Landing Beach</li> <li>47. Pi'ihonua Ordnance Storage</li> <li>48. Wai'anuenue Camp</li> <li>49. Jungle Warfare Area</li> <li>50. Kaumana Camp</li> <li>51. Kanolehua Camp</li> <li>52. Pansewa Tract I</li> <li>53. Camp Furneau</li> <li>54. Hilo Storage Site</li> <li>55. Hilo Prisoner of War Camp</li> <li>56. General Lyman Field</li> <li>57. Army Impact Range, Waiakoa</li> </ol> <p><b>Ordnance Found:</b></p> <p>Hapuna Beach 1995, 1997, 1998<br/> Hilo Breakwater 2002<br/> Richardson's Beach 2002<br/> Waimea Middle School 2002<br/> Waikoloa Fire 1998<br/> Anekona Estates 1998<br/> Waimea Country 1998<br/> Chock Inn 1998<br/> Pheasant Ridge 1997<br/> Waikoloa Elem. School 1994<br/> O'ili Parcel circa 1993<br/> Ola'a 1955</p> <p><b>Injuries &amp; fatalities caused by ordnance:</b></p> <p>Pepeekeo 1956 fatality<br/> Parker Ranch 1954 - 2 fatalities<br/> Mamalahoe Hwy. 1945 fatality<br/> Pu'u Pa 1983 injury</p> |
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# Sites NOT for Tourists or Locals! Military Hazard Areas on Hawai'i Island



## Military Clean-Up NOT Build-Up!

contact: Māhū 'Aina Center For Non-violent Education & Action  
P.O. Box 18 Kailua-Kona, Hawai'i 96760. Phone (808) 966-7622. email ja@interpac.net  
<http://www.mahu-aina.org> <http://mahuaina.pitas.com>

Malu 'Aima Center For Non-violent Education & Action

Additional testimony on Pohakuloa draft EIS concerning State leased lands  
Chilling Army definition of "encroachment" EIS p. 3-14

[https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc\\_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-1.pdf&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7C82b552ed229487a7d1d0f](https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-1.pdf&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7C82b552ed229487a7d1d0f)

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PTA works consistently to manage encroachment issues, defined by the Army as the "cumulative result of any and all outside influences that inhibit normal military training and testing" (Santicola, 2006).

Additionally, the Implementation Guidance for Army Compatible Use Buffers broadens this encroachment definition to "All influences threatening or constraining testing and training activities required for force readiness and weapons acquisition. Encroachment stems from environmental (for example, noise, reduced effectiveness of testing and training activities; and restrictions on weapons systems, equipment, and munitions used during testing and training. Land use and/or development that, individually or through cumulative effect, contributes to restricting the Army's ability to conduct mission activities."

What about the "ENCROACHMENT" of military hazard sites on the resident and visitor population of Hawaii? Propublica lists 115 Hawaii military installations with 1000 military hazard sites. See below link.

115 Hawaii military installations with 1000 military hazard sites listed including sites at Pohakuloa. But the cumulative impact of all military hazard sites in Hawaii need to be addressed.

<https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FH1%23b%3D21.451552796916808%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7C82b552ed229487a7d1d0f>

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endangered species, cultural resources, unexploded ordnance [UXO], and munitions constituents [MC]), social (for example, urban sprawl), and economic (for example, changing land values) influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions

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Tc%2FKsh5%2ByDEZDBgYgVVwRQ%3D&reserved=0 >

**From:** jim albertini <jimalbertini@gmail.com>  
**Sent:** Saturday, June 4, 2022 3:17 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** additional testimony on Pohakuloa draft EIS concerning State leased lands

Additional testimony on Pohakuloa draft EIS concerning State leased lands

Chilling Army definition of "encroachment" EIS p. 3-14.

[https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbedt%2Ferp%2FDoc\\_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&data=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&reserved=0](https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbedt%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&data=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&reserved=0)  
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PTA works consistently to manage encroachment issues, defined by the Army as the “cumulative result of any and all outside influences that inhibit normal military training and testing” (Santicola, 2006).

Additionally, the Implementation Guidance for Army Compatible Use Buffers broadens this encroachment definition to “All influences threatening or constraining testing and training activities required for force readiness and weapons acquisition. Encroachment stems from environmental (for example, noise, endangered species, cultural resources, unexploded ordnance [UXO], and munitions constituents [MC]), social (for example, urban sprawl), and economic (for example, changing land values) influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions on available times and duration for testing and training; reduced effectiveness of testing and training activities; and restrictions on weapons systems, equipment, and munitions used during testing and training. Land use and/or development that, individually or through cumulative effect, contributes to restricting the Army’s ability to conduct mission activities.”

What about the "ENCROACHMENT" of military hazard sites on the resident and visitor population of Hawaii? Propublica lists 115 Hawaii military

installations with 1000 military hazard sites. See below link.

115 Hawaii military installations with 1000 military hazard sites listed including sites at Pohakuloa. But the cumulative impact of all military hazard sites in Hawaii need to be addressed.

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawaii'i 96760

Phone 808-966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org) Visit us on the web at

<https://nam11.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.malu-aina.org%2F&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Ev3E%2FcnUYWJWoG67V5qm37aFZlrD%2Fm6DDsg4SDN8T6k%3D&reserved=0>

# Malu 'Aina Center For Non-violent Education & Action

Additional testimony on draft Pohakuloa EIS on state leased lands submitted June 4, 2022 via email

1. Both myself and the late Dr. Drake Logan, PhD who did extensive research on contaminants at Pohakuloa, were informed by different sources that several nuclear weapons (up to six in information provided to me), were exploded at Pohakuloa. One of my sources identified himself as a former military intelligence officer. Since Pohakuloa contains numerous firing points for weapons exploded in the impact area, it is possible that nuclear weapons, not simply Davy Crockett Nuclear weapon Depleted Uranium (DU) spotting rounds, were fired from the State leased lands into the impact area. What is needed is independent comprehensive soil testing in the impact area for strontium 90 and cesium 137, fission products of nuclear explosions. Such products would still be present today from nuclear explosions done in the 1960s. The soil samples could be collected by remote vehicles, and a sampling grid established for the impact area to make sure comprehensive independent testing is done that has the confidence of the community. The military testing so far of DU at PTA does NOT have the confidence of the community. In 2008, two resolutions were passed by the Hawaii County Council. Reso. 639-08 was passed by a vote of 8-1 and called for 8 action plans including the halt to all live-fire at PTA until comprehensive independent testing and monitoring was done and the DU cleaned up. The Military ignored all 8 actions of the Hawaii County Council. A second resolution passed unanimously 9-0 named Dr. Lorrin Pang, MD as the county's official liaison with the military. Dr. Pang spent 24 years in the Army medical corps. Why has the military/Army completely ignored the actions of the Hawaii County Council?

2. Army Col. Howard Killian testified in 2008 before the Hawaii county Council that DU was NOT prohibited from use in training until 1996. Since Davy Crockett DU spotting rounds were first used at PTA in the 1960s, it very possible that much more DU was used at PTA than simply the Davy Crockett spotting rounds which for years the military had denied ever using at PTA. Again, comprehensive, independent testing needs to be done at PTA not simply on the various firing ranges on state leased lands but in the impact area where those weapons were fired to. The military is known for "PIECEMEALING" its environmental impacts and this needs to stop. Comprehensive views of the military impacts need to be done now.

3. Military plans for Buffer Zones, Sentinel Landscapes, and military land acquisition around PTA should also be addressed in the Pohakuloa Draft EIS.

4. There needs to be a comprehensive listing of all weapons systems and munitions fired from the leased lands over the years of the State lease and also other weapons systems and munitions fired into the impact area at PTA. In the Stryker EIS of 2003 I believe, it was listed than 14.8 million live rounds are fired annually at PTA. Please provide current annual live-fire rounds fired every year since the Stryker EIS. Please also list all the various weapon systems and different kinds of munitions fired. In addition, B-52 and B-2 bombers fly non-stop from Missouri, Louisiana, and Guam and bomb PTA. They are strategic bombers. Are they dropping live conventional bombs and/or inert bombs in training for nuclear war? Full disclosure is needed. How many dummy (inert) bombs are fired at PTA annually. List all the various weapons systems and munitions. We need a

comprehensive, not piecemeal view of what's going on at PTA.

5. Recently PTA firefighters have been in the news about inadequate facilities at PTA. OSHA complaints. Fires occur at PTA. Is PTA contaminated with PFAS cancer causing fire foam? Are PTA firefighters properly trained about all the various toxins on PTA?

6. Water wells were drilled at PTA in 2013 and hit water at a shallow depth --700 and 1200 feet respectively in 2 wells but PTA continues to spend \$2 million annually to haul water going on 10 years after the well drilling. Why isn't the well water being used? What toxins from PTA are in the water?

7. In a military land report, it was noted that PTA wants to relocate endangered species OUTSIDE of PTA so it doesn't interfere with its live fire training. Also in over 60 years only about half of PTA has been investigated for cultural and historic sites. If you don't look you won't find. It appears that the military approach to endangered species and cultural sites is the same. They will only interfere with military training. It also should be noted that the entire area of PTA is a conservation district. How do you justify bombing a conservation district?

8. Concerning Depleted Uranium (DU). The draft EIS low balls the number of Davy Crockett spotting rounds fired at PTA. It lists 400 spotting rounds, when Col. Howard Killian testified before the Hawaii county council that based on the number of people certified to fire the Davy Crockett at PTA, the figure is likely 2000 spotting rounds fired. In addition, there could be a lot more DU at PTA than simply Davy Crockett spotting rounds. It is widely known that DU was used wherever ballast (weight) was needed. DU was even used in dummy warheads fired from Vandenberg AF base in California into the Kwajalin Lagoon in the Marshall Islands of Micronesia. Talk about adding insult to injury. The US testified 67 atomic and hydrogen bombs in the Marshall Islands and then sends Depleted Uranium radioactive waste into their lagoon on top of that. The US simply has no shame. DU has been used in a wide range of things, not just dummy warheads, but armor in tanks, etc. Do old tank targets at PTA contain DU too?

9. CLEAN UP! The military needs to clean up not simply all of the leased land at PTA, including the many firing points, but the impact area too of those firing points. This clean up needs to be completed before the lease expires in 2029 and guaranteed federal funds to do the job need to be set aside in the \$800 + Billion annual US military budget. There are lots of other military sites on Hawaii Island and throughout all of Hawaii that still need to be cleaned up too. The military is notorious for NOT cleaning up after itself.

**From:** Jim Albertini <ja@malu-aina.org>  
**Sent:** Saturday, June 4, 2022 4:42 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Additional testimony on draft Pohakuloa EIS on state leased lands

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Jim Albertini

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawaii'i 96760 Phone 808-966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org) Visit us on the web at <https://nam11.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.malu-aina.org%2F&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cbc2ca19256d44527041008da469cf7e7%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C0%7C637899937240935651%7CUnknown%7CTWFpbGZsb3d8eyJWljoicMC4wLjAwMDAiLCJQljo>

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# Malu 'Aina Center For Non-violent Education & Action

Additional testimony on Pohakuloa draft EIS concerning State leased lands June 4, 2022  
Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement  
1-9

The PTA Mission PTA provides a quality joint/ combined arms facility that provides logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community

1. Please explain how over decades Pohakuloa's bombing of the land with tens, if not, hundreds of millions of live rounds and a wide variety of long lasting toxins, constitutes "ENVIRONMENTAL AND CULTURAL STEWARDSHIP" and AN ENDURING PARTNERSHIP WITH THE HAWAII ISLAND COMMUNITY." In truth, the US military has turned Hawaii Island into am massive Toxic Waste Dump, including Depleted Uranium (DU) radiation contamination. The Pohakuloa Training Area, is really the Pohakuloa Toxic Area (PTA) in the center of Hawaii Island. The area has been bombed and abused by all branches of the US military and other nations military's for more than 70 years. Everyone of the island lives downhill, downwind, and downstream from this PTA toxic stew located at 6500 feet elevation. Retired Kona nuclear geologist, Dr. Mike Reimer, PhD has given profound PTA draft EIS testimony on the toxins at PTA, especially concerning the toxic nature of DU oxide particles. Dr. Reimer, like me, supports the NO action alternative -- no lease renewal.

2. Is it true that at least one former military "Burn pit" is located on State leased lands? Please identify the locations of all "burn pits at PTA. Has there been any independent investigation to determine the toxic content of such burn pits and clean up costs? In addition to unexploded ordnance (UXO) and other toxins at PTA.

3. The above point on "Burn pits" underscores the need for a comprehensive EIS on the entire 133,000-acres of PTA not simply the 23,000-acres of leased land. All the acreage is connected in the mission of a live-fire training area. The firing points are connected to the impact area. An analogy would be Auschwitz Nazi Death camp only doing an EIS on the children's playground and dormitory and ignoring the gas death chambers and crematoria of over 1 million bodies in the camp. See May 27, 2022 Hilo Peace Vigil leaflet below entitled "Auschwitz and Pohakuloa -- Family Camps?

Don't be Bamboozled!

Auschwitz & Pohakuloa -- Family Camps?

Let's be clear. Auschwitz was NO Family Camp! Auschwitz was a WWII Nazi concentration and extermination camp located in southern Poland where more than 1 million people, mainly Jews -- men, women and children were killed in gas chambers. Yet in the German Nazi war crime trials in

the early 1960s, one former SS guard assured the court there were no attempted escapes. Who would want to escape? Auschwitz, he said, was after all, “a family camp.” Another defendant said he could point on a map to where he had made “a children’s playground with sandboxes for the little ones.” Auschwitz was just one of several WWII German concentration camps where a total of 6 million people, mainly Jews, were exterminated. (See the book Thomas Merton on Peace for his essay Auschwitz: A Family Camp)

The Pohakuloa Training Area (PTA) is No Family Camp either. Despite events like the recent “Experience Pohakuloa” Day which tried to portray a warm image with “educational displays highlighting our cultural and natural resources, plenty of keiki activities,” etc. The event was described on the PTA Facebook page as a “festive and enjoyable atmosphere for all those who attended.” Despite such images, the reality of Pohakuloa is that of a massive 133,000-acre US military toxic training ground for war, including nuclear war. A nuclear war would likely result in the extermination of human civilization on the planet.

Nuclear weapon spotting rounds containing Depleted Uranium (DU) radiation have been fired at PTA. There have also been reports of nuclear weapons actually exploded at PTA decades ago. Soil tests for Strontium 90 and Cesium 137 in the Impact area could confirm or deny such reports, but access to the impact area is restricted. What we do know is that millions of live-rounds from a wide range of toxic weapon systems by all branches of the military are fired annually at PTA. B-52 and B-2 strategic nuclear bombers fly non-stop from Missouri, Louisiana and Guam to practice bombing Pohakuloa and return to their bases without ever touching down. The US military is the largest institutional consumer of oil and the largest emitter of CO2 on the planet. Putting an end to war and ending the climate crisis go together. The deadline to comment on the extension of State lease lands at PTA is June 7, 2022. For ways to comment see <https://malu-aina.org/?p=8003> Cancel PTA Lease Now!

Aloha ‘Aina – Stop Bombing Pohakuloa!

End the Illegal US Occupation of Hawaii!

1. Mourn all victims of violence. 2. Reject violence & war as solutions. 3. Defend civil liberties. 4. Oppose all discrimination, anti-Islamic, anti-Semitic, anti-Hawaiian, anti-Black, anti-Asian, anti-Russian, etc. 5. Seek peace through peaceful means and work for justice in Hawai`i and around the world.

Malu ‘Aina Center for Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown), Hawai`i 96760 Phone (808) 966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org) to receive our posts. For more information <http://www.malu-aina.org/> May 27, 2022, Hilo Peace Vigil leaflet – week 1078– Fridays 3:30-5PM downtown Post Office

All of the above and my other submitted comments on the Draft EIS for Pohakuloa explain reasons why I support the NO ACTION ALTERNATIVE BECAUSE I BELIEVE PTA HAS A WIDE RANGE OF SIGNIFICANT ADVERSE IMPACTS TO AIR, LAND, WATER, CULTURE, PEOPLE, PLANTS AND ANIMALS FROM ITS LONG LASTING EFFECTS AND LONG HISTORY OF ABUSE OF THE SACRED AINA.

**From:** Jim Albertini <ja@malu-aina.org>  
**Sent:** Saturday, June 4, 2022 8:08 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Additional testimony on Pohakuloa draft EIS concerning State leased lands

Additional testimony on Pohakuloa draft EIS concerning State leased lands June 4, 2022

Army Training Land Retention at Pōhakuloa Training Area  
Draft Environmental Impact Statement  
1-9

#### **The PTA Mission**

**PTA provides a quality joint/ combined arms facility that provides logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community**

**1. Please explain how over decades Pohakuloa's bombing of the land with tens, if not, hundreds of millions of live rounds and a wide variety of long lasting toxins, constitutes "ENVIRONMENTAL AND CULTURAL STEWARDSHIP" and AN ENDURING PARTNERSHIP WITH THE HAWAI'I ISLAND COMMUNITY." In truth, the US military has turned Hawaii Island into am massive Toxic Waste Dump, including Depleted Uranium (DU) radiation contamination. The Pohakuloa Training Area, is really the Pohakuloa Toxic Area (PTA) in the center of Hawaii Island. The area has been bombed and abused by all branches of the US military and other nations military's for more than 70 years. Everyone of the island lives downhill, downwind, and downstream from this PTA toxic stew located at 6500 feet elevation. Retired Kona nuclear geologist, Dr. Mike Reimer, PhD has given profound PTA draft EIS testimony on the toxins at PTA, especially concerning the toxic nature of DU oxide particles. Dr. Reimer, like me, supports the NO action alternative -- no lease renewal.**

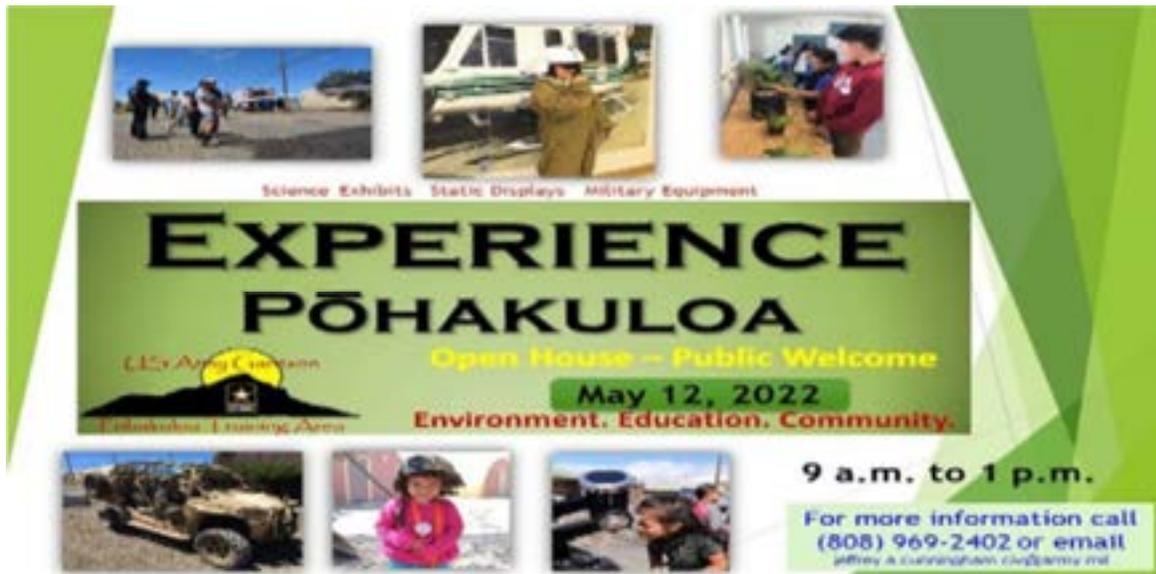
**2. Is it true that at least one former military "Burn pit" is located on State leased lands? Please identify the locations of all "burn pits at PTA. Has there been any independent investigation to determine the toxic content of such burn pits and clean up costs? In addition to unexploded ordnance (UXO) and other toxins at PTA.**

**3. The above point on "Burn pits" underscores the need for a comprehensive EIS on the entire 133,000-acres of PTA not simply the 23,000-acres of leased land. All the acreage is connected in the mission of a live-fire training area. The firing points are connected to the impact area. An analogy would be Auschwitz Nazi Death camp only doing an EIS on the children's playground and dormitory and ignoring the gas death chambers and crematoria of over 1 million bodies in the camp. See May 27, 2022 Hilo Peace Vigil leaflet below entitled "Auschwitz and Pohakuloa -- Family Camps?"**

**Don't be Bamboozled!**

# **Auschwitz & Pohakuloa --**

## **Family Camps?**



Let's be clear. Auschwitz was NO Family Camp! Auschwitz was a WWII Nazi concentration and extermination camp located in southern Poland where more than 1 million people, mainly Jews -- men, women and children were killed in gas chambers. Yet in the German Nazi war crime trials in the early 1960s, one former SS guard assured the court there were no attempted escapes. Who would want to escape? Auschwitz, he said, was after all, "a family camp." Another defendant said he could point on a map to where he had made "a children's playground with sandboxes for the little ones." Auschwitz was just one of several WWII German concentration camps where a total of 6 million people, mainly Jews, were exterminated. (See the book Thomas Merton on Peace for his essay Auschwitz: A Family Camp)

The Pohakuloa Training Area (PTA) is No Family Camp either. Despite events like the recent “Experience Pohakuloa” Day which tried to portray a warm image with “educational displays highlighting our cultural and natural resources, plenty of keiki activities,” etc. The event was described on the PTA Facebook page as a “festive and enjoyable atmosphere for all those who attended.” Despite such images, the reality of Pohakuloa is that of a massive 133,000-acre US military toxic training ground for war, including nuclear war. A nuclear war would likely result in the extermination of human civilization on the planet.

Nuclear weapon spotting rounds containing Depleted Uranium (DU) radiation have been fired at PTA. There have also been reports of nuclear weapons actually exploded at PTA decades ago. Soil tests for Strontium 90 and Cesium 137 in the Impact area could confirm or deny such reports, but access to the impact area is restricted. What we do know is that millions of live-rounds from a wide range of toxic weapon systems by all branches of the military are fired annually at PTA. B-52 and B-2 strategic nuclear bombers fly non-stop from Missouri, Louisiana and Guam to practice bombing Pohakuloa and return to their bases without ever touching down. The US military is the largest institutional consumer of oil and the largest emitter of CO2 on the planet. Putting an end to war and ending the climate crisis go together. The deadline to comment on the extension of State lease lands at PTA is June 7, 2022. For ways to comment see <https://malu-aina.org/?p=8003> Cancel PTA Lease Now!

## **Aloha ‘Aina – Stop Bombing Pohakuloa!**

### **End the Illegal US Occupation of Hawaii!**

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--

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aina.org](http://www.malu-aina.org)

# Malu 'Aina Center For Non-violent Education & Action

Good job chairman PON-C Li.

**From:** Jim Albertini <ja@malu-aina.org>  
**Sent:** Tuesday, June 7, 2022 4:49 PM  
**To:** dlimay7@aol.com; G70 - ATR PTA EIS  
**Cc:** stephen.paulmier@verizon.net; tomasbelsky@gmail.com;  
tom.wright.hoaka@gmail.com; annw1946@gmail.com; ajahjah@att.net  
**Subject:** Re: Statement in Opposition to the Lease Renewal on Pohakuloa Training Area

**Categories:** Imported to SC

Good job chairman PON-C Li.

On 6/7/22 3:17 PM, [dlimay7@aol.com](mailto:dlimay7@aol.com) wrote:

The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!

Peace, Aloha & Imua!

Danny H. C. Li (Kea'au, Hawai'i); tel: 808-9827147

--

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

**From:** Jim Albertini <ja@malu-aina.org>  
**Sent:** Wednesday, April 13, 2022 8:26 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Testimony on Pohakuloa Draft EIS

Still waiting for answers to questions below. Please make a part of the official record. Mahalo.

Jim Albertini

--

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

## **Malu 'Aina Center for Non-violent Education & Action**

P.O. Box AB Ola'a (Kurtistown),  
Hawai'i 96760  
Phone 808-966-7622 email [ja@interpac.net](mailto:ja@interpac.net)  
Visit us on the web at [www.malu-aina.org](http://www.malu-aina.org)

February 21,  
2010

An open letter to all County, State, Federal officials, and special interests participating in the closed door meeting at the military's Pohakuloa Training Area (PTA) on Feb. 24, 2010. (To people invited to Pohakuloa from those who aren't)

Please be aware that the meeting will be picketed. We do not believe in "democracy by invitation only." The doors are closed to the public who pays the bill. We are angry that the military continues to conduct bombing missions and live-fire without a complete independent assessment of the Depleted Uranium (DU) radiation present at PTA and without cleaning up as called for in Hawaii County Council resolution 639-08. The military has been stonewalling the community's concerns about health and safety for years. The Davy Crockett DU weapons may just be the tip of far more widespread DU contamination.

We invite you to stop and dialog with us before you enter the base. Inside, we ask that you be our voice. Ask the following questions and ...

**PLEASE GET  
ANSWERS!**

1. Why hasn't

the Army stopped all live-fire and bombing missions until there is a complete independent assessment and clean-up of the DU already present as called for in County of Hawaii resolution 639-08?

The Army denied even having DU in

Hawai'i--until citizen groups found out DU had been discovered at Schofield Barracks, Oahu, in 2005. Estimates of the number of DU spotting rounds vary widely--from about 700 statewide to over 2000 at Pohakuloa alone just from one

weapon system --Davy Crockett. (There may have been many more DU weapon systems used at PTA and other Hawaii ranges.) Concerns about Army searches, reports, and air monitoring have been raised by Dr. Mike Reimer, a geologist, and Dr. Marshall Blann, a consultant to Los Alamos National Laboratory, both from Kona; and Dr. Lorrin Pang from Maui, a former Army doctor

who is a consultant to the World Health Organization. The Nuclear Regulatory Commission has not yet granted the Army a license to possess DU. Yet the Army has ignored a County resolution calling for a halt to bombing and live-fire that

may spread airborne DU from undetected DU munitions.

2. Are there more forgotten hazards?

The Army claims it was

unaware of the Davy Crockett DU spotting rounds because they were classified. This should be a wake-up call to investigate for more DU rounds and other forgotten hazards. Remember that the Army tested nerve gas and

defoliants on State lands in the Waiakea Forest Reserve (Hilo's watershed) in 1966 and 1967 while publicly denying such testing. The Army lied. It said it was doing "weather" testing. The State canceled the military lease over the lies and attempted cover-up. Isn't it time to cancel the State lease to the military of stolen Hawaiian Kingdom lands now contaminated with radiation from weapons testing? Military use of Hawai'i Kingdom lands violates the Kingdom's position of neutrality stated in numerous treaties.

3. Why is there plenty of money for new military projects, but little to clean up the 50-plus former military sites on Hawai'i Island littered with

unexploded ordnance, toxins, and other hazards? When will all of the 50-plus present and former military sites, totaling more than 250,000-acres on

Hawaii Island, be cleared of unexploded ordnance, toxins, and other hazards? A few examples...

Students dug up a grenade in a school garden in the Waimea/ Waikoloa area.

Old ordnance was found twice in 15 months at

Hapuna, some in water as shallow as 30 feet, some only about 100 yards from shore.

A recreational diver found unexploded ordnance in Hilo Bay--searchers then found 300 pieces

Another diver found a 60-millimeter shell at a popular Hilo dive site, about 50 yards offshore in 12 feet of water.

4. Why won't the military

participate in public forums on community concerns about health and

safety over depleted uranium and other military toxins? What's the Army afraid of?

5. The cumulative impacts from numerous military projects in Hawai'i need to be fully addressed. About 1 acre out of 25 statewide is already military-controlled. Thousands of acres of past and present military sites, Stryker land grab, Hilo National Guard rebuild, University military research, armed "Superferry"/Joint High Speed Vessel---what's next? There are rumors the military wants more of Hawai'i Island. How much Hawai'i Island land is the military planning to take? Where and when?

6. When will the Pohakuloa Community Advisory Group (CoAG) meet?

It hasn't met for seven months. The Army never answered a CoAG member request to restart meetings. Note that the Army only started CoAG a year and a half ago--five years after Sierra Club first asked for such a group.

7. Why are no public scoping hearings planned for the Army's Joint High Speed Vessel EIS?

Citizens should be able to publicly raise concerns for the JHSV Environmental Impact Statement--like Risks to marine animals from vessel strikes, fuel spills, and live-fire Risks of spreading coquis, fire ants, and other invasive species Effects of security zones on native Hawaiian cultural practices and subsistence activities, and on fishing, commerce, and recreation Vagueness about which ports will be used

8. We want Military Clean-Up NOT Military Build-Up! If the U.S. stopped spending several \$billion/per day on imperial wars there would be more money for county and state budget needs, jobs, and funding human needs. We urgently request that you--as public officials--speak up on these critical issues of War, Militarism and the Health of our island citizens.

With gratitude and aloha,  
Jim Albertini  
for Malu  
'Aina ohana

# Na Kupuna Moku O Keawe

I am Hanalei Fergerstrom. I'm the spokesperson for Na Kupuna Moku O Keawe, which is a grouping of Kupuna from all six districts of this island. I want to register a few complaints right off the bat so you understand where we're come from. First of all, your documentation and your call-out for comments are only here. Why? Everybody in the islands are concerned about what the military is doing in the islands . Why are we second to like? We don't know what's going on in Kauai and the radars. Why? Because you keep separating us like we're different people. We're the same ohana. Okay? That's something that you really have got to get in your head, because it makes your efforts almost look stupid. Like you can't see around you. There is another one I want to put in here, and I have said this many times before. In public law 103-50, which is the apology bill, there is a statement in there that's very important, and it says that the Hawaiians are intrinsically tied to the land. Being intrinsically tied to the land, you might as well call us the aina. So when you make a separation of the culture and the people, you have dismissed me. I don't prefer to be dismissed, like you wouldn't prefer to be dismissed. The next thing is an EIS that you created is only partial. By your own admittance you can't even go to a lot of the areas that are on your EIS, so how did you create one? How can you call it a complete EIS if you can't even, your own self testified that you have been through every place up there. And why don't we know about the wells? Okay. There is a lot of well digging that's going on on Punahou site. We know about it. Because you are tapping into sacred waterways that the Hawaiians have been holding on to for hundreds and hundreds of year, without any permission, without any disregard for anybody below you. In case you haven't figured it out yet, everything goes downhill. So if you are on top of the mountains everything that you are going to do is going to come down to the people and to where we are and where the ocean is, and that's where our life starts. It's all about water. I don't know how many times we have to do these things because we keep on -- pardon my language -- jacking off. We're kind of like just beating our meat on the side. We are never getting to the point. That's the first point we've got to get to is what the hell are you doing in my country? Who are you to be in my country? I am Hanalei Fergerstrom. I am of the royal lineage. You want to challenge me on that, please, please, provide me the opportunity to bring my case forward, because every time I have tried so far I have been knocked out. Not even given the opportunity to stand up for my basic rights. You have more rights here than I do. How is that? And I am this island. I am the aina. These things are really hard because you give us three minutes to come up with a couple hundred years of stuff. Right? A little silly, huh? I think it's silly, too, and I think you think it's silly, too, because even with a three minute talk, I mean, who is going to retain what? And when are the minutes, the minutes of these meetings coming out? Five or six months down the line? When everybody has completely forgot what we talked about? This is how you keep getting away with stuff. But you have to understand that we know who you are, you know who you are, and I'm telling you you are all complicit to this whole scheme that's going on here. We would like you to be better. We're offering you a chance to be better. Recognize that you are in the Kingdom of Hawai'i. United States has no local authority to assert their jurisdiction in our kingdom at all. Anybody want to challenge me on that, please do. Please do, because I will challenge anybody. And I hate to take it to a front line, but it looks like we're getting there. So know that when we meet again, if it's going to be a front line action, it's going to be an international affair, because you are in my kingdom. We are recognized independent nation state. The same as United States is. No greater and no less than. Thank you very much.

## Na Kupuna Moku o Keawe

Aloha, I'm Hanalei Fergerstrom. I want to cap this off with just a simple understanding of law. Okay? It is not a secret, it is not my opinion, but this is an illegal occupation by the United States military. So when you have things like executive orders from your commander, your president, you have to ask yourself, does he have a jurisdiction here? Now, you need to understand this, because that's the same kind of questions you have to answer to your own people. What jurisdiction do you have? Your whole base is based on an executive order by the governor. Does he have any jurisdiction here? No. We've got to stop playing these stupid games of who is right and who is wrong. Let's just look at history. It's very clarified there. What are we going to do about it? That's the point that needs to be made. Because I can tell you, I have a dream that's so big that includes all of you guys, and it has nothing to do with war. Thank you.

**From:** Cory <333cory@gmail.com>  
**Sent:** Sunday, May 15, 2022 5:35 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Sierra Club comments  
**Attachments:** [temp 2022 6-7 PTA comment.docx](#); [ISSUE DU 2013 5-28 draft DOH fact sheet comments Harden.docx](#); [ISSUE DU Strauss.wps](#)

Aloha, please acknowledge receipt, and let me know if any attachment does not open. thanks, Cory Harden

Sierra Club, Hawai'i Island Group comments on  
Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement  
<https://home.army.mil/hawaii/index.php/ptaeis/project-home>

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf)

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf)

comments due June 7, 2022  
to [ATLR-PTA-EIS@G70.DESIGN](mailto:ATLR-PTA-EIS@G70.DESIGN) or <https://atlrptaeis.commentinput.com/?id=iSY57>  
comments from [333cory@gmail.com](mailto:333cory@gmail.com)

### **GENERAL COMMENTS**

*Both the proposed action and the EIS analysis raise serious concerns.*

*The EIS should explain how the Army can legally own or use the land although the United States controls Hawai'i illegally.*

*Claims that land retention is necessary are not credible, since the military also claimed Kaho'olawe, the Kapūkakī (Red Hill) fuel tanks, and Stykers were necessary.*

*The EIS should describe how the State can meet fiduciary obligations to native Hawaiians and the public to protect the land, if it is retained, since the Army is a bad actor that has left the land in degraded and hazardous condition, at Pōhakuloa and other sites.*

*The EIS should include a plan and commitment to cleaning up debris and toxins before the lease expires.*

*The EIS should explain how military use is allowable in a conservation district.*

*The EIS should explain why the Army sited critical infrastructure on land with a temporary lease.*

*Impacts to native species should be described, as well as impacts from invasive species and the success of past control methods.*

*Cultural resource data is insufficient to support EIS conclusions: archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013, and the sole ethnographic study failed to use Hawaiian language resources. The Cultural Resources Management Program has been hampered by lack of training, technical issues, inadequate facilities, and project delays. There are few specifics on how the Army will remedy the lack of access, which is still a problem after five decades on the lease, and impacts many cultural practices.*

*For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go into the impact area. But personnel went in to check for depleted uranium, and even did construction in the impact area for a new training range*

*Studies and monitoring cited by the EIS for depleted uranium are inadequate.*

*A full analysis of greenhouse gas emissions is needed, but is not even attempted.*

*There is inadequate analysis of noise that can be heard miles away, and of concussions that can affect travelers on Saddle Road.*

*Socioeconomic analysis should include the cost of cleanup of the impact area and the rest of the base after base closure, and the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc.*

*Impacts to traffic and road wear are inadequately addressed for convoys every 2 to 4 weeks, plus trucks for water, fuel, and other supplies.*

*Analysis of fire impacts fails to mention serious concerns about staffing and equipment, and the history of several past fires.*

*Long-term impacts beyond the base's borders are only considered for training, but should also be considered for the environment. Cumulative impact analysis should include a list of all current and former military sites on Hawai'i Island, with their cleanup status. It should also evaluate the impacts of future pumping for the training area from groundwater that has minimal recharge.*

*The preferred alternative should be specified.*

*A legal basis should be given for treating certain comments as "not substantive".*

## **SPECIFIC COMMENTS**

### **Chapter 1 PURPOSE OF AND NEED FOR THE PROPOSED ACTION**

#### **1.3 Purpose and Need**

##### **1.3.3 Need**

The Proposed Action is needed to preserve limited maneuver area, provide austere environment training, enable access between major parcels of U.S. Government-owned land in PTA, retain substantial infrastructure investments, allow for future facility and infrastructure modernization, and maximize use of the impact area in support of USARHAW-coordinated training...

Retention of maneuver area on State-owned land at PTA is important for maneuver, live-fire, and nonlive-fire training, and to accommodate larger than company-sized units for training exercises.

Despite the availability of land at PTA, land suitable for maneuver area is limited. A majority of PTA consists of the impact area and land unsuitable or restricted due to physical constraints. Approximately 54 percent of PTA's unrestricted maneuver area is located on the State-owned land...

Critical facilities (e.g., BAX, ammunition storage locations), utilities (e.g., electricity, potable water, communications), and infrastructure (e.g., roads, firebreaks/fuel breaks) are located on the State-owned land...Federal directives... specify that to carry out military improvements or modernization efforts, a long-term interest (i.e., 25 years) in the land must be acquired. With fewer than 10 years remaining on the lease of State-owned land, these directives limit the Army's ability to invest in improvements at PTA. USARHAW is unable to modernize existing facilities on the State-owned land without a long-term land retention agreement in place...

No other training area in Hawai'i can accommodate collective training at larger than company size. As currently configured, PTA provides the maneuver area, SUA, training features and facilities needed to

meet USARHAW training requirements for Hawai'i-based units. PTA provides the longest distance for indirect-fire weapons (i.e., artillery and mortars) among all training areas within 1,000 miles.

*p. 1-14*

*Give reasons why claims that the military must have this land are credible, given that the military also claimed it could not manage without Kaho'olawe, Kapūkakāi (Red Hill) fuel storage, and Strykers.*

*Explain the rationale for siting "critical facilities" on the State land though there was no guarantee of retaining it after 65 years and a directive prohibiting "improvements or modernization efforts" in the last 25 years of the lease. Was there an intent to create political pressure to allow retention?*

## **1.4 Scope and Content of the EIS**

### **1.4.2 Regulatory Compliance Associated with the Proposed Action**

#### **Hawai'i Administrative Rules Chapter 13-5 Conservation District Rules**

The region including and surrounding PTA was included in the conservation district. The lease for Army use of State-owned land was signed in August 1964, prior to the enactment of HRS Chapter 183C. Per the statute and its enacting rule, HAR Chapter 13-5, Conservation District, lawful use of land prior to October 1, 1964, is considered nonconforming...

Military use is not included as an allowable use for any conservation district subzone. HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources (BLNR). Any request for a permit would follow the EIS process and determination of the land retention estate(s) and method(s)...

*p. 1-17*

*See comments re. 3.2.4.1 Land Tenure; State Land Use Districts.*

## **1.6 Public Participation**

### **1.6.2 Scoping**

For this EIS, comments that help refine the Proposed Action or alternatives; identify specific resource analysis to be conducted in the EIS (e.g., cultural resources, biological resources, hazardous waste); and/or recommend technical data, specific impacts or mitigation measures were considered substantive. Statements considered to not be substantive were general comments with no specific information, such as those that stated preferences for or against the Proposed Action, military, or Army in Hawai'i.

*p. 1-21*

*Cite the legal basis for this refusal to even consider certain comments.*

*If large numbers of commenters strongly support or oppose the Proposed Action, military, or Army in Hawai'i, that is significant. Those comments should be reported in the Final EIS.*

## **2.2 Alternatives Considered**

*p. 2-7*

*The EIS should analyze impacts under ownership, lease, easement, and license for Alternatives 1, 2, and 3, since each form of control over the land entails different levels of oversight and restriction.*

## 2.4 Preferred Alternative

The Preferred Alternative [ownership, lease, easement, or license] will be identified in the Final EIS.

*The Preferred Alternative should be identified and analyzed in the Draft EIS so the public can comment.*

## 3.1 Introduction

### 3.1.4 Analysis Methodology

#### Region of Influence

*For impacts to the environment, the EIS limits consideration to the immediate action. But for impacts to training if the land is not retained, the EIS extends consideration to long-term impacts extending far beyond the borders of the base. Impacts to the environment should receive the same type and level of consideration.*

## 3.2 Land Use

### 3.2.2 Regulatory Framework

*p. 3-6*

*Describe how the State's and DHHL's legal obligations to beneficiaries will be met under each alternative. From Ching v. Case:*

*...“ceded land”...are lands that were held by the civil government or the monarchy of the Hawaiian Kingdom at the time of the 1893 overthrow of the Hawaiian monarchy. See Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254. When the United States annexed Hawai'i by a joint resolution of Congress in 1898, real property that had been classified as government lands or crown lands was ceded to the federal government. Id. Recognizing their special character, the Joint Resolution of Annexation exempted these lands from the general laws of the United States that governed federal land. State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 124, 566 P.2d 725, 736 (1977) (citing Joint Resolution of July 7, 1898, 30 Stat. 750). Instead, the resolution specified that these lands should be held in a “special trust” for the benefit of the people of Hawai'i. Id. When Hawai'i was admitted into the Union as a state in 1959, these ceded lands were transferred back to the newly established state, subject to the trust provisions set forth in section 5(f) of the Admission Act. Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254 (citing Hawaii Admission Act, Pub. L. No. 86–3, 73 Stat. 4, 6 (1959)). Article XII, section 4 was later added to the Hawai'i Constitution to formally recognize these responsibilities, specifying that the land “shall be held by the State as a public trust for native Hawaiians and the general public.” 47 Id. at 586, 837 P.2d at 1254 (quoting Haw. Const. art. XII, § 4). At that same time, the framers and the people of Hawai'i adopted article XI, section 1, which created a public trust consisting of “all public natural resources” to be administered by the State for the benefit of the people. 48 Haw. Const. art. XI, § 1. 47*

*As the State concedes, our case law and the common law of trusts make the State “subject to certain general trust duties, such as a general duty to preserve trust property.” See, e.g., Zimring, 58 Haw. at 121, 566 P.2d at 735 (“Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use.”); Kaho'ohanohano v. State, 114 Hawai'i 302, 325, 162 P.3d 696, 719 (2007) (“[It] is always the duty of a trustee to protect the trust property . . . .” (quoting Brenizer v. Supreme Council, Royal Arcanum, 53 S.E. 835, 838 (N.C. 1906))); In re Estate of Dwight, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) (“A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property.” (citing Bishop v. Pittman, 33 Haw. 647, 654 (Haw. Terr. 1935)); Restatement (Second) of Trusts § 176 (“The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property.”). 49 As trustee, the State must take an active role in preserving trust*

*property and may not passively allow it to fall into ruin. United States v. White Mt. Apache Tribe, 537 U.S. 465, 475 (2003) (“[E]lementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on [the fiduciary’s] watch.”).*

*Ching v. Case decision, August 23, 2019, SCAP-18-0000432, pp. 73 - 76*

*<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>*

### **3.2.4.1 Land Tenure**

#### **Ownership**

Current laws and legal rulings affirm the State-owned land at PTA was legally transferred to the State.  
*p. 3-7*

*How could the land could be legally transferred, when the United States controls Hawai’i illegally?*

*“The Congress... apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination...”*

*Public Law 103-150—Nov. 23, 1993*

*<https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>*

*Cite any laws and court decisions that demonstrate the land was transferred legally from the nation of Hawai’i; and that the Army has a right to lease the land, buy it, or take it by eminent domain.*

#### **State General Lease No. S-3849**

[upon lease expiration] Weapons and shells used in connection with training activities are to be removed to the extent that technical and economic capability exists and provided that expenditure for removal would not exceed the fair market value of the land.

*p. 3-11*

*To demonstrate good faith, the EIS should include a commitment to clean up the land, before the lease expires, to its condition before the lease began, although there are laws and lease provisions that would allow no cleanup. The Army should provide specific details and timeline to clearly insure that clean-up would be complete by the end of the lease.*

#### **State Land Use Districts**

All of PTA was classified as conservation district under the State’s 1961 Land Use Law. Hawai’i conservation district statute and rules, HRS Chapter 183C and HAR Chapter 13-5, were enacted in 1964. Lawful use of land, established prior to October 1, 1964, is considered nonconforming. The statute and rule define nonconforming as “the lawful use of any building, premises or land for any . . . purposes which is the same as and no greater than that established prior to October 1, 1964 . . .” The lease for military use of the approximately 23,000 acres at PTA was signed on August 16, 1964, and is considered nonconforming per HRS Chapter 183C and HAR Chapter 13-5.

*p. 3-12*

Military use is not defined as an allowable use for any conservation district subzone, but HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules.

*p. 3-14*

*Specify how this action will comply with HAR Chapter 13-5, especially 13-5-30 (c):*

*“(c) In evaluating the merits of a proposed land use, the department or board shall apply the following criteria:*

- (1) The proposed land use is consistent with the purpose of the conservation district;*
- (2) The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;*
- (3) The proposed land use complies with provisions and guidelines contained in chapter 205A, HRS, entitled “Coastal Zone Management” where applicable*
- (4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;*
- (5) The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;*
- (6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;*
- (7) subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and*
- (8) The proposed land use will not be materially detrimental to the public health, safety and welfare.*

*The applicant shall have the burden of demonstrating that a proposed land use is consistent with the above criteria.”*

### **3.3 Biological Resources**

*Analyze impacts on 'ua'u.*

*Analyze extent and impacts of invasive species (goats, fountain grass, Russian thistle, fireweed, etc). Describe success of past control methods.*

### **3.4 Cultural Resources**

#### **3.4.2 Regulatory Framework**

The adverse effects at PTA resulting from ongoing activities on historic properties have been taken into account through the Section 106 consultation process. That process resulted in a 2018 programmatic agreement (PA) to resolve adverse effects...

*p. 3-41*

*See comments re. 3.4.4.3 and 3.4.4.5.*

#### **3.4.3 Region of Influence**

The CIA [Cultural Impact Assessment] prepared for this EIS considered the geographic extent for traditional and customary practices as the region between Mauna Kea, Mauna Loa, and Hualālai, known generally as the Saddle Region.

*p. 3-42*

*Justify the limited geographic area in light of this statement from the Cultural Impact Assessment:*

*Sites of religious and cultural significance are, by their nature, often difficult to define, identify, and map.*

*CIA p. 354*

#### **3.4.4.3 Previous Cultural Resources Studies**

##### **Archaeological Investigations**

Of the approximately 23,000 acres that comprise the State-owned land, approximately 12,050 acres have been subjected to Phase I inventory survey...

*p. 3-45*

**Table 3-6 Archaeological Coverage of State-Owned Land at Pōhakuloa Training Area**

*p. 3-48 [most recent survey is 2013]*

**Ethnographic Studies**

A 2012 ethnographic study was commissioned, completed and accepted by the Army for PTA: “Ethnographic Study of Pohakuloa Training Area and Central Hāmākua District, Island of Hawai‘i, State of Hawai‘i” (McCoy & Orr, 2012). This is the only ethnographic or TCP study commissioned by the Army for study and/or assessment of TCPs within PTA. The study found “a general lack of information in the literature concerning cultural practices and beliefs related to the Saddle Region, when compared to other, more populated areas of Hawaii.” The study did not use any Hawaiian language resources... Since the McCoy and Orr study, no further studies for TCPs have been conducted at PTA by USAG-HI CRM staff or contractors.

*p. 3-49*

*Archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013, and the sole ethnographic study failed to use Hawaiian language resources. Justify how this limited data is sufficient to support EIS conclusions.*

**3.4.4.5 Current Management Efforts**

The Army operates a robust CRM [Cultural Resources Management] Program at PTA...

*p. 3-59*

*Justify “robust” in light of the problems revealed in the Third Annual Report for Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai‘i, Hawai‘i, January 1, 2020 through December 31, 2020.*

*Some training was skipped.*

*...Annual training for RDH [Range Division Headquarters] staff was not conducted during pandemic restrictions but will be conducted in the next reporting period. Report p. 2*

*An educational video was still not completed after three years. Report p. 3*

*It was promised in the Programmatic Agreement:*

*The USAG-Pōhakuloa, with support from U.S. Army Training Support Systems, shall, in consultation with the parties listed in Appendix H, produce a short educational video featuring NHO representatives...Programmatic Agreement, September 25, 2018, D 2 a, p. 18*

*Technical issues derailed a listening session.*

**2. III.D.2.a. Native Hawaiian Listening Session**

*b. A listening session was planned for November 5, 2020 ... Technical complications with Microsoft Teams prevented unregistered participants from logging into the meeting and as such most invitees were unable to participate. Report p. 4*

*Office facilities were inadequate for an extended time.*

*The cultural resources office is not connected to the network so the government staff flex between the isolated program office and a computer on a kitchen counter at Headquarters that is connected to a printer. Report p. 6*

*The entire base, including the impact area, needs to be surveyed, before cultural resources are destroyed by training activities. If the Army does not plan to survey, cite legal authority allowing this.*

*Some native Hawaiians report there are numerous undiscovered caves and archaeological sites in the impact area. For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go there. But they went in to check for depleted uranium, and even did construction in the impact area for a new training range. What criteria are now being used to determine when people can enter?*

### **3.4.6 Environmental Analysis**

#### **3.4.6.1 Alternative 1: Full Retention**

##### **Traditional and Customary Practices**

###### **Summary of Impacts:**

...The overall impact to traditional and customary practices under Alternative 1 would continue to be significant but mitigable through potential mitigation measures. Potential Mitigation Measures: Through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources. Level of Significance: Significant but mitigable.

*p. 3-64*

*Explain why access is still a problem after over five decades on the lease.*

*Supply a history of requests for access, including which requests were granted, and which requests were denied and why.*

*Describe fully how access will be provided.*

*Include this information from the Cultural Impact Assessment:*

*Eleven cultural practices are “adversely impacted by limitation of access”. CIA, Table 25, p. 361*

*“...the acquisition of lands by foreigners, including the U.S. Military, has caused and continues to cause Hawaiians pain and even trauma...the obligation of the state to ensure that these rights [for traditional or customary access] are protected is much more than a legal obligation, as such rights are a necessity of indigenous human life...”*

*CIA, p. 365*

### **3.5 Hazardous and Toxic Materials and Wastes**

#### **3.5.3 Region of Influence**

The ROI for hazardous and toxic materials and wastes is the area on and immediately surrounding the State-owned land.

*p. 3-71*

*The ROI should include areas through which such materials and wastes are transported, and areas where they are disposed of.*

#### **3.5.4 Existing Conditions**

##### **3.5.4.1 Petroleum, Oils, and Lubricants**

During 2017, in support of the ECOP [Environmental Condition of Property], the Army conducted a preliminary screening within areas of concern of the State-owned land. The preliminary screening included soil sampling at FARP 18 that indicated that concentrations of total petroleum hydrocarbons (TPH) as diesel range organics (DRO) and TPH as residual range organics exceeded DOH EALs and/or USEPA Region 9 RSLs and are considered contaminants of concern (COC) that potentially pose an

unacceptable risk to site users. The TPH contamination was attributed to active training where aircraft refueling operations are performed...

*p. 3-74*

#### **Storage Tanks**

During the 2017 sampling effort for the ECOP, the TPH-DRO Exposure Point Concentration (EPC) result sample collected around the AST inside the enclosure fence line exceeded the DOH EALs for Leaching and Groundwater Protection; however, the result was below the DOH EAL for direct exposure and there are no established USEPA preliminary remediation goals for TPH-DRO for either direct exposure scenarios or protection of groundwater. Because direct exposure pathways for groundwater are considered incomplete within the State-owned land, an EPC exceedance of the DOH EALs for protection of groundwater was not considered to pose an unacceptable risk to human health (USACE-POH & USAGHI, 2017b). Based on this result, TPH-DRO is not a COC at the sampled location..

*p. 3-74*

#### **3.5.4.3 Other Contaminated Areas of Concern**

##### **Current Burn Pan Area (South of TA 13)**

During the 2017 ECOP sampling, naphthalene and copper EPC results from soil samples collected in this area exceeded the USEPA RSLs for Risk-Based Soil Screening Level; however, none of these metals are COCs on the basis of this screening level exceedance because the pathway for leaching to groundwater is considered incomplete within the State-owned land (USACE-POH & USAG-HI, 2017b). Additionally, the EPCs for naphthalene and copper are below the DOH EALs for the protection of groundwater.

*p. 3-76*

##### **Former Debris Pile (TA 21)**

During the 2017 ECOP sampling, naphthalene and copper EPC results from soil samples collected in this area exceeded the USEPA RSLs for Risk-Based Soil Screening Level; however, none of these metals are COCs on the basis of this screening level exceedance because the pathway for leaching to groundwater is considered incomplete within the State-owned land (USACE-POH & USAG-HI, 2017b). Additionally, the EPCs for naphthalene and copper are below the DOH EALs for the protection of groundwater. *p. 3-76*

##### **Battle Area Complex V-10 (TA 7/8)**

Samples collected from the BAX Target V-10 area contained concentrations of COCs (antimony, lead, and zirconium) that potentially pose unacceptable risks to site users (USACE-POH & USAG-HI, 2017b). The risk posed by COCs are through a direct exposure pathway and are unlikely to mobilize off-site.

*p. 3-76*

##### **3.5.4.11 Military Munitions and Munitions and Explosives of Concern**

Despite cleanup efforts, erratic bullets and gun components have been found on the TAs, FPs, and ranges.

*p. 3-79*

Soil sampling has not been performed on all the TAs, [training areas] FPs, [firing points] and ranges to determine the presence or absence of MCs. [munitions constituents]

*p. 3-79*

The Former Bazooka Range, including the High Mortar Concentration Area, is on TA 17 and measures approximately 60 acres... In 2015, the site underwent a surface only cleanup action that removed over 1,000 pounds of visible munitions debris. The debris was heavily concentrated within an 11-acre central location (USACE-POH & USAG-HI, 2017a). Subsurface military munitions have not been addressed.

*p. 3-79*

During the construction of the DKI Highway, subsurface investigations identified MEC including mortars. Therefore, there is a potential for MEC to be found anywhere on the State-owned land. If MEC is discovered, the Army immediately responds and deactivates and removes the item...

*p. 3-80*

*Specify what will be done to clean up all these hazardous and toxic materials before the current lease expires.*

*Retention of the land would allow more firing into the impact area. For years, EISs for Pohakuloa have said the impact area will be cleaned up after the base is closed. But we know Kaho'olawe and other former military sites remain in hazardous condition despite similar promises. Will the Army post a bond to ensure cleanup of the impact area?*

#### **3.5.4.12 Radioactive Materials**

*Include and evaluate information from the “Independent Review of Pohakuloa Training Area (PTA): Depleted Uranium from the Davey Crockett Weapon System”, attached.*

*Explain why that review, posted about 2008 on the Army “Depleted Uranium in Hawaii” website (<https://home.army.mil/hawaii/index.php/garrison/dpw/du>), has now disappeared from the website.*

*Include and evaluate information from Cory Harden’s May 28, 2013 e-mail to Gary Gill, attached.*

*Address the concerns raised in comments on this EIS by Mike Reimer, a retired geologist who has been communicating his concerns about DU to the Army and Nuclear Regulatory Commission for years. For example, he states that the one test sample for 133,000 acres is grossly inadequate, and risks from inhaled DU oxides, that lodge in the lungs and emit radiation directly into body tissues for years, are not even being considered.*

### **3.6 Air Quality and Greenhouse Gases**

#### **3.6.2 Regulatory Framework**

A quantitative, full life-cycle analysis of GHG emissions (i.e., CO<sub>2</sub>, methane, and nitrous oxide emissions from direct Army activities on PTA as well as from indirect activities such as manufacturing and shipping equipment and materiel and troop movements to and from PTA) and their associated social costs has not been performed because there are no tools, methodologies, or data inputs reasonably available to support such calculations for a real estate transaction, such as the Proposed Action.

*p. 3-89*

*Define “reasonably available”.*

*This analysis must be done to give decision-makers full information.*

#### **3.6.3 Region of Influence**

While the effects of climate change are felt worldwide, they differ greatly depending on the region or locality. Therefore, the ROI for the effects of climate change is the island of Hawai‘i.

*p. 3-89*

*Since effects are felt worldwide, the ROI should be worldwide.*

#### **3.6.4 Existing Conditions**

##### **Regional Air Quality**

No monitoring stations are located within PTA, and the nearest air monitoring station is located in Hilo, approximately 25 miles from PTA.

*p. 3-89*

*There should be monitoring stations in or near PTA to assess impacts of military operations.*

## **Climate Change**

No new impacts from GHG emissions would occur, but long-term, minor, direct and indirect, adverse impacts from GHGs would continue from activities within the State-owned land...The continued production of identical levels of GHGs would not meaningfully contribute to the potential impacts of global climate change.

*p. 3-93*

*Evaluate GHG emissions from all actions that will be enabled by retention of the land.*

## **3.7 Noise**

### **3.7.3 Region of Influence**

The ROI extends into surrounding areas on and around PTA that might be affected by aircraft conducting training on PTA or military munitions noise.

*p. 3-101*

*The ROI should include much of the island--residents report hearing explosions as far away as Kurtistown, and having windows rattled in Honoka'a.*

*Concussions should also be analyzed—one resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing.*

## **3.9 Water Resources**

### **3.9.2 Regulatory Framework**

The State-owned land is located above the UIC line indicating that the site overlies a potential drinking water source.

*p. 3-129*

### **3.9.4 Existing Conditions**

#### **3.9.4.1 Groundwater and Watershed**

Carbon-14 age dating conducted on water retrieved from PTA-2 from the regional high-level aquifer that underlies the saddle area yielded an age of 5,000 years. A similar age of 5,000 years was measured in the groundwater pumped from the Waiki'i well to the northwest...

Due to the depth of groundwater beneath the State-owned land and the minimal direct recharge from infiltration of rainfall that falls on the State-owned land, existing impacts to groundwater from training are less than significant. Limited surface water and groundwater pathways on State-owned land pose minor potential impact to soil and groundwater quality (Section 3.5.4).

*p. 3-134*

*A number of EISs for Pōhakuloa have also claimed minor impacts to groundwater because of its depth. At what depth would impacts from training become significant?*

*The proposed action would enable numerous future actions including removing groundwater for Army use. Since there is "minimal direct recharge"—apparently almost none in 5,000 years--would Army removal of water deplete the groundwater used by the Army and Waiki'i Ranch, and (in the future) nearby DHHL lands?*

## **3.10 Socioeconomics**

*p. 3-140*

*Include the cost of cleanup of the impact area and the rest of the base after the base is closed. For reference include the cost of cleanup on Koho'olawe—which is not even completely cleaned up.*

*Calculate the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc.*

### **3.11 Environmental Justice**

#### **3.11.3 Region of Influence**

*p. 3-151*

*Analyze impacts to people driving by, hunting, or visiting Mauna Kea Park, and also to people living miles away, who are affected by cultural impacts, as well as by noise and concussions from weapons firing, explosions, aircraft, etc.*

#### **Air Quality and Greenhouse Gases**

*...air quality impacts would not adversely affect any populations...*

*p. 3-152*

*Greenhouse gases generated by military activity affect everyone on Earth through climate change.*

### **3.12 Transportation and Traffic**

*Since 2012, media releases to the public about convoy transport between PTA and Kawaihae Harbor have varied from 11 to 25 releases per year..*

*p. 3-169*

**Summary of Impacts:** *Alternative 1 would result in no new impacts on PTA and regional transportation systems and traffic; however, continued long-term, minor, adverse impacts on PTA and regional transportation systems and traffic would occur due to ongoing activities within the State-owned land.*

**Potential Mitigation Measures:** *None recommended.*

**Level of Significance:** *Less than significant.*

*p. 3-175*

*Provide the criteria and rationale for deciding impacts are less than significant despite a convoy every 2 to 4 weeks.*

*Analyze impacts from vehicles supplying water, fuel, food, equipment, and other supplies.*

*Calculate the cost to the County and State from wear and tear on roads.*

*A resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing several years ago. Evaluate military hazards to people using various vehicles on Saddle Road, and propose mitigation.*

*Include this information in the EIS--*

*<https://www.staradvertiser.com/2017/05/15/breaking-news/u-s-soldier-killed-in-training-incident-on-big-island/>*

*U.S. soldier killed in training incident on Big Island*

*By Star-Advertiser Staff and Associated Press May 15, 2017*

*A 36-year-old U.S. soldier has died during a training incident on Hawaii island.*

*Army Major John Landry says two soldiers were inside a military truck and were hauling equipment to a dock. He says one soldier died and a second soldier was injured and released from the hospital.*

*Both soldiers had been assigned to the 25th Infantry Division on Oahu. Big Island police say the incident happened in North Kona about 7:30 a.m. Sunday as a 20-year-old man was towing heavy machinery on a military tractor-trailer on Daniel K. Inouye Highway. The man lost control while turning left at the three-way intersection with Route 190 and the tractor-trailer struck the southbound guardrail on Route 190 before overturning into a culvert, police say. The front seat passenger was taken to Kona Community Hospital where he died at 12:35 p.m. Sunday. The driver was taken to North Hawaii Community Hospital. An autopsy has been ordered to determine the older man's exact cause of death...*

### **3.15 Utilities**

#### **3.15.4 Existing Conditions**

##### **Potable Water**

Water is regularly trucked 40 miles via 5,000-gallon tanker trucks...

##### **Fire Protection Water**

The dip tanks are refilled via 5,000-gallon water tankers...

*p. 3-194 to 3-195*

*Evaluate impacts for safety, traffic, and road wear.*

##### **Liquid Fuel**

The PTA fueling station includes gasoline, diesel, and Jet A fuel.. *p. 3-196*

*Evaluate impacts for safety, traffic, and road wear from transporting fuel.*

#### **3.16.4 Existing Conditions**

##### **Wildland Fire Management**

*p. 3-205*

*How will climate change affect fire frequency and intensity, and what steps will the Army take to deal with this?*

*Include information on inadequate staffing and equipment:*

<https://www.hawaiinewsnow.com/2022/05/12/federal-firefighters-pohakuloa-battle-army-over-safety-retaliation-complaints/>

*“ ‘We have minimal trucks available, we’re very undermanned...’ [union President Kaanapu Jaccobson] says shoddy vehicles and equipment have been ignored for years.”*

*Include information on these fires—causes, impacts, prevention measures taken in response:*

<https://www.bigislandvideonews.com/2021/08/11/10-acre-wildland-fire-reported-in-keamuku-maneuver-area/>

*...10-Acre Wildland Fire Reported In Keamuku Maneuver Area...*

<https://www.bigislandvideonews.com/2021/07/15/pohakuloa-fire-engine-catches-fire-on-highway/>

*...A Pōhakuloa Training Area fire engine caught fire on the Daniel K. Inouye Highway on Wednesday morning...*

*July 17, 2021 fire and 2018 wildland fire (also discussed in DEIS pp. 3-32 to 3-33)*

[https://www.nmfwa.org/uploads/1/0/2/2/102279086/technical\\_session\\_2019\\_03\\_03\\_3.pdf](https://www.nmfwa.org/uploads/1/0/2/2/102279086/technical_session_2019_03_03_3.pdf)

*Fire, Flora, and Feral Species: Lessons from Hawaii*

*2 Case Studies of Wildfire at PTA...*

*November 2012 188-ha footprint... July 2018 585-ha footprint*

<https://www.hawaiiwildfire.org/news-center/tag/Hawaii+Island%3A+Pohakuloa>  
*February 1, 2017...Keamuku Fire Burns 770 Acres - Two Miles From Waikii Ranch*

[https://www.army.mil/article/44823/pta\\_fire\\_crews\\_control\\_flames](https://www.army.mil/article/44823/pta_fire_crews_control_flames)

*...September 7, 2010...The wildfire at the U.S. Army Garrison-Hawaii's Pohakuloa Training Area, which began at approximately 9:30 a.m., Aug. 22, about a quarter mile east of PTA's main gate by Mauna Kea State Park, is 80-percent extinguished and has burned an estimated 1,386 acres, as of Sept. 1.*

### **4.3 Past, Present, and Reasonably Foreseeable Future Actions**

#### **4.3.1 List of Projects**

*p. 4-3*

*Include a list of all current and former military sites on Hawai'i Island.*

*For each former site, state whether it is cleaned up, or where is it in the cleanup process and when cleanup will be completed.*

*How many private properties cannot be evaluated for cleanup because owners refuse?*

*Is it still legal if a person selling property does NOT reveal that cleanup for unexploded ordnance has occurred on the property?*

*How much time and effort is the Army is putting into lobbying for cleanup money, vs. time spent trying to get money for new projects?*

## **Chapter 5 OTHER REQUIRED CONSIDERATIONS**

### **5.2 Incomplete Information**

#### **5.2.2 Lease Compliance Actions**

*Explain how the State can fulfil its legal obligations to beneficiaries (see comments re. 3.2.2) if it allows the Army to retain the land, knowing that the Army is a bad actor which has violated terms of the lease for years by leaving discarded and hazardous materials on the land at Pohakuloa and other sites.*

*Review State law, past DLNR decisions, contested case decisions, and court decisions re. renewal of State leases for lessees who have not fulfilled obligations in their lease agreements, and/or have been bad actors when using non-lease lands.*

*Describe how well the Army has complied with lease requirements to avoid damage and pollution and to clean up waste. Describe steps that have been taken to clean up the area and comply with the 2019 Supreme Court decision, including any formal inspection, monitoring, and reporting process conducted by Department of Land and Natural Resources. Include future plans and timelines. Include a copy of the lease, lease amendment, and court decision, or a link to access them.*

*What is the impact of past and proposed Army activities on the public trust obligations of the state? The State of Hawai'i has responsibilities as a Trustee of the lands at issue, including fiduciary responsibilities to the beneficiaries, identified in the law as Native Hawaiians and the General Public.*

*Do the environmental impacts of the State of Hawai'i continuing to lease the trust lands to the Army benefit the beneficiaries, or is the documented degradation of the leased lands a violation of the fiduciary responsibilities? (See Ching v Case SCAP-18-0000432)*

*What is the fair market value of the land the Army is currently using? Has the State of Hawaii carried out its trust obligations to the beneficiaries when the lease fee is \$1 for the entire 65 years? If the land is rendered useless and dangerous as a result of Army activity, does that reduce the fair market value, and is the State of Hawai'i complicit in this degradation of the benefits of the trust?*

*The Pōhakuloa lease calls for cleanup:*

*Conditions from State General Lease S-3849 dated August 17, 1964 between State of Hawai'i (Lessor) and U.S.A.*

*#9: ...the Government shall make every reasonable effort...to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.*

*#14: ...the Government [USA] hereby agrees that, commensurate with training activities, it will take reasonable action to...remove or bury all trash, garbage and other waste materials resulting from Government use of the said premises.*

*But the Army did not clean up:*

***Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 30 - 34***

***<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>***

*Cultural monitors spent "extensive time" at the leased PTA land and observed military debris on the ground, including UXO and "spent shell casings, scattered across" the land. The concerns of the cultural monitors were documented in a number of federal reports. For example, the United States prepared a November 2010 report entitled "Final Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawai'i Island, Hawai'i" that included a recommendation from cultural monitors that "[t]he Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash are everywhere." (Emphasis omitted.) The report also stated that the cultural monitors voiced the following: "Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process." ...*

*These concerns were reiterated four years later in a second, similarly titled report. This report contained observations from cultural monitors who stated that "[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape." The report noted the cultural monitors feared that if the litter continued to remain on the land, "the land will be rendered unusable forever--one eighth of our island will become unavailable for use by any of our future generations." The cultural monitors therefore "strongly recommend[ed] the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas." (Emphasis in report.)*

*Additionally, a March 2015 draft report stated that, based on a 2014 inspection by the DLNR and the Army, a bazooka range contained on the leased PTA land was “heavily contaminated on the surface with material potentially presenting an explosive hazard [] and munition debris [].” A subsequent inspection of the bazooka range by military explosive ordnance disposal units found mortars, bazooka rounds, and white phosphorous on the land. The Army determined that the debris found at the bazooka range “coupled with the accessibility to the public make for the potential for significant danger to public health and welfare.”*

*The State’s awareness of the potential contamination of the leased PTA land was also demonstrated by a March 2013 letter from the Acting Hawai# Branch Manager for the DLNR to the State Lands Assistant Administrator. The Branch Manager recommended that “PTA should sweep the lands North of the saddle road for UXO and remove any UXO found at their expense to make the area safe for the public.”*

*The military has also been a bad actor at other sites.*

***Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 31 - 32***

***<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>***

*...the court found that the previous Chair of the DLNR, William Aila, Jr., was aware of the United States’ failure to clean up other sites in the state such as Kaho’olawe, Mākua, and the Waikāne Valley, and the court imputed this knowledge to the State in this case. The court noted that a website maintained by the State contained a history of the island of Kaho#olawe that explained that the United States Navy did not clear all UXO from 25 percent of the surface of the island. Additionally the court found that the United States’ failure to properly clean the Mākua area was... documented in the federal court decisions in Makua v. Rumsfeld, 163 F. Supp. 2d 1202 (D. Haw. 2001), Mākua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mākua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).*

*###*

**From:** Cory (Martha) Harden [mailto:mh@interpac.net]  
**Sent:** Tuesday, May 28, 2013 9:28 AM  
**To:** 'Gary.Gill@doh.hawaii.gov'  
**Subject:** comments on draft depleted uranium fact sheet

*Please acknowledge receipt  
Attachment is identical*

Hello Gary Gill,

Thank you for your work on a Hawai'i DU Fact Sheet. Enclosed is "CONCERNS ABOUT DEPLETED URANIUM (DU) IN HAWAII", which I hope will be helpful.

To summarize concerns, I quote Marshall Blann, PhD, consultant at Los Alamos and Lawrence Livermore National Laboratories:

"Many...papers find, in in-vivo experiments, that Uranium isotopes can cross the blood-brain and placental barriers, concentrate in heart, muscle, brain, lung tissue, ovaries, testes, bone and lymph nodes...

As the biological effects of radiation have been investigated more extensively, 'safe' exposure levels have been steadily revised downwards...

..the Pohakuloa area is used for bombing practice, using two-ton dummy bombs. If a bomb were to impact a DU casing, it could cause the pyrophoric DU to ignite, sending a plume of uranium oxide hundreds of feet high in the resulting convection current...

...the radioactive uranium oxide plume would...disperse, not uniformly around the county, but would rain fine oxide particles preferentially in the community winning that day's radiation lottery. ...The probability may be low, but the consequences may be high.

..detectors on the ground would not detect them. [alpha particles]"

*[editorial by Blann, West Hawai'i Today, 9-6-09]*

I would add these concerns: DU that was never accounted for, questionable air monitoring, unauthorized Army activities with DU, Army proposals to avoid Nuclear Regulatory Commission (NRC) oversight, apparent misstatements in Army DU documents, and possible Army DU contractor bias.

Thank you for considering this information.

aloha,

Cory Harden, PO Box 10265, Hilo, Occupied Hawai'i 96721 808-968-8965 mh@interpac.net

CONCERNS ABOUT DEPLETED URANIUM (DU) IN HAWAI'I  
for Gary Gill, Deputy Director, Hawai'i State Department of Health  
May 28, 2013

compiled by Cory Harden, PO Box 10265, Hilo, Occupied Hawai'i 96721 808-968-8965  
[mh@interpac.net](mailto:mh@interpac.net)

(see end for profiles on people who were quoted frequently)

**The Army didn't know, or didn't tell, about DU in Hawai'i, then was "outed" by citizens.**

[the Army has been] "repeatedly denying depleted uranium use here, most recently in the March 2005 draft environmental impact statement for Makua and at a public hearing for the Stryker brigade EIS in 2004." [Schofield uranium find prompts calls for probe, Honolulu Advertiser, 1-6-06]

"Schofield Barracks, Hawaii--In August 2005, 15 tail assemblies from spotting rounds made of D-38 uranium alloy, also called depleted uranium (DU), were recovered..." [1-5-06 media release by U.S. Army Hawai'i]

"The Army statement was issued several hours after a DMZ Hawai'i/Aloha 'Aina news conference announcing the e-mail findings [revealing the Army had discovered DU]..." [Schofield uranium find prompts calls for probe, Honolulu Advertiser, 1-6-06]

**The Army planned and conducted unauthorized activities in DU areas.**

"The Corps [Army Corps of Engineers] had planned to begin the \$80 million [Schofield] construction project with a controlled burn at the range. Instead, NRC staff warned the Corps that it risked sanctions if it proceeded because it has no license to possess, decommission or transport radioactive depleted uranium at Schofield ... the Army conducted an unauthorized cleanup of soil contaminated by depleted uranium at Schofield in 2008...[NRC attorney Brett Klukan told Honolulu Weekly] that the NRC had advised the Army that areas with depleted uranium should not be disturbed." [Stryker brigade snag, Honolulu Weekly, 11-3-10]

"...it appears that the scope of activities actually conducted at Schofield Barracks in support of BAX construction, including soil removal and testing, prior to the January 13, 2010 oral argument may be far broader than that described by counsel for the Army at the oral argument." [letter to Army Col. Gregory Baldwin from Keith McConnell of NRC, 11-4-11]

"...NRC staff raised concerns regarding the Army's legal authority to perform construction activities at the Schofield Barracks installation, Army statements made during oral arguments before the Atomic Safety and Licensing Board (ASLB) regarding the U.S. Army's possession-only license application at the Pohakuloa Training Area and Schofield Barracks, and Cabrera's legal authority to perform work for the USACE at the Schofield and Pohakuloa installations..." [letter to Dr. Cherry of the Army from Keith McConnell of NRC, 11-24-10, ML103160174]

**Sweeping Army proposals for less oversight were rejected by the Nuclear Regulatory Commission (NRC).** [quotes from Staff Assessment enclosure in memorandum from Dominick Orlando of NRC to Andrew Persinko of NRC, 12-27-12, ML12354A165, bold and indentations added]

The Army **claimed the spotting rounds did not require a license**, based on a RESRAD "computer model code designed to estimate radiation doses and risks".

NRC disagreed, saying RESRAD "does not attempt to simulate the environmental conditions present during ground disturbing activities such as a fire or use of high impact explosives and therefore is not relevant to the requirements for air monitoring." [pp. 1-2]

“The Army is requesting that NRC **not require environmental radiation monitoring plans**.  
The NRC staff has determined that...some environmental monitoring is necessary.” [p. 3]

“The Army requests that staff **not require monitoring** when personnel or equipment exits the Battle Area Complex (BAX) Radiation Control Areas (RCAs) after training exercises because the Army did not detect contamination on personnel during BAX construction and because the Garrison does not have the equipment or personnel to support monitoring.  
The Army did not provide data supporting their statement that they did not detect contamination on personnel or equipment during BAX construction...[NRC] staff does not agree with this request.” [p. 3]

“The Army requests **relief from environmental monitoring at all DU ranges**.  
Because each site will entail different environmental conditions, the [NRC] staff cannot determine *a priori* if environmental radiation monitoring plans will be necessary...[NRC] staff does not agree...” [p. 3]

“The Army requests that all changes made to the requirements for installations named in the license be applicable to any newly identified installations...  
[NRC] **conclusions** regarding the type of information necessary to support an amendment to include the unidentified installation on the license **cannot be drawn a priori**...[NRC] staff does not agree...” [pp. 3-4]

“**The Army states that [their directive]... does not prohibit firing high explosive rounds into areas containing DU.**  
**This statement appears to be inconsistent** with previous statements made by Army staff since 2010...[NRC decided] If the Army were to implement air monitoring adequate to detect airborne depleted uranium during ground disturbing activities, including firing high explosive ordnance into the RCAs, the license condition could be revised.” [p. 5]

“The Army requests [revision to]...the license condition [that] applies to site decommissioning and activities that would require the ground to be disturbed with the intent to release the site or portion of the site for unrestricted use and remove it from the RCA...  
In the past **the Army has performed decommissioning activities at HI sites** and determined that the areas are suitable for release for unrestricted use. The license condition, in conjunction with conditions 22-24, are necessary to ensure the Army complies with ...NRC’s decommissioning regulations...the [NRC] staff does not agree with this revision.” [p. 5]

“The Army requests that the NRC delete the requirement to inform NRC of intended decommissioning at its HI installations...  
in the past **the Army has performed decommissioning activities at HI sites** and determined that the areas are suitable for release for unrestricted use. The license condition, in conjunction with conditions 21-24, is necessary to ensure that the Army complies with the requirements of 10 CFR 40.42.” [pp. 5-6]

“The Army requests that the requirement to perform **continuous air monitoring be deleted**...  
[but] the Army’s burn data had large uncertainties...[and] RESRAD does not attempt to simulate the environmental conditions present during ground disturbing activities such as a fire or use of high impact explosives...the [NRC] staff does not agree with this requested revision.” [p. 6]

“The study the Army provided to support the license application concludes that there was plant uptake of DU.

NRC staff believes that was an inaccurate conclusion because the **data collection was compromised** by mixing the plant ash with soil beneath the plant that contained oxidation products...The only Army studies that have shown plant uptake have been in the plants that absorbed the DU from contaminated surface waters. Therefore, the [NRC] staff does not agree with this revision.” [p. 7]

### **Concerns were raised about air monitoring methods.**

“A contractor performed air sampling for a year at PTA from February 2009 to March 2010. From the limited description of the procedure (page 34) it appears standard equipment was used for the air sample collection. Although the type of filter and its pore diameter are not mentioned, and the studies appear to be diligent within some imposed limitations, it is noted that the analysis of the filters was for uranium as a portion of the total suspended particulate collected, and not DU. Consequently, it is unknown how much of the total uranium was DU. Further, without knowing the pore diameter of the filter, it is not known how much respirable particulates, including DU are revealed by this monitoring. It is believed the tables used for health guidelines are only for natural uranium...” [comments on the September 10, 2012 “Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU)” by Reimer, 10-22-12]

“My review of the sampling methods used, especially airborne collections, indicate that the methodology was one that would not find DU at the probably anticipated concentration levels.” [e-mail from Reimer to Dominick Orlando of NRC, 7-13-12]

“First Ask Dr Morrow what did he find versus background control areas in Hawaii. Ask Dr Morrow point blank if his levels exceed or not the IOM health threshold cited by the Army in their appendix. Trick question – no health levels could be set! Ask if the EPA and WHO data specifically cover aerosolized DU dust from weaponry – there are big qualitative differences here.” [9-3-10 e-mail from Pang]

“I felt that the contractor for the Army, Jim Morrow, was extremely knowledgeable about DU and sampling methods. He is limited by the specifications of the contract...” [e-mail from Reimer to Harden, 10-27-09, 5:05 PM]

“...DOH tries to make a survey more sensitive by only considering fancy machinery--they do not seem to appreciate or understand that increased sampling number and sites also makes the survey more sensitive--especially when the target is not homogenous in place and time.” [e-mail from Pang to Jim Albertini, 9-22-09]

### **The Army’s DU contractor appears biased.**

***Cabrera Services, which did studies and operations on Hawai’i DU, calls findings of little radiation risk, in Hawai’i and elsewhere, “successes”.***

*Excerpts from a Cabrera brochure—*

Continued to establish **evidence of NO DCSR** [Davy Crockett spotting rounds] **at Makua** and narrowed down the likely **impacted areas at PTA from 2500+ acres to under 500 acres**

Performed Human Health Risk Assessment for SB (Schofield) BAX Construction Area **finding no appreciable risks exist at site...**

Negotiated with NRC and State of Kansas to **dispose of 97% of soil as non-radioactive...**

**Negotiated approval for non-rad disposal** of over 5,000 cubic yards...

CABRERA performed radiological/chemical characterization and developed a risk assessment model to quantify radiological and chemical risk, **justifying no further action ...**

Achieved no further action at LCAAP range, avoiding potential impact to munitions production...

CABRERA has similar successes at other DoD penetrator sites...

*[Davy Crockett Spotter Rounds,*

*<http://www.cabreraservices.com/media/DCSR%20Program%20Summary.pdf>, bold in original]*

### **Concerns have been raised about Army documents on DU.**

- **Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU), September 10, 2012**

#### ***DU may migrate much farther than the Army claims.***

“There is a generic claim that DU, with a high physical density, cannot be transported more than 100 m. This is an example of misinformation. Transportation distances depend in large part on the size of the material. Generally, larger dust particles have rapid settling velocities but aerosol sizes are influenced by factors other than gravity to determine transportation distances. Even so, dusts from deserts are blown thousands of kilometers before deposition (R.B. Husar et al., 2001, JGR-ATM. 106 (D16): 18317-18330).” *[comments by Reimer, 10-22-12]*

- **Environmental Radiation Monitoring Plan for Pohakuloa Training Area, submitted to NRC, prepared by U.S. Army Corps of Engineers for Army, February 3, 2012**

#### ***The plan may contradict previous Army statements that fires could NOT generate tiny DU particles.***

“In order to produce particles with an activity median aerodynamic diameter (AMAD) less than 5 µm, M101 rounds must be physically acted upon, impacted or heated to temperatures over uranium’s melting point of 700-1,000 degrees Celsius (Army Environmental Policy Institute (AEPI), 1995). **The type of activities that could potentially produce DU particles in the 5-µm AMAD range** are: 1) use of heavy equipment on former M101 ranges could, through mechanical grinding of M101 rounds; 2) kinetic impacts between munitions and M101 rounds; and 3) **incidental range fires or prescribed burns** by range personnel to control vegetation.” *[Plan, p. 15, bold added]*

“Under certain circumstances and at very high temperatures, **DU can aerosolize**. Research by military and non-military agencies confirm that **this does not occur during brush fires.**” *[2007 Army Information Booklet/ Depleted Uranium (DU) in Hawaii, p. 5, bold added]*

#### ***Only about 1,000 of the 51,000 acres of the Pohakuloa impact area were closely surveyed.***

“Aerial gamma surveys and gamma walkover surveys (GWS) surveys [sic] were performed over a total of 936 and 50 acres, respectively.” *[Plan, p. 6]*

#### ***DU may settle in “hot spots”--not be evenly distributed. (see next section)***

“The 299 pounds of DU was assumed to be evenly distributed over an area of 10,000 square meters to a depth of 0.457 meters (18 inches).” *[Plan, p. 12]*

- **Final Pohakuloa Training Area Firing Range Baseline Human Health Risk Assessment for Residual Depleted Uranium, submitted to Army by Cabrera Services, June 2010**

***DU may settle in “hot spots”--not be evenly distributed***

“To estimate the dosage workers in the area might encounter, the starting point [in Army reports on Hawai’i DU] was a radioactivity density obtained by dividing the estimated total amount of DU used in the training/firing area, by the area of the range to get the radiation per unit area. Sounds mathematically obvious, but let us (at least my fellow ancient mariners) think back to the cold war days of atmospheric testing of nuclear weapons in the upper atmosphere. With the assumption that the total radiation produced was divided by the surface area of the earth, it might have been estimated that the fallout would be at ‘safe’ levels. Unfortunately for this mathematical construct, many folk bought Geiger counters and checked around their neighborhoods, thousands of miles from ‘atmosphere zero’. The meters would give an occasional ‘beep’, then the detector would pass over a tiny speck of ash and the speaker would go crazy, the needle would ‘peg out’ at maximum radiation level for the meter. The radiation had not spread uniformly according to the assumption, but fell out in tiny highly toxic pieces of ash, fluctuations from a safe average. The dangers of this potentially lethal fallout were recognized (after citizen groups called it the attention of their governments), and in a cold war these feuding governments signed a treaty banning further atmospheric testing...”  
*[comments by Blann; final draft published in West Hawai’i Today about 10-8-10]*

***There is no “safe” level of radiation.***

“The present industrial standard to my own experience, is ‘ALARA’, an acronym for ‘As Little As Reasonably Attainable’. This is because in the past, the published ‘safe’ doses were adjusted downward by huge factors (e.g. to 1/3 last values), and it was finally realized that there is no ‘safe’ level. Each bit of exposure increases risk of biological damage. And workers on the range (and possibly citizens outside) are subject not to average levels, but the fluctuations along their daily path. Because all labs in which I worked would immediately clean up any ‘spill’- i.e. uncontained spread of radioactive sources, the recommendation to ‘leave in place’ the contamination at the range comes as a surprise. It will not be practical to recover it all, but an action in between, coupled with procedures to mitigate spreading outside the range seems prudent.” *[comments by Blann; final draft published in West Hawai’i Today about 10-8-10]*

[the BHHRA]”...ignores U.S. Environmental Protection Agency’s pronouncement that any exposure to ionizing radiation linearly increases risk.” *[9-4-10 Commentary by Michael Reimer in West Hawai’i Today]*

***DU increases in radiation over time.***

“DU, unlike other radioactive materials that have decreasing radiation over time, DU actually increases in radiation, small but detectable. ...”*[9-18-10 e-mail from Michael Reimer]*

***DU may contain other isotopes.***

“... if uranium is processed from spent fuel rods, because nothing can be absolutely pure, it retains some of the fuel rod isotopes...Uranium -236 is a good indicator of fuel rod processing and should be looked for when doing analyses. In fact, the spotting round fragments should [sic] be analyzed to answer this question.” *[9-18-10 e-mail from Michael Reimer]*

“I further challenge someone to prove there are no other transuranic radio elements in the DU alloy, such as neptunium, plutonium, or for that matter even other isotopes of uranium...” *[9-4-10 Commentary by Reimer in West Hawai’i Today]*

[Jim Morrow, contractor for the Army] “felt frustrated that the Army would not analyze one of the DU fragments to see if it contained transuranics and what the DU ratios were.” [9-3-10 e-mail from Mike Reimer]

**Other concerns...**

“...the recently released Baseline Human Health Risk Assessment from depleted uranium on the Big Island is, at best, an estimate using scant empirical isotopic data to substantiate its conclusions... The risk assessment is the conclusion of a single model approach and there are numerous models that could have been used in determining risk. I take issue with the...claim that DU has 40 percent less radioactivity than natural uranium...It is misleading and technically wrong.... I challenge anyone to tell me in good conscience that the DU remaining at PTA from the Davy Crockett tests in the 1960s has 40 percent the radioactivity of natural uranium. ... consideration of alternate expression of risk should be discussed and included... It ignores the emerging science that DU and its alloys or oxides in lesser quantities than natural uranium may indeed elevate risk from exposure. It ignores the fact that 40-plus years of bombing may have created aerosols capable of rebound or resuspension and be transported many miles anytime there is renewed disturbance of the surface.” [9-4-10 Commentary by Michael Reimer in West Hawai'i Today]

“They mention oxides but did not enter their factors of insolubility into the risk equation. They need to be weighted regarding their comparatively slow (50 fold) clearance from the body due to aqueous insolubility.” [9-4-10 e-mail from Lorrin Pang]

The report is “ignoring the form of Uranium as an oxide” [9-1-10 e-mail from Mike Reimer]

Jim Morrow “is measuring total uranium, not DU. So of course his risks show 10,000 times less based on U exposure. He must then ASSUME U and DU are the same and that has not been proven.” [9-1-10 e-mail from Mike Reimer]

- **Final Technical Memorandum for Pohakuloa Training Area (PTA) Aerial Surveys, prepared for Army by Cabrera Services, July 24, 2009**

**Over 2,000 spotting rounds may have been fired at Pohakuloa, based on three lines of evidence: old training manuals, the number of pistons found, and the Archive Search Report.**

**Manuals:**

“U.S. Army Colonel Killian...said the types of exercises conducted at PTA (Pohakuloa Training Area) would require the firing of at least 2,050...spotting rounds.” [Depleted Uranium at Pohakuloa, West Hawai'i Today, 2-4-09]

“**Killian** ...if you go through the training manuals of the era...it would require more than 714 rounds over an 8 year period of time to qualify the requisite amount of crews...”

**Councilmember Hoffmann** Is there any possible support for a figure of 2,000 spotting rounds at PTA?

**Killian** If you, if you do the math, if you extrapolate the math with the, the contemporary training manuals I think you'd come up with number of 2, 050.”

[from Harden's transcript of the official DVD of Hawai'i County Council Public Works & Intergovernmental Relations Committee meeting, 2-3-09]

**Pistons:**

“An environmental consultant [Peter Strauss, hired by Sierra Club] estimated there may be as many as 2,000 depleted uranium rounds at Pohakuloa Training Area...The consultant's analysis

was based on an Army report estimating that between 120 and 400 firing pistons are scattered around impact ranges at PTA... Each piston would have fired up to five of the DU rounds, for a total of between 600 and 2,000 rounds fired, Strauss said." *[Sierra Club consultant disputes Army's DU tally, Hawai'i Tribune-Herald, 8-26-08]*

#### **Archive Search Report**

"Total rounds verified shipped from Oahu from Lake City Ordnance Plant were 714 rounds... It is highly probable that additional stocks of the Cartridge, 20 mm Spotting M101 were order [sic] from one of the Ordnance Depots (Letterkenny or Pueblo) during the six active years of the Davy Crockett Weapon System in Hawaii." *[ASR p. 41]*

#### **Thorough surveys were impossible.**

"The Army acknowledged in its license application that rough terrain and hazards presented by unexploded ordnance made it impossible to conduct a thorough survey for DU at Pohakuloa and Schofield." *[Waste not, Honolulu Weekly, 10-17-12]*

"...the overflights are using equipment to detect very low energy gamma rays from the decay of the material. They have stated that to detect a spotting round, it must be at the surface and to detect fragments one-third the size of the spotting round, they can be buried no deeper than 2-4 inches." *[e-mail from Reimer to Harden, 12-18-09]*

#### **Instead of 2,000 spotting rounds, only a few rounds and fragments were found. Cabrera speculated the missing rounds had been cleaned up.**

"...the team located a Davy Crockett SRB..." *[Final Technical Memorandum, Depleted Uranium Scoping Investigation, Makua...Pohakuloa...Schofield...prepared for Army by Cabrera Services, p. 4-3]*

"Ground based GWS [Gamma Walkover Survey] located and identified 2 DU metal fragments, one essentially intact spotter round body with no tail fin assembly...and one aluminum tail fin [sic] with some DU spotter round body still attached. ... The number of DU spotter round bodies, aluminum fin assemblies and DU fragments are much fewer than would be expected given the total number of pistons which were identified. This fact, and in comparison to the number of DU fragments and portions of the Davy Crockett spotter rounds found at Schofield Barracks, suggests that some type of range clearance may have occurred at PTA." *[Memorandum pp. 5-1 to 5-2, indentations added]*

#### **But there are other possibilities.**

"...the "ENVIRONMENTAL RADIATION MONITORING PLAN FOR DEPLETED URANIUM AND BERYLLIUM AREAS, YUMA PROVING GROUND" (Ebinger and Hanson, Los Alamos Report LA-UR-94-1838, May 11, 1994) prepared for the U.S. Army Test and Evaluation command [notes]...fired rounds have the propensity of skipping across the surface, like a thrown stone skipping across water, ending up at distances much greater than the calculated range of the munitions.

...as the firing ranges searched for DU have been used for training with explosive ordnance and vehicular traffic after DU was used, the DU may have been highly distributed as aerosols from the decades of continued explosions and grinding under tires and tracks of vehicles. Now continued use of these areas will only result in the continuous airborne resuspension of the material." *[e-mail from Reimer to Dominick Orlando of NRC, 7-11-12]*

"[perhaps] ...the searches were conducted in areas that were not primary target areas." *[e-mail from Reimer to Harden, 7-8-12]*

“...Fort Benning range personnel recently found a Davy Crockett piston on a range that previously was not an area of interest to the research team.” *[Robert Cherry of the Army speaking at a November 16, 2010 meeting with the Nuclear Regulatory Commission (NRC), from meeting transcript, pp. 34-35]*

*Aerial searchers looked for highly visible back/ rear plate assemblies as markers for old spotting round areas.*

“The components of the Davy Crockett system particularly back plate assemblies and windscreens have a very distinct coloring as seen in photos 4-4 and 4-5 [actually 4-9 and 4-10] and are readily observable from the air.” *[Memorandum, pp. 4-26 to 4-27]*

*But the Davy Crockett could be fired from a truck. [[Archive Search Report On the Use of Cartridge, 20mm Spotting M101 for Davy Crockett Light Weapon M28, Schofield Barracks and Associated Training Areas, Islands of Oahu and Hawai'i, Army Corps of Engineers, May 2007, p. 3-11]*

*This might leave back/ rear plate assemblies on the truck instead of on the ground. Hawai'i had 14 trucks for the Davy Crockett. [ASR p. C-291]*

*Hazardous disposal practices were used during the spotting round era.*

“...until the late 1960s, ocean dumping was one of the ways chemical agents and munitions were routinely disposed of since World War I. The other means were **open-pit burning and land burial...**” *[Honolulu Star-Bulletin, 11-9-05, bold added]*

*The spotting rounds might have been treated as scrap, since a 1961 study recommended*

“that all spotting rounds be left in the impact area and that the impact area not be considered a radiation area. This suggestion was favorably considered by the...Atomic Energy Laboratory [of the Atomic Energy Commission] *[Uranium Alloys for Critical Ordnance Components, Watertown Arsenal Labs, 23 Oct 1961, p. 3; ASR p. 5-26 and p. C-120]*

*A memo describes how scrap from range clearance (not DU, not from Pohakuloa) was dumped into a crater in 1962--*

“The 6<sup>th</sup> Ordnance Detachment (ED) conducted range clearance in the Lalamilo Farm Lot, near Kamuela, Hawaii, during 19 February 1962 through 2 March 1962. Recovered were 800+ items of which 333 were destroyed by demolition and the remaining items were classified as scrap. With permission received from the Base Camp Commander, this scrap was dumped into a crater in the artillery impact area at Pohakuloa.” *[Appendix C-20, NARA College Park, Maryland (CP), Report for HQ, United States Army, Hawaii, APO 957 entitled Staff Office Report, Office of the Ordnance Officer, January-March 1962, dated spring 1962, RG 550, Records of the United States Army, Pacific, Entry 17, U.S. Army Hawaii 1959-1963, Box 10, CP-121406-003, in ASR, p. C-296]*

***Contrary to the Technical Memorandum, DU seems to be present, and in the dangerous oxidized form, and mobile.***

“The report makes a comment that from the soil sampling done at PTA, there is no evidence that DU is present. This is based upon isotopic analysis of uranium and that the signature is not consistent with that of DU.

Insufficient information is provided to state that conclusion and the data provided do, in fact support the alternative conclusion. The results of a 2007 soil analysis is presented in Table 2-1 and the location of the nine samples are referenced to Table 2-3. There is no table 2-3 but the locations do appear on Figure 2-2. Table 2-1 lists the activity for uranium isotopes. The soil samples were collected in areas where sediment had or may have collected from past

runoff or erosion. That seems to indicate it could be a time integrated sample with several or multiple sources along the lines of flow contributing to the sediment accumulation. The text on page 2-3 states "None of the results indicate uranium depletion, where the 234-U activity concentration is significantly lower than the 238-U activity concentration."

Although it might be useful to define "significantly lower," the amount as presented by the IAEA in a question and answer information sheet should suffice to indicate this magnitude. [http://www.iaea.org/NewsCenter/Features/DU/du\\_qaa.shtml](http://www.iaea.org/NewsCenter/Features/DU/du_qaa.shtml)

The activity ratio of natural uranium 234/238 is 1, suggesting secular equilibrium. The activity ratio of depleted uranium 234/238 is 1:5.5, a lower value, and up to the reader to determine degree of significance.

Of the 9 samples listed in Table 4-1, three have activities of 234-U below that of 238-U. Sample 4011 is 25 percent lower. A reasonable challenge to the "no DU" statement can be made based on the analytical results and the method of sample collecting. As the sample could be integrated over time and derived from several locations, it is very likely a mixture of natural and DU contaminated soils. Thus, DU is not only present but it is mobile!

...The report states (page 2-3) "The visual and scanning surveys identified no distinct surface areas with yellow, oxidized DU metal fragments." Yet the figure Photo 4-1 (page 4-7) clearly shows a partial metal DU fragment of a spotting round with yellow coloration on its surface. Later (page 4-8), the report states that only very minor oxidation is present, but again the subjective characterization is open to interpretation. Regardless, there is oxidation present and the oxidized form is readily converted to aerosols and thus available for migration.

*[e-mail from Reimer to Harden, 10-27-09 6:08 PM]*

[Army] "reports on airborne U concentration state they follow the WHO guidelines on soluble uranium...DU and DU oxides are not soluble (have a low solubility). I think WHO groups the two anyhow. Also, ASTDR (agency for toxic substances and disease registry) looks at chronic exposures and uses soluble uranium as a guide. When entrained in your body, the soluble U has a more rapid clearance time and is considered less of a health risk." *[e-mail from Reimer to Harden, 9-25-09]*

***Helicopter searches may have failed to find DU because rotor wash blew it away.***

"This report primarily summarizes on an air mapping of the Pahakuloa Training Area to search for DU, and oxides of Uranium which may have resulted from DU on the range. I would like to analyze the sensitivity/adequacy of the methods used. Before getting to those calculations, I would make comments on the technique used, and on the data for alpha spectrometry presented in the report.

"Data collection:

A set of 4 NaI detectors were used under a helicopter flying at 3-4 meters altitude. It was noted on p 4-15 of the report that flight restrictions were required " due to the presence of lightweight debris (plywood, aluminum scrap, aluminum target, and munitions debris) which could become airborne due to helicopter rotor wash. Volcanic dust limited the minimum altitude in places throughout the range". It seems reasonable to assume that the Uranium oxide dust, a contaminant critical to measure, would likewise be blown away by the same rotor wash before it could be measured." *[comments by Blann, 7-24-09]*

***The soil sample analysis method may have been inappropriate.***

"Alpha spectrometric results:

Table 4-1 gives results for soil sample analyses by alpha spectrometry, on p. 4-1 " by a NELAP accredited laboratory using method ATSM-D3972."

I assume that this meant to be "ASTM-D3972", which is a protocol for testing water samples for U. Water samples differ from soil samples, especially if trace alpha emitters are the focus. The protocol cited is not valid. How was a weightless sample obtained for the alpha spectroscopy?

The soil sample would have to be completely dissolved. Before running through an anion exchange column to get the U fraction, how was the bulk of silicon etc. removed? If by precipitation, then likely trace radioactivities were co-precipitated and lost to the sample. My point is, that there is a lot of chemistry to be done before being able to do meaningful alpha spectrometry on a soil sample; citing an inapplicable protocol leaves me with no confidence in the table presented. "Trust me" is not an acceptable basis for a scientific report." [comments by Blann, 7-24-09]

***Aerial survey methodology may have been inappropriate.***

"Results of aerial survey:

Is the methodology appropriate to the task? In flyover radiation counting, 4- 4 liter volume TI activated NaI detectors were used to gather gamma spectra, looking for 766 and 1001 keV photons emitted by <sup>234m</sup>Pa decay. To evaluate sensitivity, we need to know the branching ratios for the gammas observed, the photopeak efficiencies of the crystals for those gamma energies, and the detector solid angle. The 1001 keV gamma has a branching ratio (abundance per decay) of just 0.8% (0.008) [NIM in Physics Research, A424(1999)425-443], and the 766.36 keV gamma has a branch of 0.294, with a transition at 781.37 (0.00778 branch) which would be non-resolvable from the 766 using the NaI crystals of this measurement. I do note a discrepancy in branching ratio for the 1001. KeV photon with a branch of 0.837 in the Nuclear Data Table result, vs. the 0.0083 of the published research paper. The latter result seems accepted in other works- but this point needs further scrutiny. If the published paper cited is correct, Cabrera was seeking a phantom." [comments by Blann, 7-24-09]

***Blann recommended a "more sensitive assay of ground radiation".***

"Solid angles: The altitudes cited were of 3-4 meters height. NaI detectors are usually right circular cylinders with PM tube mounted at the top of the cylinder with suitable reflector/light pipe. Resolution is poor for these detectors (e.g. vs. (HP)Ge), and the photoefficiency for the 2 gammas of interest is not cited- a guess might be around 0.4 (40%). Lacking the data on detector geometry, we might generously assume a cubic 4 liter crystal, so that one face would be 252cm<sup>2</sup>. At 3 meters height, the area of a sphere would be 1.13x10<sup>6</sup> cm<sup>2</sup> ( 1.13 million square centimeters), so the solid angle of one NaI detector would be 2.2\*10<sup>(-4)</sup>. At 4 meters altitude the solid angle would be reduced to 1.25\*10<sup>(-4)</sup>.

Count rates required for detection: The report states that the detector system travelled at 2-3 m/sec, with counts being taken at 1 second intervals. My own guess is that a minimum of 50 counts of either gamma would be required to resolve the appearance of a possible peak rising above the Compton scatter plus cosmic ray background. Trying to concentrate analyses of these gammas on just ' regions of interest', without a proper unfolding of photo/Compton responses, beginning at the highest energies and working down, or by simultaneous least square fitting, is to my opinion asking for questionable results.

If the solid angle is 2.2\*10<sup>(-4)</sup>, the BR( branching ratio) is 0.294, and the photopeak efficiency of the detector is 0.4, the number of dps necessary averaged over the 2-3 meters travelled, will be (50 counts detected)/[(0.4 photopeak efficiency)\*(0.00022solid angle)\*(BR=0.26 or 0.008)]= 1.7\*10<sup>6</sup> or 5.5\*10<sup>7</sup> Pa<sup>234</sup> dps. Since there is transient equilibrium with <sup>238</sup>U, <sup>234</sup>Th and <sup>234</sup>Pa- and <sup>234</sup>U, the actual dps implied will be triple these numbers. If the altitude during sampling were 4 m, these numbers would all be approximately doubled due to reduced solid angle. I have not divided by 4 due to use of 4 detectors, because I believe that each will require the 50 counts to be able to separate peak from background. If better detail had been given in the report, this point could be based more on fact than experience. From this exercise I deduce that the gamma ray measurements would only yield positive detector response if the average ground radiation levels were 4.5 milliCuries for the 1001 keV gamma, or nearer 0.15 milliCuries for the 766 keV gamma.

These levels are the noise levels below which I believe definite, reliable 'signals' would not be received by the apparatus used. The gear apparently had no anti-coincidence shielding, nor was discussion given of any attenuation between 'sample' and detector. I do not feel that this lower level of radiation gives confidence in the safety of the facility for personnel working there, nor does it address the question of possible migration of oxides offsite over the past 40 years. A more sensitive assay of ground radiation should be undertaken." [comments by Blann, 7-24-09]

- **Final Technical Memorandum, Depleted Uranium Scoping Investigation, Makua...Pohakuloa...Schofield...prepared for Army by Cabrera Services, April 2008**

***Difficult, dangerous conditions prevented a thorough search at Makua.***

"...the vegetation was very dense, and the aerial survey was limited to ravines and dry stream beds. No pistons were spotted during the aerial survey of MMR. Physical entry to range areas was precluded by safety concerns... No DU fragments were identified at MMR." [Memorandum p. 4-1]

***Some identical text appears in reports for different sites.***

"...the final technical report reads the same of PTA as it does for Makua." [e-mail from Reimer to Harden, 10-1-09]

***Identical photos—with different labels—appear in reports for different sites.***

"In the Makua technical memorandum, the text refers to figures 4-4 and 4-5 showing oxidized parts of DU spotter rounds. Both photographs are labeled photo 4-5. The same two photos appear in the PTA final technical memorandum labeled as 4-9 and 4-10 but are not referenced in the text as far as I noticed. One might reasonably ask if these parts are from Makua or PTA or are they simply staged photos for illustrative purposes?" [e-mail from Reimer to Harden, 10-1-09]

- **Final Characterization Report, Schofield Barracks Davy Crockett Impact Area, April 2008**

***Again, difficult, dangerous conditions prevented a thorough search.***

"Due to the steep slopes and safety considerations, a GWS (Gamma Walkover Survey) was not performed of the ravines." [Report p. 3-5]

- **Final Technical Memorandum, Schofield Barracks Firing Range, Monitoring of Air Quality During Burning of Vegetation, by Cabrera Services for the Army, April 2008**

***NRC criticized the study.***

"...the Army's burn data had large uncertainties..." [Staff Assessment enclosure in memorandum from Dominick Orlando of NRC to Andrew Persinko of NRC, 12-27-12, ML12354A165]

***Surface scrapes of ash, soil, twigs and sticks were substituted for ash samples.***

"The sampling design for collecting ash samples was to place vegetation in a foil tray during the burn and collect ash from the tray following the burn. However, activities of the Army personnel during the prescribed burns and high winds potentially affecting the ash or the foil trays made this approach impractical. Therefore, ash samples consisted of surface scrapes that included a mixture of soil and ash..." [Memorandum p. 2-3]

"...surface scrapes were used to collect ash samples, although some surface soil and solid material (e.g. twigs, sticks) were included in the samples. The wind continually stirred up the ash making it difficult to collect ash samples." [Memorandum p. 3-4]

"I am truly unimpressed at the care in some sample monitoring at Schofield...when the wind was too strong to collect the filters for aerosol determination, some brushings from the soil were used instead for analysis." *[commentary by Reimer, West Hawai'i Today, 9-4-10]*

***One air sampler failed.***

"...eight air samplers were deployed around the test burn area...Following the test burn it was found that the air sampler for filter 1050 had shut down during the test burn. ...Air filter 1050 was analyzed to provide qualitative information on the presence of DU." *[Memorandum p. 3-4]*

***Some post-burn samples were collected away from pre-burn sample sites.***

"...three of the locations where pre-burn soil and vegetation samples were collected had not been burned. ... Five ash samples were collected from locations where sufficient amounts of ash were present for sampling, but not corresponding to the soil and vegetation sample locations selected prior to the burn." *[Memorandum p. 3-4]*

***Pang says the study shows DU contamination and numbers were too small for analysis.***

*[the Memorandum]* "...uses U 238: U 234 ratios and clearly shows the targeted burn site was highly contaminated with DU. ...For air sampling the numbers are too small for statistical analysis..." *[e-mail from Pang to Harden about May 2008]*

- **Army Information Booklet/ Depleted Uranium (DU) in Hawaii, 2007**

***There are contradictory statements about the size of DU remnants.***

"...the uranium primarily exists as large metal fragments..." *[Booklet p. 5]*

"Most DU found in the Schofield impact area is in the form of flecks and grains.." *[Booklet p. 5]*

"DU fragments have been observed throughout SBIA [Schofield Barracks Impact Area] as discrete metal fragments and as fine particulate matter." *[Schofield Characterization, p. vi]*

***The Army did not do monitoring as promised.***

*The booklet says*

"The Army will...continue to monitor these ranges to determine whether migration occurs." *[Booklet p. 6]*

*Later I wrote to Col. Killian*

"Was there any monitoring for airborne DU or other radioactivity during or after impacts from several 2,000-pound bombs dropped on October 23, 2007?" *[letter from Harden to Killian probably in 2008]*

*He wrote back*

"The Army did not monitor these events." *[letter from Killian to Harden, 4-15-08]*

**Concerns were raised about a civilian report.**

***Waiki'i Ranch DU Report July 2008***

*Including: Report on Uranium Isotope Analysis, done for Waiki'i Ranch by Prof. Randall Parrish, NERC Isotope Geosciences Laboratory, British Geological Survey*

***DU was found at the detection limit of the technique, so the actual measurement could range from zero to twice the measured value.***

"The value of this quantity we measured in your sample was  $5 \times 10^{-7}$ , in other words this measurement is just at our detection limit." *[Report on Uranium Isotope Analysis, done for Waiki'i Ranch by Parrish]*

"The analysis showed a uranium ratio suggestive of DU but at a concentration that was close to the lower detection limit of the technique, resulting in a "trace within a trace", but it was still there!" *[comments on the September 10, 2012 "Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU)" by Reimer, 10-22-12]*

"Initially the army argued that since the uncertainty of the measurement was plus or minus 1% and 1% was found perhaps the real value could be zero—and so they declared that none was detected. It was pointed out that it could have equally been 2%—and they stopped making this claim. ..." *[e-mail from Pang to Harden, 5-23-10]*

"I also agree that a measurement with an uncertainty that is as large as the measured value itself could range from zero to twice the measure value." *[e-mail from Allen, 7-20-09]*

"If he [Parrish] is going to say that the reading is 1% DU with a measurement error of 1% then it might really be 2%...can one do a back calculation to see if even at 1% of the U being DU is that compatible with the amount of DC [Davy Crockett] weapons that they report used?" *[e-mail from Pang, 7-19-08, 8:19 AM]*

***Particle size was not measured, though smaller particles are more hazardous.***

"I will assume that all the DU would be the oxide form in fine dust without the self-shielding vs larger chunks of natural uranium...oxidized forms persist in the body for decades..." *[e-mail from Pang to Harden, 5-23-10]*

"Unfortunately, the method used to analyze the sample does not measure particle size... This parameter is important for reasons Dr. Pang mentioned. Yes the smaller particles will travel farther downwind and pose more of a health risk... A question to consider is does dust with 7 ppb (or 14 ppb) DU fall within the acceptable range of exposure to DU?...oxidized forms [of U] are more dangerous. The rate of oxidation will depend on particle size." *[e-mail from Allen, 7-20-09]*

"..they should take electron microscope pictures of the uranium found in Hawai'i to see if it had been fired. Uranium burns at 3000 to 6000 degrees Centigrade (at ambient temperature due to friction) and creates the serious biohazard metal fumes and nano-particles." *[e-mail from Bertell, 7-16-09]*

"...the health risk and relevance must take into account the size and chemical (oxide) composition—versus the background U...does not the ratio of DU/ U change versus distance from target site?" *[e-mail from Pang, 7-19-08, 11:44 AM]*

***There was only one sample.***

"Dr. Pang is correct that a single sample does not provide statistical data..." *[e-mail from Allen, 7-20-09]*

"Suppose the wind variation and the on ground DU distribution made aggregate dust sampling non-homogenous, just as a person's blood glucose level changed from hour to hour. Now suppose that you tried to determine if a person was diabetic from a single sample—worse yet if an entire population's diagnosis of diabetes depended on that single sample." *[e-mail from Pang, 3-11-09]*

"It is hard to do statistics with a sample of one..." [e-mail from Pang, 7-19-08, 8:19 AM]

**DU from spotting rounds may ignite spontaneously.**

"...depleted uranium was ultimately selected [for munitions] because of its...pyrophoricity (spontaneous combustion upon exposure to air)." [NRC Fact Sheet, License Application for Depleted Uranium at U.S. Army Sites, August 2009]

"Uranium, especially in concentrated fine grained form, is pyrophoric at ambient temperatures..." [Comments of Depleted Uranium Information by Bertell, 12-18-07]

"Chemically, DU is identical to "normal" uranium...At room temperature, humidity can promote the oxidation of uranium. When uranium is fragmented in chips, powder, and turnings, the metal becomes pyrophoric, spontaneously ignites in air." [DU Technical Brief, EPA 402-R-06-011, Dec. 2006, p. 20]

**Wildfires and controlled burns may disperse DU.**

[a study] "...concludes that fires in forests where depleted uranium is present can cause the DU to be carried in the air...only small amounts of depleted uranium are dispersed by fires. The study said the dispersal of DU can happen whether the fire is a wildfire or a controlled-burn conducted for forest management." [Depleted uranium at JPG [Jefferson Proving Ground] on meeting agenda for tonight, Madison Courier, 7-18-06]

"The Cerro Grande [nuclear research facility area] fire did contribute a higher [radiation] dose to the public than the Viveash [area with no human-made nuclear material] fire...both doses wer 1/10,000<sup>th</sup> the federal radionuclide NESHAP [acronym not defined] limit..." [Volkerding, Comparison of the radiological dose form the Cerro Grande fire to a nautral wildfire, environment International, 29 (2003) pp. 987-993]

**Animals may carry radioactivity out of RCAs (Radiation Control Areas).**

At Hanford nuclear reservation in Washington state, rabbits, mice, wasps, flies, and gnats have become contaminated. In 2009, 33 contaminated animals or animal materials (such as droppings) were reported on the site.

**A new water well is not being checked for DU.**

Dr. Cherry of the Army said they will do their best to check for DU in exploratory water wells planned for Pohakuloa—but project manager Don Thomas says he's not doing that. [my notes from 7-12-12 Army/ NRC meeting; my correspondence with Thomas about 2012]

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**Profiles**

**Stephen Allen** PhD, assistant professor of chemistry, Hawai'i Pacific University

**Rosalie Bertell** member of International Physicians for Humanitarian Medicine, laureate of United Nations Environmental Programme Global 500 Roll of Honor

**Marshall Blann** PhD, consultant at Los Alamos and Lawrence Livermore National Laboratories, Physics Directorate at Livermore, professor at University of Rochester

**Lorin Pang** former Army doctor, consultant to the World Health Organization, head of Maui Department of Health (but speaking on DU as a private citizen)

**Michael Reimer** PhD in geology, 25 years at U.S. Geological Survey working on radiation in the natural environment, National Academy of Science postdoctoral fellowship at the National Institute for Science and Technology, research professor at Colorado School of Mines

**MEMORANDUM**

**TO:** Cory Harden  
**FROM:** Peter Strauss  
**DATE:** August 1, 2008  
**SUBJ:** **Independent Review of Pohakuloa Training Area (PTA): Depleted Uranium from the Davey Crockett Weapon System**

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**Introduction**

In 2005, spotting rounds associated with the Davy Crockett Light Weapon were discovered during routine activities at Schofield Barracks. These spotting rounds contained depleted uranium (DU). Spotting Rounds were used in practice for targeting the weapon. DU was used because of its heavy weight and density, which was supposed to mimic the trajectory of the projectile. The practice projectile did not contain any DU.

The Davey Crockett Weapon system was a tactical nuclear weapon, designed for use in the field. Target training of the weapon took place in three ranges in Hawaii. The suspected ranges include Makua Military Reservation (MMR) on Oahu, Pohakuloa Training Area (PTA) on Hawaii, and Schofield Barracks Impact Area on Oahu. For MMR and PTA, an archive search was done. A Technical Memorandum summarizing the results of the survey was completed in April 2008. This report focuses on PTA.

PTA is located on the island of Hawaii between Mauna Loa, Mauna Kea, and the Hualalai Volcanic Mountains. Its elevation ranges to approximately 6,800 feet to 9,000 feet. Groundwater occurrence on the island of Hawai'i is not well studied, although groundwater is used as the major drinking water source on the Island. Depth to groundwater is approximately 600 to 2,000 feet below ground surface (bgs). The 29-year average annual precipitation on the northern portion of the installation ranges from 10 to 16 inches.

## The Davey Crockett Weapon System

This weapon system was based on recoilless rifle, a launcher similar to the shoulder-fired bazooka used during the Second World War. This weapon system, which was produced from 1960 until 1968, was used in training until 1968. It contained a warhead equivalent to 10 tons of TNT in destructive power. Only 80 warheads were produced during the first generation of the weapon. This was replaced by the W-48 warhead. The W-48 could be used in a more standard 155 mm howitzer. The W-48 increased destructive power of the earlier weapon by 7 fold. Together, almost 1,000 of these warheads were produced. Below is a picture of the earlier weapon, mounted on a truck.



In 1962, this weapon system was tested in Nevada; a picture of that explosion is shown below.



<http://www.youtube.com/watch?v=khyZI3RK2IE>

The Davey Crockett used a piston to fire each practice round. It was like a booster: the piston is discharged from the weapon, and falls off the projectile, anywhere from 30 to 60 feet from the weapon. The practice rounds had a range of approximately 1,000 to 1,500 yards. The DU spotting rounds were used to help the weapon system operator to target the weapon accurately. The spotting rounds were equipped with a small explosive charge to provide the operator of the weapon with information on the accuracy of weapon. If the operator did not hit the target with

the spotting round, it would adjust the weapon and fire another spotting round. This would be repeated until the spotting round hit the target; after which the practice round was fired. Below is a photograph of the DU spotting rounds recovered from the Scofield Barracks.



### U.S. Army Analysis

Analysis of the extent of DU on PTA was done by Cabrera for the Army. It first did an archival search. Because the weapon system was classified, this may have been more difficult than anticipated. Afterwards, a field scoping survey investigations conducted at PTA areas in August of 2007. The scoping survey was performed to assess the presence of DU fragments that might have originated from past training activities involving Davy Crockett. The survey's objectives were to identify whether the Davey Crockett was used at PTA, and if so, where and to what extent. It used historical data, aerial reconnaissance, radiation detection, and soil samples. If it was found that the Davey Crockett was used, readily visible DU was retrieved, where possible. Soil samples, were collected, if possible. Both of these latter tasks were made difficult because of the unexploded ordinance on the PTA.

The aerial survey revealed the presence of pistons used to fire practice rounds. "A rough estimate showed there to be approximately 30-100 pistons at each of four locations."

The field teams made "rough" calculations based upon the location of the pistons, the operational range of the Davy Crockett system, and the likely firing points. Once these calculations were made, field personnel traveled to the likely impact areas. Field teams made two trips into the impact area. The field team consisted of three personnel, one of which was the UXO escort. Where terrain, vegetation, and safety concerns allowed access, radiological surveys to measure levels of alpha, beta, and gamma radiation were done. It is important to note that DU is a composite of different isotopes of uranium, but on the whole it is chiefly an alpha emitter. Alpha particles will usually not penetrate an ordinary sheet of paper or the outer layer of skin. Alpha radiation is more damaging than the same dose of beta or gamma radiation. Further, alpha particles are very heavy and very energetic compared to other common types of radiation. Uranium is also a weak gamma emitter. As such, in areas that have naturally occurring uranium, it is very difficult to discern the presence of DU through standard radiation detection techniques.

During the first trip into the impact area, no locations were identified. During the second trip into the impact area, the team located one spotting round. The round was recovered intact. No soil

samples were collected because the round was resting on basaltic rock.

Soil samples were collected at areas where sediment had accumulated from past runoff/erosion events. Ten soil samples were collected around the perimeter of the suspect impact areas at the PTA during the scoping survey. All of the samples were analyzed for isotopic uranium by alpha spectrometry. All of the results are consistent with naturally occurring concentrations of uranium. None of the results indicate the presence of depleted uranium. Soil samples collected around the perimeter of the site did not indicate the presence of DU, although the consultant (Cabrera) noted that the data “do not represent a statistically significant data set”.

The results of the PTA scoping survey confirmed four areas were used to test fire the weapon, as described above. There was only one siting and recovery of a spotting round. The report noted that sampling of the impact areas would yield a more significant result. Furthermore, “Cabrera recommends that the Army conduct a characterization survey of the impact range, with an emphasis on defining the impact areas, eliminating areas where possible from further evaluation, and developing data appropriate to support a human health risk assessment.”

### **Analysis of Cabrera Report**

#### Number of Practice Rounds

Based on aerial reconnaissance, there is definitive evidence that the Davey Crockett weapon was used at PTA. Anywhere from 120 to 400 pistons were identified by air at PTA (30 to 100 in four locations). Because of the sparse vegetation on PTA, the Army is confident that this is probably the extent of practice firing at PTA, although it cannot be ruled out that other locations were missed. If this estimate is correct, up to 400 firings of the weapon took place. However, the number of times the weapon was fired based on aerial reconnaissance can only be roughly estimated by this method. If vegetation or terrain blocked visual recognition, one may have not been able to identify a firing location, or the presence of discharged pistons. To be conservative, I would use the upper end of this range. Note that the Davey Crockett practice rounds were made of plastic with an explosive charge. They would not leave a signature on the firing range after more than 50 years. (As noted above, I have confirmed that the practice rounds did not contain DU.)

#### Number of Spotting Rounds

I have estimated that up to 120 to 2,000 spotting rounds were fired on the PTA. The Army has stated anywhere from one to five spotting rounds were used for each practice round. Again, I would use the upper end of this range, because of the roughness of the estimates. The spotting round was made of a DU/molybdenum alloy, containing 92% DU, weighing 6.7 ounces each. Thus, if the maximum number were fired, 770 pounds of DU would be present on PTA. (If only one spotting round was fired for each practice round, there would be 46 pounds on PTA.)

Further evidence of the amount of spotting rounds was revealed in the archival survey. It was confirmed that 714 spotting rounds were shipped, containing 275 pounds of DU. In my opinion, this is not definitive – merely it is indicative that at least one shipping document was located. Record searches of shipping papers dating back 50 years cannot be relied on as a definitive source – but may be used as a first step in understanding if there is a problem. It should be noted that the ITRC UXO Team stated that “It is critically important to recognize the potential limitations of many initial historical reviews. The historical research may not be exhaustive and may not have identified all potential munitions sites or hazards”. Furthermore it states that

“Some initial historical reviews may be cursory reviews that are not intended to be an all-inclusive, exhaustive review of available historical records. Such reviews are usually intended to provide enough information to identify areas that require an immediate response or to prioritize the site for the next step in the munitions response.”

It should be noted that I personally have not performed an archival search, and have not reviewed the Archival Search by the US Army Corps of Engineers (2007), except for the summation in the Technical Memorandum. There is no information about the use of the Davey Crockett in the summation with regards to PTA, only that there were 12 firing ranges on PTA. However, the Army’s Radiation Health Specialist feels confident that only 714 spotting rounds were shipped.

### Location of the DU

The Army attempted to get a better picture of the extent and location of DU on PTA by using radiation detectors in the field. Because DU is primarily an alpha emitter – it does not travel far and can be easily shielded, detection is very difficult. Ground surveys using radiation detectors suffer if one is not immediately above an item, so long as it is not shielded. As noted in the Army’s analysis, upon identifying the firing locations, estimates of four impact areas were made. Personnel traveled to the likely impact areas - however in the scoping survey, “the rough terrain limited accessibility to the suspected impact areas”. During one trip, no spotting rounds were identified; during a second trip one spotting round was identified. This highlights the limitations of scoping survey, but says little about the presence or extent of DU on the range.

Soil samples and laboratory analysis are the most reliable technique for identifying the presence and migration of DU. However, soil samples depend on locating the sites where the rounds have fallen. The samples that were taken were taken from the perimeter of the impact area, and are not reliable indicator of what is on the site. No other biological, air or groundwater analysis was done to more accurately identify the location of the DU.

All that being said, there is little reliable information about the location of DU on the four impact areas.

### Health Threat of DU

The health effects of DU are controversial. The science surrounding DU’s effects on the body is rapidly expanding due in large part to the concerns that have arisen from its use in weapon systems deployed in the Gulf War and the 1999 NATO action in the former Yugoslavia and the health effects that are known as Gulf War Syndrome. DU is primarily dangerous to people when it gets inside the body: through ingestion or inhalation. Inside the body, DU creates risks both as a toxic heavy metal and as a radioactive material. Exposure to DU in water is regulated largely because uranium is known to be nephrotoxic (toxic to the kidneys).

But health effects can only present themselves if there are exposure pathways. Below I have briefly described the issues involved with the two major potential pathways at PTA. One is through inhalation, the other through ingestion of drinking water.

#### Inhalation

Inhalation is of concern both in the short term and the long term. In the short term, it is probably more critical to workers in the field than residents of the island. It is unlikely, in my opinion, that small particles of DU would be inhaled unless the person was in the immediate

vicinity. Wind-carried particles would not likely carry very far because of the weight of the DU. Because the spotting rounds were not vaporized, but broke into fragments, off-site inhalation would be unlikely. Homeowners nearby took air samples and had them analyzed, and there did not appear to be the presence of uranium above background. Although the samples were collected by the Homeowners Association and the chain of custody and quality control probably did not follow general procedures, I would have expected the same result.

However, should changes to the land-use take place, recreational or other users could be exposed to DU through this pathway.

### Ingestion

Infiltration and percolation of surface water could potentially dissolve and transport chemicals deposited in surface soils to the subsurface, including DU. However, it is posited by the Army that most of the mass of chemical residues are expected to dissolve relatively slowly in water and would remain in shallow soils. A Professor at the University of Hawaii has stated that “the high binding affinity that U (Uranium) has for Fe (iron)-rich particulates found in Hawaii soils should help immobilize the U (i.e., DU particles) near the point of impact.” I agree that geochemistry of the site makes it unlikely that DU is leaching from the surface to the groundwater. However, because of the sparseness of information about groundwater, and the fact that it supplies the majority of drinking water for the Island, long-term monitoring of groundwater, as recommended below, is important.

### **Recommendations**

I have several recommendations for further action.

#### 1. Ensure follow through on Cabrera’s recommendations

The Army is just beginning to follow up on the Cabrera recommendations (i.e., “the Army conduct a characterization survey of the impact range, with an emphasis on defining the impact areas, eliminating areas where possible from further evaluation, and developing data appropriate to support a human health risk assessment”). Greg Komb indicated that the Army is flying over the impact areas with radiation detection devices, using low-flying helicopters to detect radiation anomalies. In my opinion, it’s unlikely that a helicopter would be able to distinguish readings from natural background. However, Greg Komb has stated that in flat terrain over the Scofield Barracks, he was able to discern the presence of DU. Regardless, aerial radiation detection would be gross, and in my opinion, I would not rely on it for evidence. Instead statistically significant soil samples analyzed by mass spectrometry and field radiation detection should be carried out, except where there are concerns about safety due to the unexploded ordinance in the impact areas.

#### 2. Establish Long-Term Monitoring

Long-term monitoring of soil and groundwater is essential to ensure that DU is not migrating through the environment. In particular, potable supplies of groundwater should be monitored. After any DU is found and cleared, then perimeter sampling of soil should be sufficient. I would recommend that the sampling be done annually, and after five years with no indication of DU, it may be adjusted to once every two years. Potable water supplies should be monitored annually. In addition, and as the Army intends, if there is any construction activity on PTA, soil samples and radiation

detection should take place. If any DU is found, then a wider area should be surveyed.

### 3. Defining a Hazard

During my conversation with Greg Komb he stated that unless there were a hazard it would be unlikely that the Army would take active steps to remediate the area. I asked him what this meant, using the example that if he discovered 2,000 spotting rounds, would he consider this a hazard? The question was left unanswered. The Army needs to inform the public about how they would define a hazard that would lead to further action. From my review of munitions response documents, hazard assessment is based on a site-by-site analysis, and does not have strong regulatory guidance. Keep in mind, however, that probably the greatest hazard on PTA is from UXO.

#### **Sources of Information**

Phone with Howard Sugai (Indoor and Radiological Health Branch), Department of the Army: [imcom-pacific-du@hawaii.army.mil](mailto:imcom-pacific-du@hawaii.army.mil), July 23, 2008

Phone with Greg Komb, Radiation Health and Safety Specialist, U.S. Army, July 28, 2008

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Literature Search of the Davey Crockett Weapon

Final Technical Memorandum: Depleted Uranium Scoping Investigations, Makua Military Reservation, Pohakuloa Training Area, Schofield Barracks Impact Area, Islands of Oahu and Hawaii, Prepared for Department of the Army, Cabrera Services, April 2008

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Presentation of Kenneth H. Rubin, Ph.D., Professor and Chair of the Volcanology, Geochemistry and Petrology Division, Department of Geology and Geophysics, School of Ocean and Earth Science and Technology, University of Hawaii

Science for the Vulnerable Setting Radiation and Multiple Exposure Environmental Health Standards to Protect Those Most at Risk, Arjun Makhijani, Ph.D., Brice Smith, Ph.D., Michael C. Thorne, Ph.D., Chapter 8, October 19, 2006

Interstate Technology Regulatory Council (ITRC), Munitions Response Historical Records Review, November 2003

**From:** Cory <333cory@gmail.com>  
**Sent:** Sunday, May 22, 2022 6:47 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Sierra Club  
**Attachments:** [ISSUE MIL US HI Pohakuloa 2022 5-22 fire.docx](#)

Aloha,  
Please acknowledge receipt.  
Adding to our earlier comments, please consider information from the attached article.  
mahalo, Cory Harden, Sierra Club, Hawai'i Island Group

## Firefighters complain about unsafe conditions at PTA

By MICHAEL BRESTOVANSKY Hawaii Tribune-Herald | Sunday, May 22, 2022, 12:05 a.m.

The U.S. Army is addressing complaints by federal firefighters about unsafe conditions at Pohakuloa Training Area, according to an Army official.

In March, firefighters at PTA made a complaint to the U.S. Department of Labor Occupational Safety and Health Administration listing several unresolved safety violations. Those violations included a missing fire suppression system in the living quarters of the PTA fire station, reportedly requiring firefighters to live in decades-old prefabricated steel Quonset huts without a formal kitchen area, and forcing them to wash dishes in a makeshift area by their toilet and shower.

Other violations reported included a lack of proper fit-testing for breathing apparatuses and masks, a nonfunctioning ventilation system that failed to remove gases from fire trucks, and other safety rules not being followed.

Furthermore, firefighters reported concerns earlier this month that the U.S. Army wanted to conduct a prescribed burn at Pohakuloa despite insufficient manpower and equipment to keep the fire under control.

Michael Donnelly, spokesman for the Hawaii U.S. Army Garrison, issued a statement last week acknowledging the complaints and seemingly indirectly confirming some of them, but claiming that others already have been resolved.

“U.S. Army Garrison Hawaii is in the final stages of transitioning our team to a new, and required, fire station on PTA,” wrote Donnelly. “U.S. Army Garrison Hawaii is actively addressing the requirements to install a fire suppression system in the facility, with construction starting early in fiscal year 2023. A separate sink to facilitate dishwashing was installed outside of the bathroom in the fall of 2021 and corrected within weeks of learning about the situation.”

Donnelly also stated that replacement and repair of equipment occurs on a timeline set by the Department of Defense and the Department of the Army based on fiscal year congressional funding.

He added that PTA’s current operational firefighting fleet includes “two wildland firefighting brush trucks operational with another in the shop for routine services, two fire engines, two ambulances, one crash truck, one tanker, and multiple command and utility vehicles.”

But firefighters insist that the situation at PTA is intolerable.

“What (Donnelly) doesn’t say is that those two brush trucks are barely standing,” said Kaanapu Jacobsen, president of the Federal Firefighters of Hawaii union. “The crash truck only has half a tank of the foam it needs, and those command vehicles can’t be driven by us because they don’t have lights and other equipment. We’re not allowed to drive them.”

Jacobsen said the firefighters filed two more complaints Friday regarding “managerial mismanagement” surrounding overtime and other concerns.

“They are lacking in so many areas,” Jacobsen said, adding that Army officials investigating the complaints earlier in the week agreed.

“They couldn’t believe what they were seeing,” Jacobsen said. “Folks in (Washington) D.C. said these are some of the worst living conditions in the country.”

Donnelly also stated the U.S. Army Garrison has not and does not plan to conduct prescribed burns within PTA this year, and will only do so “once all of the required personnel, equipment, coordination, and safety protocols (are) in place.”

Jacobsen agreed that the PTA firefighters are woefully underequipped — at minimum, PTA requires 13 firefighters on duty per shift, but it currently averages only six, he said.

“If we had a fire now, we could not respond to it,” Jacobsen said.

But he added that the current leadership at PTA is “very young and inexperienced,” which Jacobsen said has led them to make rash decisions such as ordering a controlled burn without understanding the risks.

Neither Jacobsen nor Donnelly have received a final report from OSHA inspectors who visited PTA in March, nor from the Army investigation earlier this week.

Reporter John Burnett contributed to this story.

Email Michael Brestovansky at [mbrestovansky@hawaiiitribune-herald.com](mailto:mbrestovansky@hawaiiitribune-herald.com).



# Individuals

Contact information was redacted for privacy.



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## Kimi Abbott-Jackson

Please do not renew the military's lease on Pohakuloa. I do not agree that the military should continue to bomb an active volcano. Year after year they continue to desecrate the island of Hawaii. This island has been used as a training area for too long. Even in Waikoloa Village we have been unable to build because of the unexploded ordnance. It is time to stop.

Aloha Kimi Abbott

**From:** Kimi Abbott-Jackson [REDACTED]  
**Sent:** Tuesday, April 26, 2022 8:26 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Oppose Renewal

Please do not renew the military's lease on Pohakuloa. I do not agree that the military should continue to bomb an active volcano. Year after year they continue to desecrate the island of Hawaii. This island has been used as a training area for too long. Even in Waikoloa Village we have been unable to build because of the unexploded ordnance. It is time to stop.

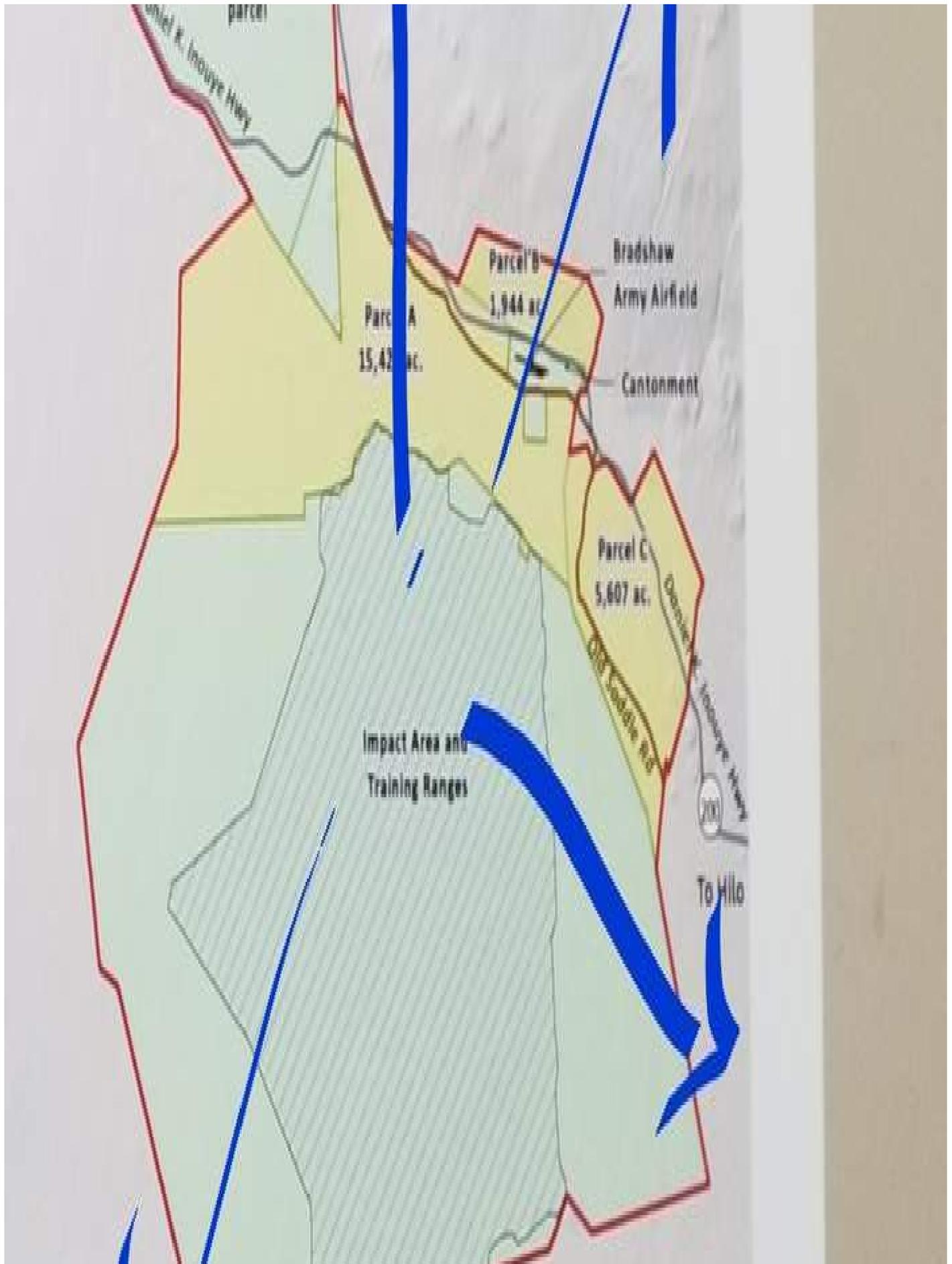
Aloha

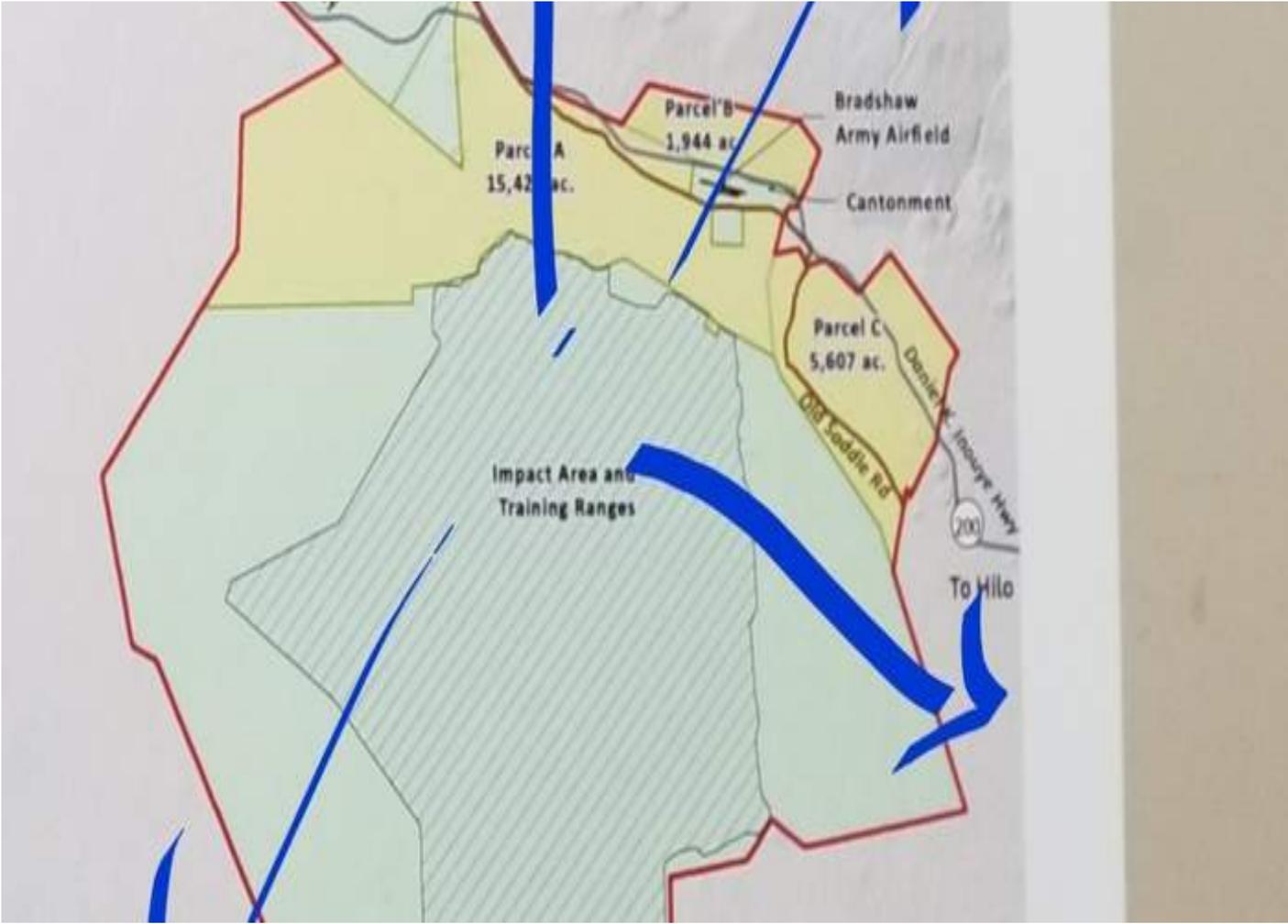
Kimi Abbott

Sent from my iPhone

## Chelsy Abe

The last Biological assessment was done in 2003. I think there should be a new study since it's been almost 20 years. How many miles away does the training affect? We have many endangered animals and insects in the area including the pueo which frequents Waiki'i area and nests on the ground, the nene which flies by and lands by the cattle guard on Mauna Kea access road, or the 'ua'u who nests in the mountain, also the Vanessa tameamea aka Kamehameha Butterfly and the Udara Blackburni aka Koa Butterfly which dwell in the area etc. When I am on the Mauna Kea access road or close to Kamuela, I can hear and feel the vibrations of all the training going on at Pokahuloa. If i can hear and feel it, imagine how all the animals and insects feel. I propagate a lot of native plants such as ohia, mamaki, koa and other native plants to help the native animals and insects thrive. All that land pohakuloa is taking up could be developed to reforest and preserve what little we have left.





**From:** C Abe [REDACTED]  
**Sent:** Sunday, May 29, 2022 6:26 PM  
**To:** G70 - ATR PTA EIS; usarmy.hawaii.comrel@mail.mil  
**Subject:** EIS  
**Attachments:** [Screenshot\\_20220529-175505\\_Gallery.jpg](#)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

I spoke with a woman named Alice at Imiloa. I gave her my email and phone number so she could answer some of my questions. I haven't heard from her since then. My question is how far was the Environmental Impact Assessment done? Was it only in the area of the training area or how many miles away does the training affect? We have many endangered animals in the area including the pueo which frequents Waki'i area and nests on the ground, the nene which flies by and lands by the cattle guard on Mauna Kea access road, or the 'ua'u who nests in the mountain etc. When I am on the Mauna Kea access road or close to Kamuela, I can hear and feel the vibrations of all the training going on at Pohakuloa. If I can hear and feel it, imagine how all the animals and insects feel. I propagate a lot of native plants such as ohia, mamaki, koa and other natives to help the native animals and insects thrive. All that land pohakuloa is taking up could be developed to reforest and preserve what little we have left. Alice said the people training were in charge of how far it affects but is unknown when the last assessment was done. Could someone please contact me?

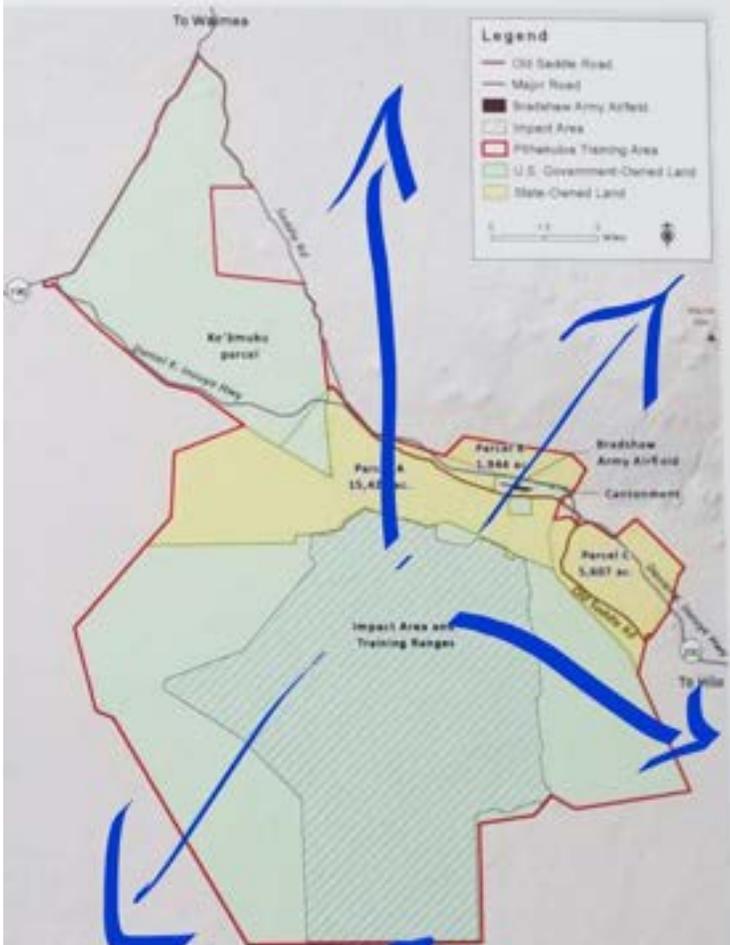
Mahalo,  
Chelsy Abe

5:54

87%



# CONSTRUCTION AT PŌHAKULOĀ TRAINING AREA ENVIRONMENTAL IMPACT STATEMENT (EIS)



**HOW FAR DOES IT AFFECT?**

Map Credit: G70



## Justin Abe

Attached is my statement for the Draft EIS public comments on the Army Training Land Retention at Pohakuloa Training Area.

I oppose the full continued lease of the Hawaiian Lands to the United States Military. As a born and raised Hawaiian and pursuing a degree in Environmental Science with knowledge of the NEPA process, I believe that water resources and hazardous materials are of concern with extending the lease for the full 23,00 acres.

In the original lease, Paragraph 9 states that the military must “make reasonable effort to...remove or deactivate all live or blank ammunition upon completion of a training or prior to entry by the said public”. This agreement goes with paragraph 19 that states they will “remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that the expenditures for removal of shells will not exceed the fair market value of the land”. I do feel that it is strongly beneficial that the military covers the Resource Conservation and Recovery Act of 1976 for management of the control of hazardous wastes and addition to removing the shells and ammunition once training is completed.

In addition, paragraph 14 states the military agrees to “take reasonable action...to prevent unnecessary damage or destruction of vegetation, wildlife and forest cover, geological features and related natural resources” and to “avoid pollution or contamination of all ground and surface waters and remove OR bury all trash, garbage and other waste materials”. I do not see how an option for burying trash an option for land within Hawaii is. With the training being completed 1,800 feet above an aquifer, the future possibility of pollution entering he water resources are increased with the lack of responsibility placed on the military. From the original time that the lease had been started, 65 years ago, there have been new technology with stronger weapons that has the capability to damage the land further and also create a higher chance of pollution into the soil and water resources. One example was the bazooka range that had been heavily contaminated with ammunition and unexploded ordinance that was reviewed in 2014-2015. If the military had been up to their lease agreement, there would not have been hazardous materials of dangerous levels reported.

The United States Military has had the many years of access to this land and failed to address the conditions on their lease agreement and within the EIS such as clearing hazardous materials after training procedures. The in-depth review of archaeological literature and cultural impact has many sources and statements that shows how important that the land is to the people of Hawaii and with the failure of clearing ammunition, should not allow them to extend their lease without engaging in surveying and removing hazardous materials. The review of this is also lacking for archaeological aspect as only 45% of the land has been analyzed for archaeological importance. There is over 11,500 acres that have not been surveyed for importance and possibly damaged from the 65 years of training completed by the U.S. Military. This reasoning should not allow the military for extension of the lease. If the decision is made for any of the alternatives besides the no action alternative, the lease should be modified to be applied to the new technology for clearing the land as well as hazardous materials within the ammunition.

**From:** Justin Abe [REDACTED]  
**Sent:** Monday, June 6, 2022 5:16 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Sarah Carvill  
**Subject:** Army Training Land Retention at Pohakuloa Training Area  
**Attachments:** [Army Training Land Retention at Pohakuloa Training Area.docx](#)

To Whom it May Concern,

Attached is my statement for the Draft EIS public comments on the Army Training Land Retention at Pohakuloa Training Area.

Thank you,

- Justin

To Whom It May Concern,

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Sincerely,  
Justin Abe

# Kalei Acia

Please save pohakuloa!!! Our 'aina is deteriorating!!!

## Jim Albertini

This is Jim Albertini from Kurtistown, Hawaii. I have been trying to watch this livestream on your -- on video online. The sound system at Waimea is just terrible, it's very, very difficult to understand people, and your print translation is awful. It doesn't make any sense whatsoever. So it's a very, very poor opportunity to have these -- to see what's going on. Besides, the Big Island is a big island. You should be having meetings in every district on the island. The Puna District in itself where I'm from is bigger than the island of O'ahu. So with the price of gas and everything to only have two meetings on the island, and with terrible sound systems, it's a disgrace. Please improve yourself. All right? Thank you.

Re: Pohakuloa

Americans with power believe in the trickle-down theory. That's because they can keep their power and wealth and steer clear of the toxins that trickle down to the rest of us.

I do NOT support lease renewal.

I DO support an immediate end to military use.

Stop the bombing. Clean it up and return the land.

Most Sincerely,

Nancy Aleck



## Karen Altergott

Hi, this is Karen Altergott, a resident of Waikoloa. I'm calling to encourage you to do an Environmental Impact Study. I know living here with the bombing sound is most unpleasant, and I am concerned about chemicals in the air that head down this way. Thank you very much for your time.

Theresa Arriola

I am writing to request that a comprehensive independent assessment of the chemicals at PTA be conducted in order to ensure that proper clean-up of these lands occurs. I believe the 133,000 acres of land should be returned to the Native Hawaiian people.

## Cameron Atsumi

Driving by Pohakuloa on Saddle, one can notice more and more visible developments on the slopes of Mauna Loa. From satellite imagery, one can view at the southwestern end of the old Kona-Hilo hwy these visible developments. Closer look showing jets parked in a white dashed quadrant above 7,000'. Please understand that the visibility of these developments and operations are an increasing concern to the growing surrounding populations. Greater traffic along Waikoloa Road during convoy transfers must also be addressed. Thank you.





“Change is the law of life. And those who look only to the past or present are certain to miss the future.”  
– John F. Kennedy (<https://www.bos.com/inspired/40-quotes-on-adapting-to-change/>)

Technology is always changing and we consumers, change with the times also. Our lives are affected by the technological advances that alter our way of communication, thought, and learning. In the animal kingdom, animals will adapt to the environment or a stressor that requires change and have different rates of evolution (<https://www.geeksforgeeks.org/impact-of-technology-on-society/>). We humans can adapt too, but the type of change that is necessary is not at a molecular level, but more of a change of thought or change of perception (old model to new model) (Byrne 2008). Cultural Resource Management, land stewardship, and military co-operation has been a part of our nation’s growth, and more change will be required, if we are to successfully survive the 21st century.

It is essential for the nations defenses to exude readiness and strength, and the Pōhakuloa Training Area (PTA), is a tool for exactly that. Pōhakuloa is a unique place where even the plants and insects have adapted to change to survive in the cold, high elevation of the saddle district. Total integration to ensure communication and effectiveness is needed if more land is to be used by the military or federal entities. With the renewal of the lease, the military would better accommodate training requirements and testing new weaponry. The lease lands would bring more responsibilities of compliance, stewardship and management of the cultural properties and environmental resources. A new lease may require an updated Integrated Cultural Resource Management Plan (ICRMP) that combine efforts of management and conservation with the daily activities and training SOP.

The ICRMP is the base commander’s main tool for cultural resource management and should be tailored for each installation needs. Communication between all players, military, contractors, SHPO, Burial council, Tribes, NHO, stakeholders, and community, will be essential for a successful management plan. Dr. Alex Woods of Colorado State University writes, “Each Army installation and it's ICRMP are

unique and special snowflakes, largely resulting from the culture and personality of installation staff and their ability to wheel and deal” (Woods, CSU online discussion 2022).

The ICRMP should define the traditional cultural (TCP) and historical properties. The goals of the community, tribes and the identified stakeholders should be shared with the SHPO and the federal agency to come to a balance or happy medium. Not everyone will walk away happy, but all should try to be open to negotiation (CSU online Lesson 15, page 3). I would even suggest adding the comments of the community/Native tribes/NHO in the ICRMP to show transparency, positive efforts and it will set milestones of progress. Many of the installation ICRMPs are made open to the public. There should be a conversation of the tangible and intangible, moveable and immovable, old and new model, and all the different ways of classifying the resources, relevant eras or time periods, architecture, landscapes, sites, and districts. If everyone is on the same understanding than it would eliminate confusion and I would expect fewer negative blowbacks to the everyday maintenance and upkeep of an installation and its cultural properties.

Around the globe, federal installations have similar struggles and issues with management of cultural properties (CSU online discussions). I would suggest exploring possible SOP changes. First, I would combine the environmental and cultural ways of thought. I know it’s a funding issue of value and significance, but one cannot mention our culture/cultural properties and then not talk about the environment, plants, or landscape. In many cultures, the environment (flora and fauna) is intertwined. The Hawaiian culture and the rest of the pacific islanders, are plant based cultures and every aspect of their survival is based off the plants (<https://dlnr.hawaii.gov/dofaw/files/2014/02/Hawaiian-Ecosystems-and-Culture-Growing-Lei-plants-1.pdf> page 7).

Total integration with other departments, allows the team to be more diverse and able to recognize so much more of the history and functions in the culture. I am not suggesting the sharing of roles or duties,

I mean collaboration of data and understanding. Water has been its own category, but I believe it should be part of one unit with cultural and natural resources all with the same shared management goals.

If money and time was not an issue, I suggest contractors to invest in team force development and providing enough employees to handle compliance and responsibilities required by law. I would recommend workshop or trainings to strengthen the employees and entire workforce to be extra-disciplinary (King 2004). Cultural awareness and shared collaborations with the tribes, to help educate, can go a long way.

There are several federal and state laws that have been created to protect the cultural properties.

#### GENERAL LEGISLATIVE AUTHORITY MANDATING ARCHAEOLOGICAL CURATION

1906 Antiquities act (P.L. 59-209)

1935 Historic Sites Act (P.L. 74-292)

1966 National Historic Preservation Act, as amended (P.L. 89-665, 95-515, and 102-575)

1979 Archaeological Resources Protection Act (P.L. 96-95)

1984 Department of Defense Directive Number 4710.1

1990 36 CFR Part 79 (Curation of Federally Owned and Administered Archaeological Collections)

The proper facilities to house the collection and artifacts should be available or constructed for the cultural resources. Many installations would require a proper space that could keep human remains until the native tribes and or lineal ties and burial council were involved, (if in-situ was not an option). Someplace that was secure, quiet and safe for this type of NAGPRA compliance duties (<https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm>).

Another easier said than done suggestion, is to plan projects early enough to handle the delay for the Section 106 process and the feedback from SHPO. Time and time again, DPW and other contractors forget about the 106 process and complain of the schedule delays. The section 106 process of communicating to the stakeholders, community and Native Tribes/NHO is often viewed as step to avoid at all costs by the federal agency, but compliance is in place to aid with liability and blame (King 2003 page 30).

More land would equal the need for more money. If the landholdings double then personnel, contracts, funding, and time to accomplish the task, will all be altered. Several thoughts come to mind with this lease issue. Where does the money go and how does it help the Hawaiian people as a whole? Would the military be able to pause training during the opening of Makahiki, Winter/ Summer solstice and other relevant days to do protocol, ceremony, or cultural practices on the installation? Could the hunting access be more frequent or open, so hunters could use the designated hunting zones more than several times a year?

In conclusion, it is my findings that with the proper planning and communication, of the community, stakeholders, lineal descendants, and agencies, I believe land and cultural management on military lands can be done. I prefer the “new model” way of thought, to stimulate the next generation and to prepare them to assume the role of stewards and managers. It would be great to change the mindset of heritage resource management around the globe, but value is an individual choice to be learned and shared.

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## Kalia Avery

Aloha to All involved in this EIS study.

I recently spend a day of solitude on Pu'u Huluhulu. This very sacred part of the Island where one can view all The Maunas at one time. During my time in self reflection I was very disturbed by the incessant bombing at Pohakuloa. This is so very disrespectful to use this beautiful Aina, the place that feeds us, to play war games and pollute the environment like this. I do believe it is past time to pull back the leases that were given long ago, and reconsider how we treat these Islands. It's time to remember that life as we know it will be gone if we don't stop mistreating this earth. Please think about the future generations and preserve our climate, water air and tranquility. War is not the answer! Stop pretending to be culturally aligned with the values of Hawaii. Mahalo for including this testimony. Be Pono and don't continue this lease! With all Love and Respect

Kalia Avery

## Ronald Awaya

Being a veteran (US Army, Czech border patrol 1968-1970 4th Armored Division) I believe that the Army does need training to be "combat ready". However, does the training at Pohakuloa meet the necessary requirements to be combat ready should a war break out? Perhaps some extra training like AIT would benefit the soldiers more to be combat ready. Seeing that the soldiers aren't privates, instructional classes by instructors who specialize in warfare tactics would be beneficial say at an AIT center elsewhere within CONUS.

## Hector Ayala

My name is Hector Ayala. I come from the desert south of Sonora and Mojave, so I'm Chicano. I'm Mexican. I have lived in Hawai'i for about a year. I have worked on the aina for about a year, a little over a year. I guess some points that I'd like to say is stop the bombing. Don't tap into the water. I love these people. I'm not Hawaiian, but I love Hawaiian culture because it relates to my culture so much. The things that I have seen here and the things that I have understood about myself here I cannot change. The wounds that I have put on here I cannot change. I come from a point of view of an enlisted soldier at some point in my life. 2015 I joined to leave Riverside, California for a better life. I served my years and I left drunk. Long story short, not the point. The impact that the United States Army and the United States has had on native culture and native people, in general, has been absolutely atrocious, in my personal opinion. There is no other words for that. Well, there is a lot, but no point saying them now, because anyway. My point is, speaking to Colonel, Lieutenant Colonel, standing at a position of parade rest to let you know I'm not here to hurt you. I love you. I love everyone here. And I want you to know that our presence here and when we talk about matters. You both are very smart, very intelligent, both officers. You went to college. You must hear what we are saying. You must feel what we are saying. You are not robots, you are humans. The Army makes you robots. You are truly human, luminous being of love. Anyway, you both probably have families and know that love, as well. That same love, we have that love for our aina, for what we live on. This is family. We don't shoot our family. I don't have much to say any more, but Aloha. Thank you. I don't know how long I am going to stay in Hawai'i. I know I won't stay here. I know I will go back to the desert of Sonora, but the time I stay here I will continue to malama aina and I will continue to support the Mainland and hopefully teach aloha. Thank you.

## Bronson Azama

This process is fraudulent! The Army and its nation-state the United States needs to address the legalities that are perceived to allow the ability to conduct this study. I am a Hawaiian National, and until the Army can prove its jurisdiction and the United States reveal how these lands were legally obtained then the EIS cannot be accepted. We cannot operate from the illegality of annexation to the United States because if it is not your land then we cannot follow your laws. Until you can prove that the Newlands Joint Resolution could legally obtain the Hawaiian Kingdom's Government lands and the private estate of our mo'ī, which we refer to as the "Crown Lands", then we **SHOULD NOT LEGALLY BE ABLE TO MOVE FORWARD WITH AN EIS**, because we are not following the proper laws of the land.

Since the illegal military occupation of our islands started on January 17, 1893, we have now seen our lands, waters, and air polluted to a level unprecedented compared to times prior to the illegal usurping of our Queen and Government. Just recently the Navy's fuel stored at the Red Hill Bulk Fuel Storage Facilities; which is utilized by other branches of the military; has contaminated my island's aquifer. Such fuel has fueled the exercises that further pollute our islands, and our ocean, and even support the bombing of Pōhakūloa. We cannot lose sight of ensuring the continuity of our ability to live on these islands.

The United States as an illegal occupier should not be able to move forward with their operations until the legal questions surrounding land ownership and jurisdiction in Hawai'i are addressed. I do not support this EIS, nor this fraudulent process until the legal issues are addressed.

## Camille B

This is extremely disrespectful to Hawaiians. This is a sacred spot. More sacred than Notre Dame or Great Wall of China. Respect the land and return it

# Christoph Baranec

I live and work on Hawaii island. I fully support our military's continued use of the ~23K acres of state owned land.

## Leilani Barga

I do not agree with the proposal of the retention and extension of the Army training land at Pohakuloa training area. The land should be returned back to the State of Hawai'i for use by local Hawaiian peoples.

## Natalie Baribeault

Please get out of this land. The environmental and cultural impact is too great. Do not renew this lease and do not continue activities there.

## Kallie Barnes

The No Action Alternative is the only option for the U.S. Military on these lease lands. The 24/7 bombing is enough and honestly the EIS seems to be significantly undermining the damage done by the military at PTA. As a worker in conservation I am often in remote areas on both the east and west slopes of Mauna Loa. The bombing is constant, stressful and unsettling. I can only imagine what it feels like to live where you can hear it consistently. It's a crime that the military was able to lease the land for \$1 and it would be a crime to allow them to continue to lease this land. This land should be designated for both Hawaiian Homestead and conservation land. The U.S. Military should be required to clear and clean up the land and take it's training elsewhere.

## Darcy Bartoletti

Please end the unsanctioned use of Hawaiians land. The spiritual and environmental impact is devastating.

## Beau Bassett

The area should be added to Mauna Loa forest reserve as well as Puu Waa Reserve and Mauna Kea FR. A removal of UXO should be done and converted to a hunting unit for sustainable harvesting and preservation. Access should be open to the public just as Mauna Kea Forest Reserve. The US military does not need training and makes no logistical sense for this area when places on the contiguous US have many better places for training, as well as Oahu which the military currently owns 50% of combined. Please give back the lands to the public and remove all ammunition and military waste that has littered the area for over 50 years, similar to what has been done in Kahoolawe, Waikane, and Makua. Mahalo.

## JOHN BEGG

The Department of Defense should pay the State of Hawaii and the County of Hawaii a substantial lease payment for occupying so much area. Inflation adjusted terms need to be part of any new agreement as well as restoration should the lease be terminated.

## Thomas Belfield

I lived and worked on the Big Island from 1986 to 2010. Pōhakuloa Training Area should be shut down and cleaned up. It is an absolute travesty what the Army has done there and there are some places that likely never will be safe or clean again in 100 years. Shameful. Clean it up and go home.

## Sam Bergstrom

This training area is a waste of beautiful land that could be used for such more environmentally important things like native species regrowth, nature trails, planting trees. The military presence on the island is unhelpful and worrisome. Please put it to better use.

## Emily Black

I believe that pōhakuloa should longer be used as a practice site for the military. continued bombardment to the land is not good for the environment or the people.

## Alyssa Bolante

It is time to give the land back to the people of Hawaii. Keeping this as a military training area has significant adverse impacts on the land, cultural practices and resources for the people of Hawaii. When deciding to move forward with this draft who does it center the people in power or does it center the people of Hawaii who are most vulnerable and have been marginalized. Are we listening and trying to understand the people of Hawaii who want the land returned?

## Duke Bourgoin

Proposal that the US Army assist with selecting some land to develop small half-acre farm lots for Hawaiians with local Hawaiian control of housing standards/rules and assistance from Army Engineers for building infrastructure with organic sustainable land management.

Eduardp Bradley

There is absolutely no good reason to continue this lease. I choose EIS option 4 the no action alternative. It's the right thing to do, Protect this Island from toxic impacts. Sincerely Eduardo Duran Bradley

## Skyler Brown

Aloha. Being born and raised in Hawaii , I have developed the inherent care for the aina that is common among our people here. Learning as I have, of the way it used to be , it has become apparent that the saddle of the island .. the area between all four mauna , was once densely forested and held a cloud bank which fed the water tables tenfold of what they receive today. Today, our water tables are threatened, and with future development we can't help but compensate for, it is crucial to reestablish forest in this vital area. This reforestation effort would do so much for the island that the west side would become much greener, and the forest east side would have less of a settling effect on the clouds; thus balance would be restored upon the aina. There is no way for the community or the governance of big island to make these sorts of changes while military occupation continues. Aloha and mahalo.

**From:** Skyler Brown [REDACTED]  
**Sent:** Sunday, April 17, 2022 8:22 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa reforestation

Aloha. Being born and raised in Hawaii , I have developed the inherent care for the aina that is common among our people here. Learning as I have, of the way it used to be , it has become apparent that the saddle of the island .. the area between all four mauna , was once densely forested and held a cloud bank which fed the water tables tenfold of what they receive today. Today, our water tables are threatened, and with future development we can't help but compensate for, it is crucial to reestablish forest in this vital area. This reforestation effort would do so much for the island that the west side would become much greener, and the forest east side would have less of a settling effect on the clouds; thus balance would be restored upon the aina. There is no way for the community or the governance of big island to make these sorts of changes while military occupation continues. Aloha and mahalo.

Sent from my iPhone

## Shantee Brown

My name is Shantee Brown. I was raised in Waikoloa, which is right below Pohakuloa. One thing that really stood out from this EIS is how narrow it is. What I first see is the statement of how important it is for all of the missions in the Pacific and really world-wide for training. And then the impact statement is this very narrow 23,000 acres. When really we need to look at what is the world-wide impact, the island wide impact of this training. The use of munitions that are going to be used to kill innocent civilians, which, you know, in 2022 we already know that civilians are -- they are overly killed in war. That is a burden that we carry on this island that we're training to kill people around the world, but something that should be looked at is the psychological impact not only to civilians here, who know that but also our troops who are going to face probably PTSD and now high rates of suicide. You know, we talk about in the EIS the mammals that are impacted. I'm like can we maybe include the human mammals and impact to us? You know, I grew up with bombs shaking my house. I would say like the first big awareness of the world was watching 911, and then following that the propaganda for the wars in Afghanistan and in Iraq. If I was a little older I probably would have signed up like you guys and thought that was the very thing to do. And I'm glad I wasn't that old, because as I grew up I met a lot of Brits and what they told me of how it negatively affected them and how the war affected civilians in those countries really changed my world view, that we're not really protecting. Thank you for giving me this time. Okay. Yeah, and that we should look towards our Veterans who are for peace to start practicing diplomacy, because it's time. It's 2022. We don't need to practice bombing anymore. We're really good at that. Maybe we should start paying our fair share for resources instead of starting wars for resources. There is no reason for us to not have integrity and pay people for their resources in other countries. We don't need to take them. We don't need to force them to pay it or to give us low rates for oil or anything. No. We are all adults here. We can afford, we have a 750 something billion dollar budget a year. We can reallocate that to better ways to work with other countries. Yeah. Thank you.

## Shantee Brown

Can you hear me? I heard a lot of people say, why are there not more people here? And one comment I have. So it was stated in the EIS that you all posted in newspapers three times, three different days. I don't know anyone -- I'm 32. I don't know anyone my age who reads a newspaper, like a paper newspapers or probably even like has a subscription. You have to pay for it. So that's a socio economic affect of not being able to see when we have these events. Also, that there were a hundred post cards emailed. I mean, you guys have a huge, huge budget. You could send a post card to every single person on this island, because we are all downwind and downstream from this base. So please for the next EIS do appropriate outreach to get us here, because I guess -- it's not working. The communication to get us out here is not working, because I know a lot of people who would like to be here.

## Meredith Buck

My name is Meredith Buck and I live in Kailua Kona, HI. I am a descendant of many generations of Army and Navy veterans (on both sides of my family) as well as a 5th generation descendant of Portuguese and Japanese subjects to the Hawaiian Kingdom. Thank you for the opportunity to share my mana'o regarding land use at PMhakuloa.

Many astute observations have been shared around cultural and environmental impacts. I would like to echo those centering Kōnaka ʻŌiwi genealogical relationship to the land; endangered and endemic species; concerns around toxicity and pollution to air and water; and reminders that the US government and military are exerting an unlawful occupation of sovereign Hawaiian lands to conduct operations.

I do agree that national and international security are of utmost importance, but I wonder at what cost we will obtain them. Native Hawaiians and wild endemic species will bear the greatest and most immediate brunt of the impacts caused by military operation at PMhakuloa, and those effects will reach all of us in time if not right away. If the military's purpose is "to serve and protect," I ask that that service and protection be extended every day to those most vulnerable right here at home.

I know that our great military has the capacity to maintain a strong defense while also caring for the daily lives of Native people, plants, and birds. To that end I'd like to share a message written by the team at Birds Hawai'i Past Present:

"If the military really needed PMhakuloa they would have taken care of it over the last nearly 70 years. However since they have held control over the area 6 species of native birds have disappeared. ʻŌʻAlalā, ʻŌʻUaʻu, Palila, ʻŌʻElepaio, ʻŌʻIiwi, and Nēnē. Some of these species were found at PTA up until the early 2010s.

"A 7th species the ʻŌʻakaka has only ever been found breeding in PTA. Despite this the base has not taken needed action to protect them, and individuals have been killed by predators. Only three native birds can still be found on the base down from at least 9 and maybe as many as 12.

"PTA is also a major source of sheep and goats that damage surrounding forest reserves, and base activity likely attracts and sustains large numbers of predators such as free roaming cats and mongoose that damage palila and game bird populations in public lands.

"Finally we know from Ōʻahu that the US Military is capable of protecting native birds and their habitats. Some of the largest populations of forest birds, and waterbirds occur on military controlled lands because of the predator control and restoration work they support."

My relatives who have served, and who are currently serving, know well that it is not only by thoughts and intentions that defense is granted to all, but by well-thought action and sacrifice. For that reason I ask that the military take full responsibility for caring for PMhakuloa, especially by calling in support from conservation experts and

cultural practitioners on Hawai'i Island.

Mahalo nui loa for your time and consideration. Envisioning a thriving ʻāina, native birdsong calling across Mauna Kea, and a healthy, happy lūhui across the pae ʻāina. E ola.

## Kelsey Bunting

My name is Kelsey Bunting. I'm not here representing a business or an industry or a corporation, and I'm not just speaking as a Hawaiian or a native person, because I have all blood mixed in me. I just want to be speaking as a young woman. And what I have been learning as a young woman is my potential to give life to this planet and how deeply tied I am to this earth and this land, because how deeply tied I am to creating life on this planet. I'm speaking as a young woman who is concerned about the state of war, the state of war in Hawai'i, the injustice, the illegal occupation, because the state of war is a state of mind. The state of war is a state of mind. The state of war is a state of mind. It's a feeling of fear and anxiety in your body. It's a feeling of toxins inside, and I have learned as a woman that to give our future and our children a better life that I have to have a particular state of mind and to clean my body as much as I can of the toxins. If I'm in a state of war and I'm upset and stressed my child feels that and I give birth to that life on this planet. But if I'm able to retain a state of peace in my body and my heart and my mind, I'm giving birth to that. I'm giving birth to a better life. As a young woman and human of this planet, I care about creating healthier life for all of us, healthier land and healthier state of mind, which is so much more deeply tied together than just seeing the land as resources. No, the land is my skin. I feel the toxins and the firearms in Pohakuloa. I can feel the bombs like a cigarette burned into my own skin. I feel the land because I as a woman am giving birth to new life constantly and that potential for life that we all know exists beyond the barriers of our own skin. This life is inside of me as much as it is outside of me, and that state of mind is how we feel the land. You don't need to just ask us. You need ask the land. Ask how the land feels. Ask what it asks of you and listen. Because the world speaks, because the world has an electromagnetic energy field, just like we have an electromagnetic energy field, which indicates to us that it is alive. It is pulsing out vibrations for us to listen. And I want to make it clear that I'm not speaking to anybody as an enemy because I do not have a state of mind for a state of war. I speak to everyone here as brothers and sisters, and as brothers and sisters I love you. And I believe when we love someone we want to teach them. We do not just abandon them or scold them or exclude them from our society or our lives. We choose to show up and show and teach, try to walk with each other. And when we're able to accept that love that is given to us, when you accept that love that is given to you, you join the hui. You join the people, the community. And when you do that you learn, that you become also one with the land and the waters, and they are as much a part of you as your brothers and sisters. And Pohakuloa should be seen as such, even more than just a resource. Pohakuloa is not a resource. It is land, and it needs to heal. The military should not continue the lease. And additionally, it will be a continued legal act of the U.S. military occupying these islands. Mahalo.

## Abilene Bushong

An agreement was made for a time duration of your occupancy of the Pohakuloa Training area, and that time is coming to an end. Your time is up, honor your agreements and let the land go back to its natural state. You have poisoned the aina for decades and it's time to stop. This land does not belong to you and you are not entitled to continue using it once the occupation reaches its agreed upon end date.

## Jeffrey Cabanting-Rafael

I support the presence of Pohakuloa Training Center with some changes. I don't think it's fair to follow antiquated patterns of the past. A 65 year lease on \$1 is pretty horrendous no matter which way you look at it. The military can surely afford to pay more for occupying 2300 acres of land. The military installations on every island are quite important to our state's defenses as well as training for our military. Opponents of this I feel are entitled to their opinions and have strong personal and cultural reasons to oppose it, but in a matter of personal opinion - especially considering the state of the world currently - I would prefer to have a military base present in close proximity to our civilian populations. It's also of my opinion that if the people of this state are going to pay more in taxes for the land we own and occupy then our government should follow through and pay more for the land they occupy. I don't believe it's prudent to try and push out military installations on any island considering Hawaii as a state is an isolated series of land masses in the Pacific Ocean, but it also isn't feasible to expect the people of Hawaii to be expect be okay with 2300 acres of occupied land on a \$1 lease for another 65 years. Hunters and commuters alike use the road for leisure and daily life, The US Military should shoulder more than what it currently does to upkeep the roads and local economy.

I believe that anyone who poses a cultural issue with Pohakuloa may bring up valid points of "taking advantage" of the land, but I do not agree with "train their troops to go kill people..." and so on as stated in a recent news article from Hawaii News Now (which is how I found my way here). Majority of the service members who train there that I have met are all local, and of Hawaiian descent it's akin to calling our own people murderers. It is also noteworthy that many Hawaiians joined the service and had exemplary careers such as General Albert Kualii Brickwood Lyman whom Lyman Museum is named after, as well as the memorial display at Hilo International Airport. As much as our culture has diverged from what happened in the past, there is also a crucial part of our culture and people intertwined in it. The Lyman Brothers: Albert, Clarence, and Charles were all appointed by Prince Jonah Kuhio to attend West Point and represented the Hawaiian People in the US Military. Other names that seem to be passed by or simply forgotten are Captain Francis Wai (killed in action in WWII) who was a distinguished cross recipient, later upgraded to a medal of honor recipient posthumously, or Private First Class Herbert Pilila'au who was the first native Hawaiian to be award a medal of honor for his actions in the Korean War. Just a matter of opinion that I feel like people forget.

In conclusion, I support Pohakulea remaining in it's current location with the understanding that I as an individual believe that the US Government should pay more of its fair share to our local government for the land they are using.

## Shawn Cahill

I trained at PTA from 1992-1996. I was stationed at Koneohe Marine Corp Air Station (Now KMCB) with 1st Battalion 3rd Marine Division Weapons Company 81's Platoon. PTA was our only live fire range except Schofield Barracks which I believe was shut down in 1994. Effectively making PTA our only live fire range. I can attest that without live fire capabilities it would drastically impair the infantry. The Army and Marines need to be trained in live fire training to become combat effective. There is a multi level platform on how a weapon operates, malfunctions, and percussion of the weapons to become proficient in that weapons system. It will drastically impair the effectiveness of the Soldiers and Marines of gun shyness from engaging in combat if live fire is taken away. The impact zone of weapons systems is in a safe zone where a'a and pa'hoihoi lava field does not endanger the land. Literally breaking rocks into smaller rocks. It is clearly uninhabited and unusable area. Combat readiness is an important part of the Defence of United States of America. Hawaii was voted by Representatives of Hawaii to become a state. This is the home of the Pacific Fleet. Without it this would be under the rule of the Empire of Japan not a Hawaiian Monarchy. With respect to all Hawaiians, to efficiently protect the island we need a safe place to live fire for our troops. I believe respecting the Ai'na is very important. Respecting the local culture is important. It is as simple as trash, it has to go somewhere. The military has to have somewhere of low impact to Hawaii in order to train proficiently in order to protect Hawaii from foreign enemies. This is the 21st century not the 19th century. The world has changed and there are many extremist willing to take siege of opportunities to turn Hawaii into a communist or totalitarian state if the United States was not here guarding the islands. Yes the military is not perfect, nor is anything else. We need to work together to come to a common goal of working together for the best interests of Hawaii lands, Hawaii's people, the military, and it's civilians. I believe that PTA is a must need to keep our military in a state of combat readiness for the Pacific Fleet. It is a small piece of land, a small price to pay, to keep Hawaii safe from people who would do far worse if given the chance to exploit Hawaii lands. With all do respect, Shawn Cahill

# Phill Cain

MILITARY OUT. Stop the desecration.

## Lindsey Caldwell

The United States and their military have abused Hawaii's people, land and resources for far too long. The military cannot be trusted not their operations. Falsified information, lack of transparency, and the total destruction of land are just a few of the major issues Hawaii faces with military occupation. It's time to give Hawaii's land back to the true people of Hawaii, the Kanaka. Pohakuloa is on the verge of becoming Kahoolawe, it's disgusting and disgraceful.

Time to put an end. I DO NOT support the US military occupying and using ANY land in Hawaii. Driving through Pohakuloa everyday reminds me of this and will jump at any opportunity to get them out. Til the last ALOHA AINA!!!!

Time to Shut down PTA for good!!!! Time to get the land back to its original beautiful state not the disgusting buildings, ordinance, broken trucks, air strips and other Opala/ Destruction they are leaving behind.

## Ben Catriz

My name is Ben Catriz. I'm a private citizen. My last name is C-A-T-R-I-Z. I don't represent nobody. I'm here basically to express my opinion and try to educate the Lieutenant Colonel on what everybody is trying explain to him. I have hunted in Pohakuloa. I think there is nobody that loves Pohakuloa more than I do. I hunted there since I was ten years old. Pohakuloa back then you drive along by the state park, you look to the left, you cannot see the old Saddle Road below. The trees were so thick. You had Mamane trees, fountain grass. Everything was alive in there. Now you drive through you can see the osero (ph.) downside. So basically whatever you guys are doing you are killing the mountain up there. It was never like that. That section over there, what's called Area 1, I hunted there with bow with my father, but I never did hunt in that area. It was so thick you wouldn't be able to see the sheep to shoot the arrows through to hit that animal, it was so thick. Now you look at that area, it's like a desert. Something is killing it. You drive on Saddle Road, it doesn't take a rocket scientist to figure out, look on the left into Pohakuloa, everything is dead. Look on the right towards Mauna Kea, it's alive. That's how Pohakuloa used to look on that side. You used to drive through, when you see -- people seeing the goats and the sheep. You couldn't see that. The fountain grass, the Mamane tree were so tall in there, you couldn't see it at all if they was right inside there. Now you can see all the way to the base of Pukaki Hill, which you couldn't see before. So just to educate you, Colonel, it's -- what it was before when I was ten years old to what it is now is like a rain forest turned into a desert. That is what the people are trying to say, you guys are killing the environment, and nobody is doing anything to make it any better. That's all I have to say. Thank you.

## Ashley Cazemiro

We cannot, with one breath, speak of reparations and with the very next continue to abuse indigenous land and people. No more.

## Autumn Chong

Living in Hawaiian homestead in Pu'ukapu, Hawaii, I feel the land shaking from the bombs blowing up at Pōhakuloa. I hear the bombs almost everyday from Waimea and it echoes. The water table is below the surface of the land, this is not new news. Military training in this area is contaminating the land, soil health, and water. Military training is a threat to Hawai'i island and the different communities that exist there: in the soil, native birds, native plants, archaeological sites, and more. There were 12 native birds when the military started training at Pōhakuloa, now only 9 survive. No attention to the health of flora, fauna, and people native of Pōhakuloa is a reflection of the lack of care, attention, and awareness of the military for Hawai'i. Only weapons, disruption, and killing of native Hawaiian communities is what the military does. This is not protecting, this is not learning, and this is not training. Facts don't lie and this is one of many ways that show the detrimental effects of military training in Hawai'i state wide and at Pōhakuloa. I do not support the renewal of the lease for military training. Do not renew this lease for the military! Natives of Hawai'i, born and raised, do not support this.

## Rachel Clyde

Give Pōhakuloa back to native Hawaiians and remove the military from this land. The military is desecrating sacred land and destroying the environment.

## Emily Collins

Aloha. It is very apparent that military presence, training drills and usage of resources is damaging to our delicate ecosystem on Mauna Kea. We should be protecting and replenishing native species of birds and plants that have gone extinct. Instead, with military occupation and regular drill training, one could argue that it further detracts what is already so fragile. With everything that has happened with the fuel spills at Red Hill, it is safe to assume it is only a matter of time before a catastrophic incident poisons one of our islands largest water source. There is no possible way military occupation is safe or positive for our environment. Shut down PTA.

**From:** emily collins [REDACTED]  
**Sent:** Sunday, April 17, 2022 10:19 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa

Aloha. It is very apparent that military presence, training drills and usage of resources is damaging to our delicate ecosystem on Mauna Kea. We should be protecting and replenishing native species of birds and plants that have gone extinct. Instead, with military occupation and regular drill training, one could argue that it further detracts what is already so fragile. With everything that has happened with the fuel spills at Red Hill, it is safe to assume it is only a matter of time before a catastrophic incident poisons one of our islands largest water source. There is no possible way military occupation is safe or positive for our environment. Shut down PTA.  
Sent from my iPhone

## Joe Collins

Please remove the Ching and Kahalelio vs. Case from this document. So many wasted pages. If it need to be included, incorporate by reference.

## Olivia Collis

you disgusting deplorable military dingbats need to get off of Hawaiian land and leave local kanaka alone. You have ruined and raped the hawaiian islands for so many decades, and to actively continue this tradition by occupying this land and using it to train future bigots makes you evil.

# Shannon Corbeil

It is past time for the US military to withdraw its presence from the Hawaiian Islands. The negative impact of the military there is indefensible and unnecessary. The US Army has no reason to maintain a presence in Hawaii and the land should be returned to Native Hawaiians in order to help restore the environmental and cultural damage done by our occupation.

Shannon Corbeil  
US Air Force Veteran

## Anonymous Anonymous

Hello, what is the format of the April 25 meeting? Is it open house or will the public be able to hear testimony from attendees? thank you, Cory

**From:** Cory [REDACTED]  
**Sent:** Sunday, April 17, 2022 9:19 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** April 25

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thank you, Cory

# Raleigh Coulter

Return the land to the people of Hawaii and the state of Hawaii for clean up and conservative. No justice no peace!!

Protect the 'aina.

## Molly Crane

Please stop desecrating native Hawaiian land—this harms the environment and doesn't honor the indigenous culture and spiritual significance of the land.

## Mike Davis

I fully support Alternative #1 and believe that perhaps Alternative #2 could be a consideration by the US Army to return in kind lands not utilized like the Pallila habitat or parts if not all of the Keamuku parcel.

## **Army Training Land Retention at Pōhakuloa Training Area Environmental Impact Statement – Public Comment**

I am a resident living in Waimea and I have worked in the fields of environmental science and conservation for the past 14 years.

I am concerned about the environmental impacts of excessive noise pollution, invasive species, unexploded ordnance, and contamination from the Pōhakuloa Training Area on biological and cultural resources, native and endangered wildlife, and our island community.

Our home is 45 miles away from PTA and we can hear live-fire and bombing clearly here and all the way down to the coast. The noise of bombs detonating repeatedly throughout the day and into the night is alarming and distressing.

The EIS should include a survey of residents across the island to collect information on noise pollution and its impact on their lives and families. The EIS should provide information on the extent of the noise pollution from PTA and public health impacts.

The high-elevation, tropical, sub-alpine environment of the Pōhakuloa area, between volcanic mountains, is one of the rarest ecosystems in the world (U.S. Army). This rare ecosystem, with critical habitats and endemic species, that exist nowhere else in the world, is exactly why this land should be protected and preserved—not bombed.

Pōhakuloa provides habitat for rare, native, and endemic plants, insects, and birds including 27 endangered species such as the nēnē (Hawaiian goose) and ‘ōpe‘ape‘a (Hawaiian hoary bat), the only native terrestrial mammal in the state. Military installations in the State of Hawai‘i, including Pōhakuloa Training Area, have the highest number of species listed under the Endangered Species Act in the country (Stein, B.A., Scott, C., Benton, N., 2008. Federal lands and endangered species: the role of military and other federal lands in sustaining biodiversity. *Bioscience* 58 (4), 339–347).

The EIS should provide the current status and a complete inventory for all rare, native, endemic, endangered, and threatened plant, animal, and insect species in the area, along with all efforts to protect, preserve, and restore their habitats. The EIS should also provide an inventory of invasive species and methods used to prevent and control their spread.

There is no evidence that the U.S. military needs the 23,000 acres of leased land or any of the land that comprises the Pōhakuloa Training Area. With modern military and

technological capabilities, military bases abroad, and large installations on the mainland, it is no longer accurate that the state of Hawai'i, or Hawai'i Island specifically, is "strategically vital for national defense as a logistics hub and for rapid troop deployment in response to emergent world events."

The EIS should provide specific evidence and examples of how the leased area and entire PTA is currently "strategically vital for national defense."

The high-elevation, tropical, sub-alpine ecosystems of Pōhakuloa are unlike any other environment, or possible warzone, in the world. It is inaccurate to claim that the unique environment at PTA is "critical to prepare our troops to 'fight as they train' in similar conditions to which they may be deployed."

The EIS should explain why PTA and the leased area are necessary for training when the U.S. military has large installations on the mainland, in remote areas with mountainous and desert conditions.

If the Army insists on listing financial benefits in EIS documentation and lease negotiations, it should be noted that the U.S. military claims to contribute "a significant number of jobs and money" to the County of Hawai'i, but employs only "240 personnel on the Island of Hawai'i." Therefore, the military provides employment for approximately 0.1% of Hawai'i Island residents, yet controls 132,000 acres that is the "largest contiguous live-fire range and maneuver training area in Hawai'i." Per the online documentation, this is also "the only training area in Hawai'i able to support larger unit (i.e., battalion and brigade) collective live-fire and maneuver training." PTA has the largest land area and the greatest environmental impact with smallest economic benefit for the community.

The EIS should explain how PTA, and specifically the leased land, provides economic benefits for residents and provide specific details for the "jobs and money" contributed to Hawai'i County.

If the U.S. military is going to claim financial benefits to the County of Hawai'i as part of lease negotiations, the EIS should include a socioeconomic survey of residents. As part of the EIS, the Army should ask residents if the economic benefits outweigh the cost to the environment, public health impacts, and the importance of biological and cultural resources in the area.

As stated in the EIS Scoping Presentations, "PTA is the only training area in Hawai'i where military units can use weapon systems at **maximum capabilities.**" It is

unacceptable for the military to deploy weapons near our homes, fragile critical habitats, and endangered species—especially at “**maximum capabilities.**”

The EIS should fully disclose the extent to which the U.S. Army has fulfilled lease requirements and legal obligations to remove ammunition and waste materials. The EIS should provide an inventory of the entire lease area to determine if there is ammunition, unexploded ordnance, depleted uranium, lead, toxins, or other military debris.

The U.S. military has not proven that the leased land or entire Pōhakuloa Training Area—a rare, fragile ecosystem with endemic species and cultural resources—is necessary for national defense or the safety of our country.

I fully support the “No Action Alternative” wherein the Army would not retain any of the State-owned land at Pōhakuloa Training Area. The environment should be restored to its natural condition and returned to the Department of Land and Natural Resources when the lease expires in 2029.

## Sky Doherty

As a long time resident and photographer on the Big Island, I'm regularly disappointed at the vast and beautiful landscape that is take over by the training area. This is our island, and some of its most beautiful landscape is off limits due to the training area boundaries. Perhaps the area can be more limited, so that the Pohakuloa Game Management Area to the South of the highway is open to the public. The vast trails and cinder cones in that area are a treasure to our community.

## Pete Doktor

In interest of precious time, I will keep this brief: I vehemently oppose the renewal of land leasing by the US military, as both an Army veteran and an `ohana living in Hawai`i.

As an Army medic in the late 1980s, I personally engaged in massive destruction of public lands at multiple locations including Piñon Canyon, Colorado; Yakima, Washington; Mojave Desert as a young combat medic in training. This included destroying natural habitat and wildlife with armored personnel carriers that served as our ambulances. The EPA would have to shut us down periodically due to this routine training devastation to let areas recover from our damage.

These were routine operating and training procedures, often without any supervision. Knowing what damage the US military conducts as a matter of routine exercises, it deeply concerns me when such destruction is human error accidents — like the many so-called “controlled burn” activities such as at Mākua Valley on O`ahu that have went out of control with devastating consequences, or by young soldiers engaging in unbecoming behavior.

I start and end with this personal testimony on the matter of renewing military leases rather than dig into the details of the draft EIS because for whatever rhetoric it contains, my own experience both as an Army medic and as a resident of Hawai`i does not buy military assurances of being a “good neighbor.” The fact that they’ve used this expression for so-long and continue to do so, underscores how out of touch with reality the military rhetoric is.

“Good neighbors” do not dictate to or poison the neighborhood. “Good neighbors” clean up their messes and pay for all their liabilities (not at tax payers expense). “Good neighbors” do not destabilize the neighborhood by inviting foreign hostilities due to blowback by their operations. “Good neighbors” pay fair market on land, and do not get governmental favoritism, like securing tens of thousands of acres of land for one dollar, in contrast to what the neighbors have to pay. And any neighbor who waged war against the local ecosystem would be held responsible for criminal behavior.

By those standards, the US military cannot be a “good neighbor” by definition, regardless of military or political rhetoric or restrictions. Its mere presence under routine operations and training violates these community standards for public health and safety. And this does not go into the fact that this “neighborhood” is considered sacred to many in the aboriginal nationals; this “neighborhood” happens to be like a church for many Kānaka Maoli, underscoring the fact that objectively speaking, this is a military occupation of a sovereign nation technically.

Rhetoric over “national security” does NOT trump genuine human security, which is not secured through ballistic missiles but a peaceful foreign policy that commands skilled leadership for diplomacy and conflict resolution — not conflict escalating, as military exercises do. Nor, do such political, nationalistic policies trump the democratic voices of the very citizens the military is commissioned to protect. Instead, the devastation without any clean up at Pōhaku and its history of toxicity such as depleted uranium poses a threat to public health and safety, as does its presence invite retaliation from actors with legitimate grievances with US foreign policy.

My opposition to the renewal of military leases at Pōhakuloa is not ideological because I understand the argument for reasonable protection of one's borders. However, it is for that reason and my experience as a soldier that US intervention militarily and otherwise does not make us safer, nor does training in such an environmentally and culturally sensitive region such as Pōhakuloa. Moreover, the expanding of military plunder to foreign militaries in RIMPAC exercises further alienates the use of Pōhakuloa for local residents as it makes Hawai'i a center for war preparations, rather than a center for international peacebuilding by civil society it needs to be if we are to secure peace through the islands, and not a constant site for military retaliation or offensive operations. Also, as mentioned in the beginning, my experience as a combat medic confirms that even "peacetime" military training is highly destructive, and should not be permitted in such ecosystems as Hawai'i that is one of the endangered species centers in the hemisphere. As the military concentration of Pearl Harbor demonstrates, it ultimately does not facilitate conflict resolution, but ultimately results in deaths such as those who perished in Imperial Japan's attack on legitimate military targets in O'ahu. We may be even less lucky in a retaliation by China or Russia — and such an event would partially be the fault of those who argued for military concentration in Hawai'i.

So as a former soldier from an illustrious military family, I plead with the DoD: please withdraw your occupation and let the people of Hawai'i be and cultivate a center for aloha, not war. If there is any integrity as a "good neighbor" it would reside in its own neighborhood — not impose itself on sacred areas such as Pōhakuloa, Mākua Valley and so on. Why not be a "good neighbor" and respect other neighbor's churches and historical communities? No more military favoritism, such as the one dollar leases at Pōhakuloa: nothing can reek more of militarism collusion: listen to the people, not the politicians.

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**From:** pete doktor [REDACTED]  
**Sent:** Tuesday, June 7, 2022 8:18 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** public testimony ref: Pōhakuloa Draft EIS  
**Attachments:** [Pohakuloa testimony 2022 EIS.pages](#)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

2168A Maha Pl  
Honolulu, Hawai`i 96819  
June 1, 2022

Subject: Public Testimony for Pōhakuloa Draft EIS

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Ē Mālama Pono,

Pete Doktor  
Moanalua, O`ahu

Veterans for Peace, Hawai‘i Ch. 113  
Hawai‘i Peace & Justice  
Wai Ola Alliance

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By those standards, the US military cannot be a “good neighbor” by definition, regardless of military or political rhetoric or restrictions. Its mere presence under routine operations and training violates these community standards for public health and safety. And this does not go into the fact that this “neighborhood” is considered sacred to many in the aboriginal nationals; this “neighborhood” happens to be like a church for many Kānaka Maoli, underscoring the fact that objectively speaking, this is a military occupation of a sovereign nation technically.

Rhetoric over “national security” does NOT trump genuine human security, which is not secured through ballistic missiles but a peaceful foreign policy that commands skilled leadership for diplomacy and conflict resolution — not conflict escalating, as military exercises do. Nor, do such political, nationalistic policies trump the democratic voices of the very citizens the military is commissioned to protect. Instead, the devastation without any clean up at Pōhakuloa and its history of toxicity such as depleted uranium poses a threat to public health and safety, as does its presence invite retaliation from actors with legitimate grievances with US foreign policy.

My opposition to the renewal of military leases at Pōhakuloa is not ideological because I understand the argument for reasonable protection of one's borders. However, it is for that reason and my experience as a

solider that US intervention militarily and otherwise does not make us safer, nor does training in such a environmentally and culturally sensitive region such as Pōhakuloa. Moreover, the expanding of military plunder to foreign militaries in RIMPAC exercises further alienates the use of Pōhakuloa for local residents as it makes Hawai`i a center for war preparations, rather than a center for international peacebuilding by civil society it needs to be if we are to secure peace through the islands, and not a constant site for military retaliation or offensive operations. Also, as mentioned in the beginning, my experience as a combat medic confirms that even “peacetime” military training is highly destructive, and should not be permitted in such ecosystems as Hawai`i that is one of the endangered species centers in the hemisphere. As the military concentration of Pearl Harbor demonstrates, it ultimately does not facilitate conflict resolution, but ultimately results in deaths such as those who perished in Imperial Japan’s attack on legitimate military targets in O`ahu. We may be even less lucky in a retaliation by China or Russia — and such an event would partially be the fault of those who argued for military concentration in Hawai`i.

So as a former solider from an illustrious military family, I plead with the DoD: please withdraw your occupation and let the people of Hawai`i be and cultivate a center for aloha, not war. If there is any integrity as a “good neighbor” it would reside in its own neighborhood — not impose itself on sacred areas such as Pōhakuloa, Mākua Valley and so on. Why not be a “good neighbor” and respect other neighbor’s churches and historical communities? No more military favoritism, such as the one dollar leases at Pōhakuloa: nothing can reek more of militarism collusion: listen to the people, not the politicians.

Ē Mālama Pono,

Pete DOKTOR  
Moanalua, O`ahu

Veterans for Peace, Hawai`i Ch. 113  
Hawai`i Peace & Justice  
Wai Ola Alliance

# Bob Douglas

The PTA lease should not be extended. Three main reasons.

1. The bombing and artillery are incredibly devastating to the area. The destruction can never be remediated.
2. Depleted uranium and current/future munition byproducts are entering watersheds. We are witnessing in real-time a future superfund site.
3. This is sacred land. Belongs not to the State but rather the Native Hawaiians. The trust was violated. It's high time to recognize and honor the true heirs to these lands.

## Bob Douglas

As a US Army vet I am totally opposed to extending the lease. Those munitions contain hazardous and dangerous materials that will or have started to enter the aquifers.

This land belongs to the Native Hawaiians and none I have contact with want the lease for PTA extended. To them it's sacred ground that needs to be restored and returned to them.

Please respect the wishes of the host culture.  
You are a guest here, not the owner.

# Ipolani Duvauchelle

The military needs to give up its occupation of stolen land back to Hawaiians. The military presence is inherently violent. Our land rejects violence and our people reject violence; we are full of aloha. Please stop the military training at Pohakuloa.

## McLean Eames

I choose the EIS option 4, the no action alternative, to not renew the lease for PTA. The impact on significant cultural and historical sites and activities is too severe. I appreciate our military, but we can do better than what is occurring at PTA. Mahalo for your consideration for my comment.

## Kerry Eastwood

I urge you to let your lease lapse or renew the lease on the least amount of acres possible. The Hawaiian people deserve to have their culture honored and their wishes for their land honored. The US should be a partner in peace with the Hawaiian Islands - not a colonizer of them. It's time to Move beyond this archaic practice and allow other cultures to flourish instead of extracting them like a resource to be had.

## Mina Elison

Mahalo for the opportunity to submit comments on the Draft EIS for the Army Training Land Retention at Pōhakuloa Training Area. I stand in strong opposition to the retention of 23,000 acres of land to the Army as the presence of this military operation has significant negative impact to Kanaka Maoli and our ability to exercise important cultural and religious practices which connect us with our ancestors and our descendants. Actions of the army on our beloved 'aina have displaced Hawaiians and permanently altered and destroyed the natural flora, fauna and unique ecosystems which once flourished in the area. Please listen, with an open heart, to our pleas to malama 'aina and one another. Me ka ha'aha'a, Mina Elison

## Lucy Emerson

I'm really hoping this does not go through. As a concerned citizen, I would like you to strongly consider the ethics of taking peoples land when it doesn't belong to you. This isn't moral. Imagine how you would feel if someone came to your home and said "this is ours now" and pushed you out of your own surroundings? If that sounds cruel, you should reconsider what you're doing.

## Louise Fa

We do not want this. We do not need this. We do not want what is happening on red hill to happened on the north shore. Do not build this.

## Jade Figueroa

Pōhakuloa is sacred land. It's physical and cultural preservation is most important to native Hawaiians. The draft EIS is ultimately HARMFUL, Disrespectful, and not in Favor of the people who live in the area and who want to protect it. I'm opposed to this draft and I stand as an ally with native Hawaiians who want to keep the land free of destruction and military occupation.

## Greg Fleming

Thank you, good evening. My name is Greg Fleming, F-L-E-M-I-N-G, and I'm a citizen here in Hilo, Hawaii. I rise in support of course of action number 1, which is full retention of the training lands at PTA, and I do so from a perspective of my service to the Army and knowing full well of the importance of PTA to both the Army, the Navy, the Air Force, Special Operations. The National Guard that is trained up at PTA. From that perspective, I would say that we owe it to the sons and daughters of Hawai'i to make sure that they are well trained, if they were to go out on any contingency operations and to bring them home safely, and PTA does that, and I believe that course of action 1 does it best. The issue with course of action number 2, which is a partial retention, is that it fragments PTA and leaves portions on the north side of PKI, critical infrastructure on that other side. It also leaves that area not available for any future considerations, for any likely fielding of equipment or capabilities that may be used somewhere to threat Chinese aggression in the Pacific, the mid-Pacific. Course of action number 3 does not -- or is fragmented and does not allow for operational consideration in terms of the road network that would have to be maintained and managed. And I believe that would be the most difficult piece. And without doubt, I want to recognize the men and women at PTA working the environmental, ESA environmental section, the ESA and the Section 7 that goes with it, as well as any consideration for the cultural resources that are up there and working issues related to that. And I believe that they have done so in a superb job and should be acknowledged. I'd like to see that continue for all the lands under the full retention. And that's it. Thank you.

## E, Kalani Flores

I wasn't going to come tonight, because we come to all these hearings and give testimony. Nothing ever comes of it. So why even come? But I just turned on the computer, I saw Auntie Max, and I said, I have got to come down here to support Auntie Max and Kako (ph.) everything she said and everything everyone else said. And then if Auntie Max and Kako can be here I better get down here and just support what they are saying. Mahalo. I'm sorry I missed all the testimonies provided earlier and comments. We live in Puukapu Waimea, our ohana, or our sinkase (ph.) ohana. We've been to Pohakuloa a number of times. I have served on the Pohakuloa Cultural Advisory Committee for a number of years under various different commanders. I have been on the land, done practices on the land, and know Pohakuloa. I haven't had time to review that whole document, but from a quick glance at it, there is some problems with the EIS. And it's not just this EIS. It's all the EISs that have been done. The Army for PTA has not done a comprehensive EIS for the entire activities happening at Pohakuloa. You are piecemealing the EISs, and that's against the rules and laws of the intent of an EIS. You cannot do an EIS for just this boundary authorization. You have to do an EIS for everything you are doing on the property there, on the lands there. You are piecemealing the EIS process. I know that's against the rules and the laws of the process of NEPA. I have made those comments a number of times for all your projects. Not all your projects, but a number of your projects. You are piecemealing all these little EAs, and EISs. You are supposed to do a comprehensive EIS for an entire area that you are using, not just this one little section. That's one of the problems with what I saw in the EIS. The EIS lacks a Comprehensive Cultural Impact Assessment. You guys have not done any -- I read the EIS Cultural Impact Assessment. It's incomplete. You just took a few reports here and there. You regurgitated and you threw it as a CIA. It's incomplete in this EIS. There is no oral histories, no cultural practitioners that have been consulted or included in that CIA. And it's not the first time. It's every time. You guys have not -- when I say you guys, I'm saying the Army has not done any type of appropriate traditional cultural properties assessment for Pohakuloa. There was some small -- little report done a few decades ago, nothing recent, and even that report was inadequate. This is not new. I have been saying this for decades, too, at hearings and comments on your reports and other projects at PTA. So here I have got to come again, say the same thing over and over. And it's going to be rubber stamped all the way through. We know the process. But I came here for Auntie Max. I saw Auntie Max, and she said Uncle Ku was here, so I better come down here. The significance of Pohakuloa, if you guys don't understand, it's the center piko of this Island of Hawaii, of this moku keawe. It's the center, piko, P-I-K-O. The energetic piko sits right in the middle of the island, right within the area of Pohakuloa. There is energy lines around the east, west, to intersect at a pu'u called Pu'u Koli. The energy lines run from Ha'ena to Ahu-ena, and then go from north to south, these energy lines, and they intersect right up to Koli. It's the piko, the center energetic piko of this island. And you guys -- so what are you guys doing there? They are causing a -- not just the physical destruction of the land every time you bomb it, shoot at it, but you are also causing an energetic disturbance on our island that has far more repercussions than you can understand. And some of those -- so you have physical disruption, destruction, desecration happening, but you also have the energetic disruption and disturbances happening there. Every time you bring forces and personnel on the lands of Pohakuloa, you are leaving an imprint, an energetic imprint of hate, war and hostility on our lands, and you guys are responsible for that. So you are causing the physical and the energetic disturbance in the middle of our island, and it sits in the middle of a significant water aquifer in the

middle of this island here. How do I know some of these things? It's from EK Kupuna. EK Kupuna, ancestral insight and knowledge given when I have been on the land of Pohakuloa. There are Kupuna there, there are divine beings and others there that are giving us insight about this area of Pohakuloa. And you guys have been mistreating it, destroying it, desecrating it more than you really can understand, and I'm just hear says enough is enough. You cannot continue doing this on our lands, and it's not even our lands. It's the lands of the creator, ke akua. They put these lands here, and you guys are causing far more desecration and destruction than you could even put in your EIS incomplete report. So I'm just here to say stop it already, because you are accountable. Each individual is accountable for what you do. And now you know. I'm just say once again, enough is enough. We're going to stand for Pohakuloa and all the lands and to the ocean to protect what we need to protect, because we as kanaka have the responsibility and kuleana to do so. That's all I have to say for tonight. And I want -- actually, this is a request now. I'm requesting that all your reports, archeological reports and surveys that have been done for Pohakuloa or PTA area, all the natural botanical and biological reports be posted online so we can easily access these reports. There is numerous reports that nobody has access to. And if you are going to do these EISs then the public should have access to all these reports and you should make them available online in some form or fashion. That's my request. A hui hou.

## E. Kalani Flores

And mahalo. So you know the comments and things that have been directed against the Army and the personnel and military, it's not really against you folks personally. So we just want to make that, note that. It's just what the actions you are doing. So it's not against -- this is not against the military or the Army or the individuals who aren't part of the Army or the military. It's the actions you are doing that we don't agree with, not just agree with, but we cannot continue to condone. So we still have Aloha for you folks, whoever you are. And that's the strongest gift that this island and the kanaka and other people that are connected to this island have to offer to the rest of the world, that we have to offer Aloha and the peace and the lokahi to all the world, so that there is no war, that we can live in harmony with each other and live in harmony with the land and the sky and the heavens and the oceans and the waters. So this is what the pule is for, to have Aloha for all and to replant the seed of peace and maluhia and lokahi amongst all, and that we all walk in a way that we are mindful of what we do to keep the harmony with all things. And that's what the pule is going to be. (Whereupon, a Pule was given asking for forgiveness, peace, harmony and unity amongst everyone present and on the land, that love is shared amongst everyone with the land forever.) Pa'i kalima. Pa'i kalima. Aloha no.

**From:** E. Flores [REDACTED]  
**Sent:** Wednesday, June 1, 2022 11:07 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Flores-Case 'Ohana - ATR PTA EIS Comments  
**Attachments:** [FCO Comments PTA DEIS.pdf](#)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha,  
Attached are Flores-Case 'Ohana - ATR PTA EIS Comments.  
I ka piko o ke Aloha, E. Kalani Flores



*E ala ē i ke aloha a me ka lōkahi pū me ka ‘āina.*  
**Awaken in *aloha* and harmony with the land.**

**June 1, 2022**

**FR: E. Kalani Flores, Representative of the Flores-Case ‘Ohana**



**RE: Comments for Army Training Land Retention at Pōhakuloa Training Area  
Draft Environmental Impact Statement (April 2022)**

### **SUMMARY OF COMMENTS**

**The Flores-Case ‘Ohana provides the following substantive comments to this Draft Environmental Impact Statement (DEIS). Overall, the DEIS is incomplete, inadequate, deficient, and fails to be in compliance with the National Environmental Policy Act (NEPA) and Hawaii Environmental Policy Act (HEPA) as well as other relevant rules and statutes. This DEIS fails to accurately describe the affected environment by limiting the Region of Influence (ROI) and the scope of discussion regarding certain resources to only the parcels of State-leased lands by excluding the other adjacent and relevant lands of the Pōhakuloa**

**Training Area (PTA). Thus, the environmental consequences lack a thorough discussion of the environmental effects and their significance. The U.S. Army is not in compliance with the National Historic Preservation Act (NHPA). A comprehensive archaeological inventory survey for PTA including the State-leased lands has failed to be conducted. This has resulted in a number of eligible historic properties not being nominated to the National Register of Historic Places (NRHP). Also, the U.S. Army has failed to complete an accurate assessment of Traditional Cultural Properties (TCPs) and properties of traditional religious and cultural importance (PTRCIs) to Native Hawaiians within PTA. In addition, a required Section 106 consultation process has not been done for this DEIS.**

**Conclusively, the U.S. Army, State Board of Land and Natural Resources (BLNR), and Department of Land and Natural Resources (DLNR) have failed their affirmative duty and legal obligations to protect the biological and cultural resources, public land trust, and rights/practices of the public and Kanaka Maoli (aka Native Hawaiians) associated with PTA.**

## **BACKGROUND**

Members of the Flores-Case ‘Ohana have engaged in Kanaka Maoli (Native Hawaiian) traditional and customary practices within PTA and the surrounding areas stretching from Mauna Loa to the summit of Mauna a Wākea and further to the east at Ahua‘umi. These practices included, but were not limited to, making pilgrimages, conducting ceremonies, collecting *wai/hau/kinolau* of Poliahu and Waiau as well as Kahoupookāne, erecting *ahu/ki‘i/hale*, placing of *ho‘okupu*, offering *pule/oli/mele/hula*, receiving *‘ike kupuna*, connecting with *akua/kupua/kupuna*, *kilo hōkū*, depositing *‘iewe*, gathering *pōhaku*, collecting *lā‘au* for ceremonies/medicine/lei-making, engaging in activities of *aloha ‘āina* and *malama ‘āina*, etc.

Members of the Flores-Case ‘Ohana have also participated at the various levels of the public review processes pertaining to PTA such as attending meetings and submitting testimony dating back to at least two decades. Based upon our personal experience, it's very evident that the U.S. Army and State have systematically ignored community and Kanaka Maoli comments and concerns regarding the adverse impacts of military activities within an environmentally and culturally sensitive landscape of the saddle region. This has also resulted in detrimental impacts upon our cultural practices and traditions associated with this area.

The following is a partial listing of issues of concern/proposed undertaking at PTA that we have commented upon:

- Proposed Fencing Project on Pu‘u Koli (letter dated 23 July 2011)
- PTA High-Altitude Mountainous Environmental Training (HAMET) EA [December 2010]
- Pōhakuloa Training Area (PTA) Draft Programmatic Environmental Impact Statement (PEIS) [October 2011]
- Section 106 Consultation with Native Hawaiian Organizations and individual Native Hawaiians regarding undertakings by the U.S. Army at Pōhakuloa Training Area (PTA)
- Final Environmental Impact Statement (FEIS) for the Construction and Operation of an Infantry Platoon Battle Course (IPBC) at Pōhakuloa Training Area (PTA), Hawai‘i [March 2013]
- Hawaiian Goose Conservation Fencing Project (referenced in letter from PTA Commander, July 10, 2013)
- Training Area 21 Fencing Project (referenced in letter from PTA Commander, March 10, 2013)
- Trail & Landing Zone Construction (referenced in letter from PTA Commander, July 16, 2013)
- Urban Close Air Support & Aviation Bulls-Eye Range (referenced in letter from PTA Commander, July 3, 2013)
- Popo‘o Makai Trail/Power Line Trail (referenced in two separate letters from PTA Commander, May 23, 2013)
- Bridge Bypass Trail (referenced in letter from PTA Commander, May 21, 2013)
- Detonating Unexploded Ordnance (referenced in Letter from PTA Commander, July 1, 2013)
- Lineal and/or Cultural Affiliation Claimant for *Iwi* found at the U.S. Army at Pōhakuloa Training Area (PTA) [October 2012]
- Programmatic Agreement MV-22 & H-1 Aircraft of Marine Expeditionary Elements in Hawai‘i
- Programmatic Agreement Infantry Platoon Battle Course (IPBC) at Pōhakuloa Training Area (PTA)

In addition, E. Kalani Flores served on the Pōhakuloa Training Area (PTA) – Cultural Advisory Committee (CAC) since its inception in 2002 through several base commanders until he was dismissed in July 2013 by the PTA commander after being included in a film entitled [\*Pōhakuloa: Now that you know. Do you care?\*](#)



PTA, under the control of the US Army, is the largest live-fire range and training complex (132,000 acres) in Hawai‘i or anywhere in the Pacific region. Within PTA is an **artillery impact area of 51,000 acres** that has been so heavily bombarded for nearly 80 years that it is considered an extremely hazardous zone because it contains a significant amount of unexploded ordnance (referred to as MEC/UXO).

In addition, there are deep concerns about the health issues for this land and our people as the result of PTA being contaminated with military munitions that may potentially have soil, groundwater and surface water contamination from munitions residues (including explosives and heavy metals, chemical warfare agents or depleted uranium). These residues may derive from partially detonated and decomposing ordnance and explosives from training activities, flares, smoke grenades, open burning and open detonation disposal activities, munitions burial sites, weapons testing or other military activities. Although initially denied by the U.S. Army, it has

since been documented that the military used munitions with depleted uranium (DU) during the 1960's within PTA. Likewise, there are concerns about the disbursement of lead from the ammunition of small arms firing from past and ongoing training activities. Also, it's highly likely that spills or dumping of toxins have occurred at PTA. All of these environmental impacts have occurred right over a major water aquifer on Hawai'i Island.

It has been well documented and reported by various news outlets such as Mint Press News (MNP) that the U.S. Department of Defense has left its toxic legacy throughout the world in the form of depleted uranium, oil, jet fuel, pesticides, defoliants like Agent Orange and lead, among others, producing more hazardous waste than the five largest U.S. chemical companies combined.<sup>1</sup>

MPN also noted, "U.S. military bases, both domestic and foreign, consistently rank among some of the most polluted places in the world, as perchlorate and other components of jet and rocket fuel contaminate sources of drinking water, aquifers, and soil. Hundreds of military bases can be found on the Environmental Protection Agency's [list of Superfund sites](#), which qualify for clean-up grants from the government. [Almost 900](#) of the nearly 1,200 Superfund sites in the U.S. are abandoned military facilities or sites that otherwise support military needs, not counting the military bases themselves."

Severe damage from military activities is unnerving such as an Air Force contractor dumping industrial solvent trichloroethylene (TCE) into the water table for 29 years in Tucson, AZ which caused over 1,350 residents to suffer from cancer and other illnesses. For over three decades, the Marine Corps Base Camp Lejeune in North Carolina contaminated the groundwater with harmful chemicals resulting in an undetermined number of servicemen and others contracting cancer and other ailments. Also, we have recently witnessed the Navy's fuel storage tanks at Red Hill, poisoning a major water aquifer on O'ahu.

What is presently happening at PTA is what was happening on the island of Kaho'olawe when it was used for live-firing training and as a bombing target by the U.S. Navy and other military forces. Except that the size of PTA is nearly four times as large as Kahoolawe. Despite several decades and \$400 million in funding, it was impossible to clear Kaho'olawe of unexploded ordnance. (see figures below) So what is the estimated cost to clean up the State-leased lands and

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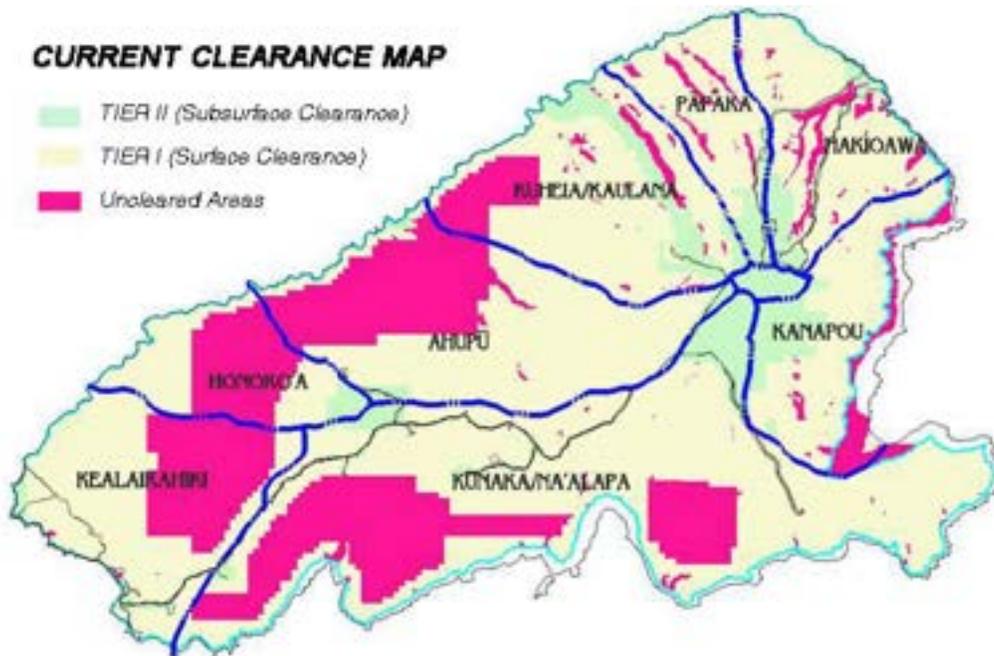
<sup>1</sup>Webb, Whitney. *[On Earth Day, Remembering the US Military's Toxic Legacy](#)*.

April 22, 2019.

the entire PTA? How will the military be able to clean up PTA if it couldn't even clean up the smaller acreage of Kaho'olawe?



Unexploded ordnance on Kaho'olawe



Map showing uncleared areas on Kaho'olawe



Present dangers on and around Kaho‘olawe due to MEC/UXO

For those who still remember, it was also a time when *kanaka* such as [George Helm, Jr.](#) and others spoke out that we are connected to the ‘āina and that such desecration should not continue. His message was simple, *“We are in a revolution of consciousness. What we are looking for is the truth. There is man, and there is the environment. One does not supercede the other. Man is merely the caretaker of the land, that maintains his life and nourishes his soul. The land is sacred. The church of life is not in a building, it is in the open sky, the surrounding ocean, and the beautiful soil.”* This was his philosophy which serves as a reminder that the health of our ‘āina is directly connected to the health of our people.



## CULTURAL SIGNIFICANCE

**We are Kanaka Maoli cultural practitioners who have conducted and continue to engage in ceremonies at Pōhakuloa.<sup>2</sup> An essential aspect of Kanaka Maoli beliefs and customary practices is the cultural perspective of *aloha ʻāina* (deep love, reverence, and respect for the land). It's an understanding that humanity is intimately connected to Papahānaumoku (Earth Mother), and thus we strive to live in *lōkahi* (harmony/balance) with her because humans are merely the caretakers of the land that maintains our life and nourishes our souls. Therefore, the *ʻāina* is considered sacred and is very conscious of the impacts inflicted upon it.**

Situated within a sacred space held between Mauna a Wākea, Mauna Loa and Hualālai is a key cultural, energetic, and spiritual area in the center of Hawaiʻi Island. There are significant cultural and historic sites within this landscape. Ancestral guardians of this land have made their presence known and shared *ʻike kupuna* (ancestral insight and knowledge) regarding the energetic *piko* of our Moku o Keawe (Hawaiʻi Island). In earlier times, there was a group of elderly men who would walk along these energy lines that run east-west and north-south, intersecting at Puʻu Koli within PTA, in addition to an energy line that encircles the entire island. Our *kupuna* walked upon these lines of energy because they knew the significance of maintaining them. Lines such as these are part of the energy grids that sustain the vitality and health at many different levels for this island and its people.



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<sup>2</sup> Although the *wahi pana* of Pōhakuloa doesn't actually encompass the entire area of PTA, this name is at times used in reference to PTA.





Cultural landscape and sites at Pu'u Koli that are eligible as a TCP/PTRCI/ATI.

Unfortunately, the U.S. military's undertakings at PTA, especially with the live-fire training, military operations, and construction activities are causing a severe disturbance and desecration to the land and everything and everyone connected to it at various levels and dimensions. Likewise, the proposed land retention would continue to contribute further to this disturbance and desecration. Besides the obvious physical destruction that is occurring at PTA, there is also an energetic vibration of warfare/killing/hostility/destruction that is adversely impacting this island as the result of the military activities in this area. Our individual or collective actions are either in *lōkahi* (harmony) with all of these conscious elements and life forms of the Creator or we are in disharmony.

## LACKS COMPREHENSIVE REVIEW OF CULTURAL RESOURCES

**The analysis of cultural resources in this DEIS is inadequate and incomplete as the ROI for the historic and archaeological resources was reduced to only the State-leased lands and not the entire geographic extent of PTA as required by the NEPA and HEPA regulatory framework and laws. At the minimum, an archaeological inventory survey should be done for all State-leased lands that are being considered as alternatives in this DEIS. However, this has not been done.**

**Also, the U.S. Army should make the surveys and reports listed in the archaeological literature review of this DEIS accessible to members of the public to review by posting digital copies online. Without such access to these documents, the public doesn't have the ability to make adequate and thorough comments pertaining to the potential impacts upon the cultural resources within PTA. In addition, without access to these documents, information presented in this DEIS can't be verified for accurateness and completeness.**

**This DEIS lacks a comprehensive archaeological analysis as it only included a limited literature review of previous archaeological reports.<sup>3</sup> Upon examination of this *Archaeological Literature Review (ALR)*, it's very apparent that over the past several years, the U.S. Army has only done project specific archaeological inventory surveys and failed to complete a comprehensive archaeological inventory survey for the entire PTA. There has been a piecemeal approach, thus avoiding an appropriate analysis of the cumulative impacts upon the historic sites and cultural resources of this area. According to a *2018 Programmatic Agreement (2018 PA)*<sup>4</sup>, the identification of potential historic properties through intensive pedestrian archaeological surveys have only been conducted on about **45%** of the accessible land (approximately 81,000 acres outside of the high hazard Impact Area) at PTA. As of the signing of this *2018 PA*, only about **31%** of the identified archaeological type properties at PTA had been evaluated for NRHP eligibility. The remaining **69%** of known archaeological properties distributed across the accessible land were to be treated as eligible for the NRHP and adverse effects avoided in accordance with AR 200-1 Part 6-4(b)(9). Similarly, of the approximately**

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<sup>3</sup> *Archaeological Literature Review for Army Training Land Retention at Pōhakuloa Training Area Project, Ka'ōhe Mauka and Humu'ula Ahupua'a, Hāmākua and Hilo Districts, Island of Hawai'i; TMKs (3) 3-8-001:013 and :022, (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007 (Appendix D)*

<sup>4</sup> *Programmatic Agreement Among The U.S. Army Garrison, Pōhakuloa Training Area, The U.S. Army Garrison, Hawaii, The Hawaii State Historic Preservation Officer, And The Advisory Council On Historic Preservation Regarding Routine Military Training Actions And Related Activities At United States Army Installations On The Island Of Hawai'i, Hawai'i, 2018.*

23,000 acres that comprise the State-leased land, inventory surveys have only been conducted on about **52%** or 12,050 acres. **The remaining 11,920 acres are unsurveyed.** The nature of this DEIS that would trigger a Section 106 undertaking would also warrant a more comprehensive cultural resources study and archaeological investigations for the State-leased land. Likewise, the U.S. Army has failed to conduct aerial inventory surveys using drones or other aircraft for remote or inaccessible areas, including unsurveyed areas, despite having the technology and means to do so.

The *ALR* has omitted significant figures under the false pretense that it's sensitive information. How can maps showing survey coverage of previous archaeological studies be considered sensitive? (See Figures 10 - 13.)

*Figure 10 Overview map showing survey coverage of previous archaeological studies within the project area.*

*Figure 11 Detail map 1 showing archaeological studies within the project area.*

*Figure 12 Detail map 2 showing archaeological studies within the project area.*

*Figure 13 Detail map 3 showing archaeological studies within the project area.*

Likewise, other omitted figures removed significant information from this review. (See Figures 14 - 18.)

*Figure 14. Overview map showing archaeological sites within the project area.*

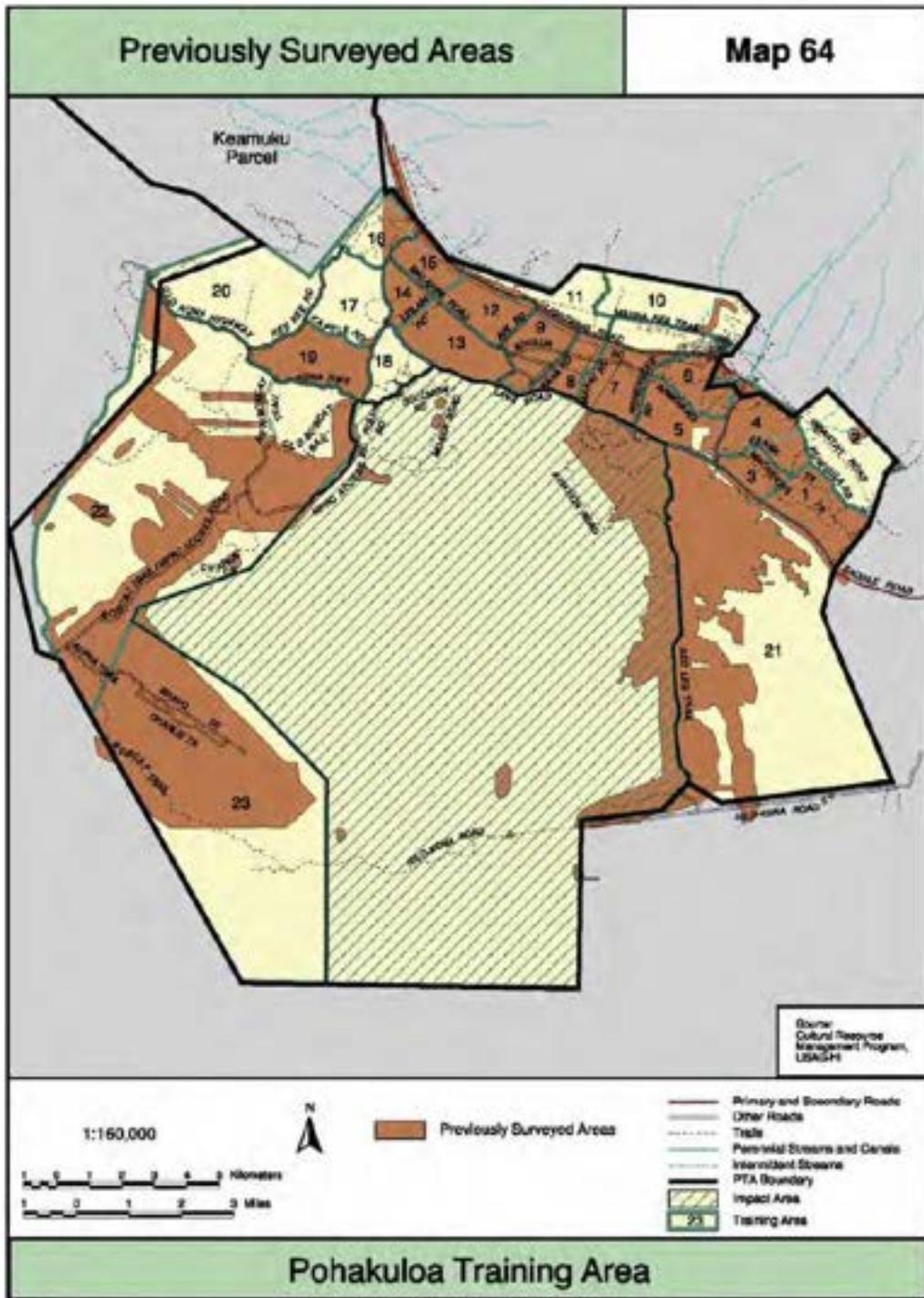
*Figure 15. Detail map 1 showing archaeological sites within the project area.*

*Figure 16. Detail map 2 showing archaeological sites within the project area.*

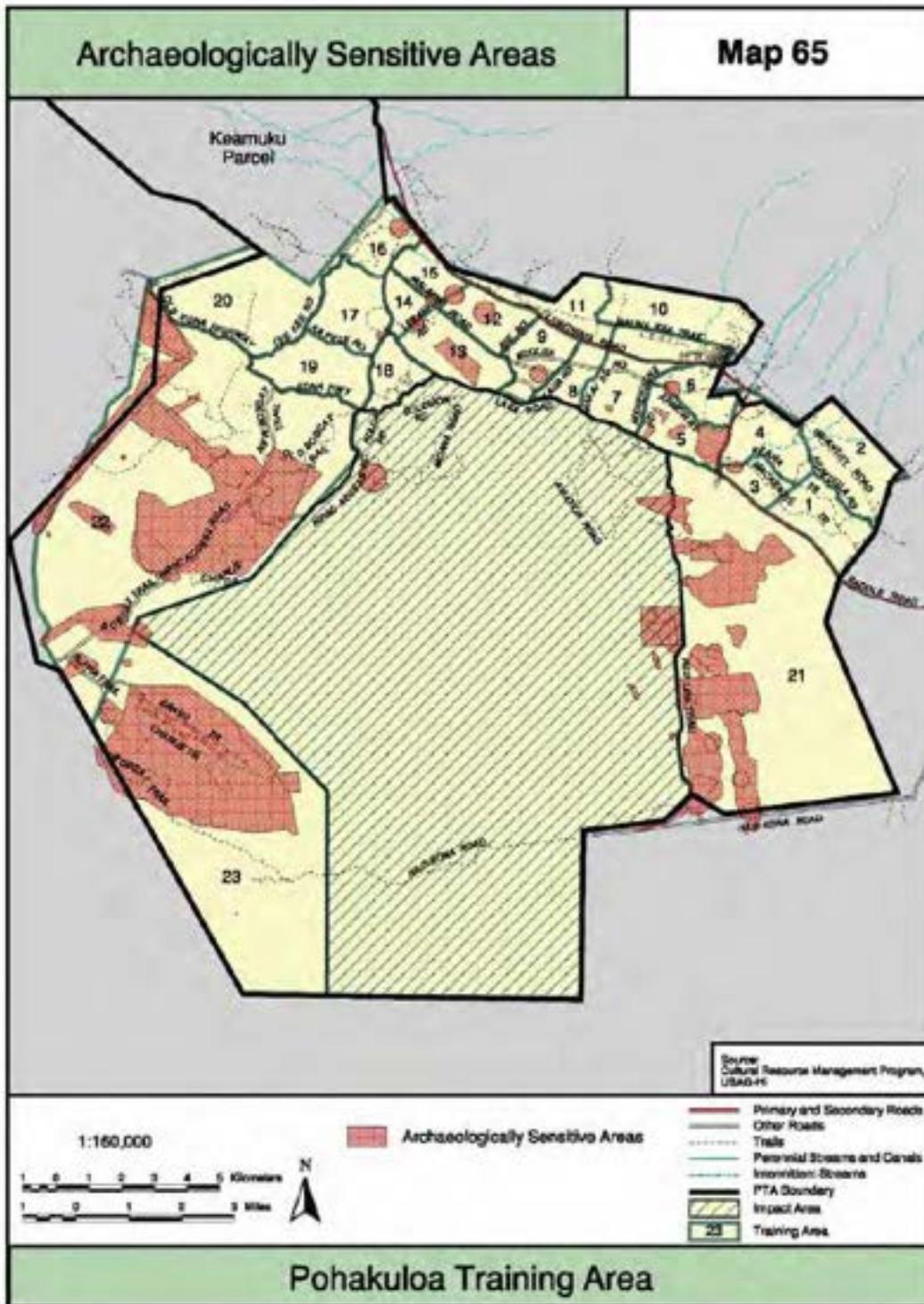
*Figure 17. Detail map 3 showing archaeological sites within the project area.*

*Figure 18. Detail map 4 showing archaeological sites within the project area*

**Without the ability to review these omitted maps, the public doesn't have the ability to make adequate and thorough comments pertaining to the potential impacts upon the cultural resources within PTA. Updated copies of these maps should be included in the EIS.** There aren't any practical reasons why identified archaeological sites and cultural resources couldn't be shown on a map similar to *Figure 1-3: Pōhakuloa Training Area Training Areas and Features* or *Figure 2-1: Training Areas and Facilities on State-Owned Land* (DEIS pp. 1-13, 2-3). Especially since previous EISs have included maps that showed archaeological studies and sites within PTA without fully disclosing their precise locations. [See **Figures 3.10-3, 3.10-4, & 3.10-5 from the FEIS Military Training Activities at Mākua Military Reservation, Hawai'i, June 2009. (FEIS MMR 2009)**] It appears that this DEIS is failing to disclose that a large portion of the previously surveyed area within the State-leased lands has identified “**Archaeologically Sensitive Areas**” with numerous “**Recorded Archaeological Sites.**”



**Figure 3.10-3 Previously Surveyed Areas, PTA**



**Figure 3.10-4 Archaeologically Sensitive Areas, PTA**

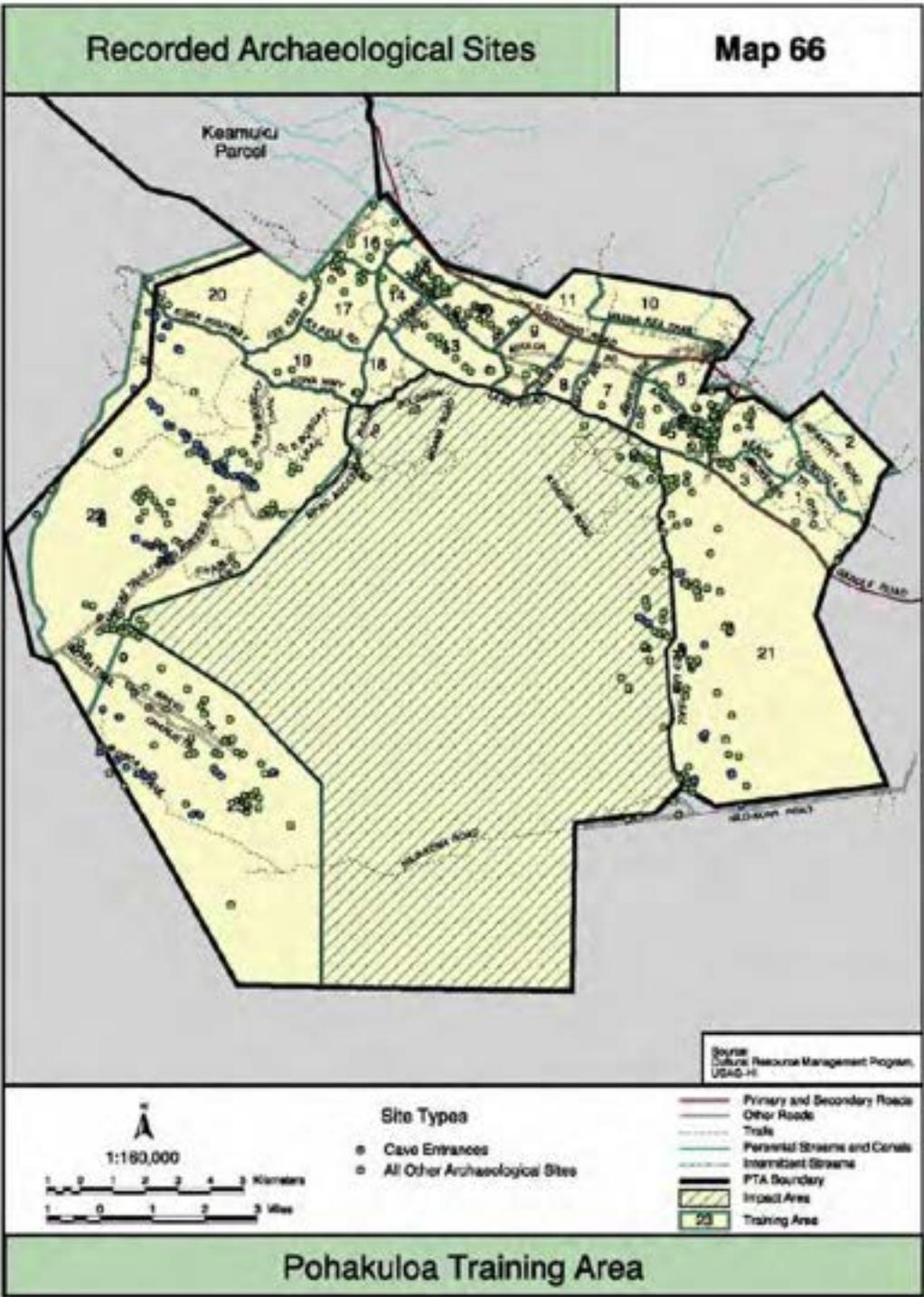


Figure 3.10-5 Recorded Archaeological Sites, PTA (including caves)

**In addition, the U.S. Army has not completed an accurate and thorough assessment of Traditional Cultural Properties (TCPs) and properties of traditional religious and cultural importance (PTRCIs) to Native Hawaiians within PTA, including the State-leased land. Some of the previous archaeological studies have identified Areas of Traditional Importance (ATI) that might be potential TCPs and/or eligible as formal PTRCIs within PTA. Likewise, landscapes that are connected to the Native Hawaiian culture are considered ATI. However, cultural landscapes have not been formally evaluated at PTA. (FEIS MMR 2009, p. 3-303) In addition, consultation with Native Hawaiian organizations, and other interested groups and individuals to assess the cultural significance of these properties and their NRHP eligibility has not occurred. The DEIS and associated reports, including the ALR, failed to include any narratives and information on these matters. Although the CIA does list some *wahi pana* as PTRCI, the list is incomplete.**

In other documents prepared for the U.S. Army, they have identified ‘Areas of Traditional Importance’ (ATI) that have not been formally evaluated at PTA. These documents also provide an understanding and guidance regarding these types of cultural resources. The following excerpts are from the *FEIS MMR 2009*:

The term ATI is used in this EIS as a broad category encompassing places of traditional cultural importance to native, aboriginal, or local groups. These areas have either been identified through oral testimony or are associated with other cultural or natural components. Some ATI may be formally designated as historic properties. ATI at MMR and PTA may also include cultural landscapes (defined below), properties of traditional religious and cultural importance to a Native Hawaiian group, prehistoric and historic archaeological sites that may include heiau (temple complexes) and burial sites, traditional gathering places and traditional use sites, and sites used for subsistence and other cultural purposes. Other natural resources may have cultural significance, although they can be difficult to specify in terms of location and individual physical properties.

Exceptions are where springs, ponds, caves, or other natural features are incorporated into the physical structures of archaeological sites. Other ATI may be specific landforms, such as a mountain peak or large stones that are clearly mentioned in oral traditions.

Executive Order 13007 protects Indian and Native Alaskan sacred sites on federal lands, and the same protections have generally been extended by the Army in Hawai‘i to sites considered sacred by Native Hawaiian organizations. ATI may include sacred sites, although they may not necessarily be the same as properties of traditional religious and

cultural importance (PTRCIs), which are defined in Section 3.10.5, and they may or may not be eligible for listing on the NRHP.

As shown in the legends cited above, some areas can derive traditional importance from oral histories that describe ancestral or mythical events, many of which explain how places or landscapes were named or created.

These affiliations also illustrate how Native Hawaiian spirituality and religion is intertwined with the land, landforms, plants, water, ocean, sky (cosmology), mountains, and all things natural and supernatural. Native Hawaiian cultural landscapes, discussed below, share many of the same interconnected and difficult to explain qualities and intangible elements in nature and the environment that are significant and sacred to Native Hawaiians but that are generally not readily apparent or objectified by non-Native Hawaiians.

ATI may also be associated with flora and fauna. For example, Native Hawaiians feel a spiritual and even genetic connection to plants, specifically kalo or taro, because it plays a large role in their creation traditions (the Kumulipo). One version of this story describes how Wākea, the sky god, coupled with his daughter, resulting in a stillborn and misshapen male fetus that was buried in the earth on the east side of their house (Enos 1998). From out of the ground where the baby was buried the kalo grew, nourished by the tears of his mother. When Wākea's daughter became pregnant again, she bore the first male human, named Hāloa. All future Hawaiians would be related to him, and consequently, related to the kalo, the plant that grew out of Hāloa's stillborn brother. With such direct links to plant life, much of Hawaiian religion and ceremony is centered around traditions regarding when to sow, fish, harvest, or process natural resources. This focus implies that the definition of "ancestor" to Native Hawaiians includes every water source, geological characteristic, plant, insect, and animal that exists in any given area. It also implies the belief that "Native Hawaiian" extends beyond the human form, encompassing the natural landscape and the physical forms of their gods held within earth, water, plants, and animals.

Given the above, ATI may therefore include more than specific areas where identifiable activities occurred. Because of the interconnected nature of Native Hawaiian beliefs, ATI may also represent links in a chain of places. MMR, for example, fits in the area between Pōka'ī Bay and Ka'ena Point, which is all sacred land, or wahi pana. (pp. 3-299 - 3-301)

Studies, including surface and subsurface surveys, archival research, and oral interviews, have identified a number of ATI, as discussed above, that may be eligible as PTRCIs. The process for determining if identified ATI are eligible as formal PTRCIs includes consultation among USARHAW, the SHPO, Native Hawaiian organizations, and other interested groups and individuals, including but not limited to those listed in the Ukanipo Heiau Programmatic Agreement. The Army treats all cultural resources as eligible for the NRHP until they have been formally assessed for eligibility. (p. 3-308)

Landscapes that are connected to Native Hawaiian culture are considered ATI. In addition, cultural landscapes have not been formally evaluated at PTA. (p. 3-303)

In another document prepared for the U.S. Army, *Stryker Brigade Combat Team FEIS (May 2004)*, it further discussed cultural and native resources at PTA as noted below.

PTA is part of a large cultural landscape that includes the sacred mountains Mauna Kea and Mauna Loa and the saddle between them. This area is spiritually and historically one of the most important places in Hawaiian tradition and history. (p.3-34)

This FEIS defines five cultural landscape types that reflect the importance of culturally significant natural resources and man-made resources such as archaeological sites:

1. Areas of naturally occurring or cultivated resources used for food, shelter, or medicine.
2. Areas that contain resources used for expression and perpetuation of Hawaiian culture, religion, and language.
3. Places where known historical and contemporary religious beliefs or customs are practiced.
4. Areas where natural or cultivated endangered terrestrial or marine flora and fauna used in Native Hawaiian ceremonies are located, or where materials for ceremonial art and crafts are found.
5. Areas that provide natural and cultural community resources for the perpetuation of language and culture including place names and natural, cultural, and community resources for art, crafts, music, and dance.

The NHPA (16 U.S.C. §470) directs the Federal Government to consider the effects of its actions on historic and cultural resources under Section 106 through a four-step compliance process (initiate, identify, assess, and resolve). The NHPA established the National Register of Historic Places (NRHP) (National Register) as the U.S.

government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation (16 U.S.C. §470a[a]). (p.3-96)

Cultural resources are sites, structures, buildings, districts or objects, associated with important historic events or people, demonstrating design or construction associated with a historically significant movement, or with the potential to yield historic or prehistoric data, that are considered important to a culture, a subculture, or a community for scientific, traditional, religious, or any other reason (NPS, 2008). Typically, these resources are characterized as:

- · **Historic Resources.** These include properties, structures, and districts that are listed in or have been determined to be eligible for listing on the National Register (administered by the NPS).
- · **Archaeological resources.** This includes prehistoric or historic sites where human activity has left physical evidence of that activity but few above-ground structures remain standing.
- · **Architectural resources.** This includes buildings or other structures or groups of structures that are of historic or aesthetic significance.
- · **Native resources.** These include resources of traditional, cultural, or religious significance to a Native American Tribe, Native Hawaiian, or Native Alaskan organization. TCP, as defined in National Register Bulletin 38 (NPS, 1998), include archaeological resources, structures, neighborhoods, prominent topographic features, habitats, or areas where particular plants, animals, or minerals exist that any cultural group considers to be essential for the preservation of traditional cultural practices.

Trails are key in identifying cultural resources and sites within PTA as also noted in the *ALR*.

*Archaeological evidence suggests that many of the site types identified within PTA may be associated with travel corridors through the region (Robins et al. 2006; Shapiro et al. 1998; Williams 2002). (p. 8)*

*Temporary and repeated-use habitation site types are typically located along trails running through the Saddle Region and near important upland resources, such as quarries, lava tubes with drip water sources, and bird nesting areas. (p. 39)*

Despite this reference, the *ALR* only showed one such trail in Figure 5 associated with ‘Umi and failed to identify other trails and travel corridors through this region. Also, the identification and

narratives of other trails/roadways that would fall under the Highways Act of 1892 are noticeably missing from the reports.

The DEIS (pp. 3-49 and 3-50, Table 3-7) and *Cultural Impact Assessment (CIA)* prepared by Honua Consulting cites the ethnographic study by Patrick McCoy and Maria Orr, *Final Report: Ethnographic Study of Pōhakuloa Training Area and Central Hāmākua District, Island of Hawai‘i, State of Hawai‘i, (November 2012)*. However, this report is considered very incomplete and inaccurate as it pertains to traditional cultural properties (TCPs) within PTA. This study was extremely limited in its ethnographic scope, oral histories, and archival research that was utilized in the analysis of TCPs. In addition, this study failed to properly consider significant cultural landscape features such as *pu‘u* as being TCPs. Despite several other EISs and surveys having identified potential TCPs within PTA, the archaeological firm and authors of this report, with limited or no previous survey experience within PTA, have systematically dismissed previously identified TCPs. Although the authors of the report have apparently at least looked at National Register Bulletin 38, there is little evidence that they’ve made any reasonable effort to identify potential TCPs by following the guidelines and methods set forth in this bulletin. Instead, it appears that they have cherry-picked concepts, and in some cases made them up, to support their conclusions that TCPs are non-existent within PTA. Thus, providing an ostensibly authoritative basis for writing-off TCPs within PTA and perhaps more importantly, allowing military activities and undertakings to move forward within an environmentally and culturally sensitive landscape. In addition, as noted in Section 2.1 of this report, it lacked any direct consultation with Native Hawaiian organizations (NHOs), Office of Hawaiian Affairs (OHA), or cultural practitioners in the identification of TCPs. Likewise, field inspections with NHOs, OHA, or cultural practitioners were not done. This report was done in a method that is in contradiction to guidelines set forth in Bulletin 38 as noted below (emphasis underlined):

**Contacting traditional communities and groups**

An early step in any effort to identify historic properties is to consult with groups and individuals who have special knowledge about and interests in the history and culture of the area to be studied. In the case of traditional cultural properties, this means those individuals and groups who may ascribe traditional cultural significance to locations within the study area, and those who may have knowledge of such individuals and groups. Ideally, early planning will have identified these individuals and groups, and established how to consult with them. As a rule, however, the following steps are recommended. (p. 6)

**Field inspection and recordation**

It is usually important to take knowledgeable consultants into the field to inspect properties that they identify as significant. In some cases such properties may not be discernible as such to anyone but a knowledgeable member of the group that ascribes significance to them; in such cases it may be impossible even to find the relevant properties, or locate them accurately, without the aid of such parties. Even where a property is readily discernible as such to the outside observer, visiting the property may help a consultant recall information about it that he or she is unlikely to recall during interviews at a remote location, thus making for a richer and more complete record. (pp. 7-8)

Likewise, as noted in the CRM bulletin (Vol. 16, 1993) by Patricia L. Parker (co-author of National Register Bulletin 38):

One fundamental difference between traditional cultural properties and other kinds of historic properties is that their significance cannot be determined solely by historians, ethnographers, ethnohistorians, ethnobotanists, and other professionals. The significance of traditional cultural properties must be determined by the community that values them.

Conclusively, this *Ethnographic Study* of PTA is deficient in its identification of TCPs within PTA and should not be cited or referenced in this DEIS or *CIA* to substantiate any conclusions pertaining to TCPs. This report further affirms that the lack of sufficient archaeological survey work, information, and mapping has prevented the U.S. Army from completing the NRHP nomination process for known historic properties within PTA.

It's not our intention to be critical or point out the various deficiencies of the *Cultural Impact Assessment (CIA)* prepared by Honua Consulting for this DEIS. However, such reports should be expected to be conducted at a high standard of accuracy and completeness because they often become a record of cultural resources and Native Hawaiian practices and traditions that will be referenced and often regurgitated in future reports. This expectation is also stated on Honua Consulting's website as such, "*We hold ourselves to the highest standards of excellence.*"

Although the *CIA* considered "*the geographic extent for traditional and customary practices as the region between Mauna Kea, Mauna Loa, and Hualālai, known generally as the Saddle Region,*" most of the information in this report lacked any substantial new information. A large portion of this report was copied from other previous Mauna Kea reports. It's very apparent that the same type of extensive and comprehensive archival research that was compiled and published by Kepā and Onaona Maly for Mauna Kea was not applied to other areas of PTA. Very

little new information and archival research was included about the Mauna Loa region even though the boundaries of PTA extend up its slopes and the ahupua‘a of Ka‘ohe extends up to its summit and Moku‘āweoweo caldera. Similarly, there is a lack of cultural information about the region of Hualālai.

The *CIA* only included one interview as part of this report and thus lacked adequate information as well as engagement with NHOs and cultural practitioners.

The information in Tables 4, 5, 6, and 15 of the *CIA* has been presented in an unorganized and inaccurate manner. Firstly, the listing of place names should be listed in alphabetical order so that they can be more easily searchable. The listing appears to be unorganized and done randomly. Also, it’s suggested that the place names in Tables 4-6 be combined into one table/list and include another column that identifies the map(s) or sources. Place names/*wahi pana* from other earlier maps and other sources should also be included in the combined table/list. This would make it much easier for someone from the public to review and analyze the research. It is very apparent that Tables 4-6 are missing several noted *wahi pana* such as Kūkahau‘ula (summit), Waiiau (lake), Lilinoe (spring), etc. Also, Table 15 is missing the unnamed *pu‘u* within PTA. Secondly, some of the data in the “Translation” column are actually descriptions of these place names and not literal translations. Likewise, some of these descriptions are for place names on other islands or in other districts and they are not even relevant to the *wahi pana* of this area. The source of descriptions and translations in the tables are not identified, although they appear to be extracted from *Place Names of Hawai‘i*. It is suggested that translations of these place names also be extracted from the various Hawaiian dictionaries as well as from other sources if available. Some of the translations appear misconstrued and their source unidentified. For example in Table 15, it has the literal translation for Pu‘u Koko as “*clot of blood or heart*” as compared to “*blood (koko)\* hill.*” Likewise, the term *koko* could also be *kokō* or *kōkō*. Based upon a cultural context, the definition is definitely not “*clot of blood or heart*” as listed. Another example in Table 5, it has the literal translation for Ahu A ‘Umi as “*strangled.*” However, if thorough research had been done in other sources, more appropriate literal translations would have been obtained as such, “*altar [used] by ‘Umi*” (*Place Names of Hawai‘i*) or “*Umi’s cairn*” (*Parker Dictionary*).

The *CIA* can be greatly improved with the presentation of the maps in the figures. The resolution of some maps are so low that it’s impossible to adequately review them (e.g. Figure 12). It’s also suggested to not superimpose place names on older maps if they aren’t actually on those maps. It makes it difficult to view these maps within their historical context (e.g. Figures 3 & 4). Also, some of the superimposed names are in the wrong locations. Names should only be

superimposed on the map if it is difficult to read. If the *CIA* had a combined table/list of place names, then it could include one map locating all these place names by either a number or actual name. Likewise, unnamed *pu 'u* and other geological features/cultural resources should also be identified on this map.

The *CIA* failed to include a listing of all known Hawaiian plants found in PTA. This plant list in Table 9 only includes endangered or threatened plants. Similarly, the plant list in the DEIS is also incomplete.

We concur that *pu 'u* (hilltops, cinder cones) are a significant part of the cultural landscape within PTA and surrounding areas as noted in the *CIA*.

*Particularly important to the landscape for Pōhakuloa are the pu 'u or hills. There are numerous hills with numerous traditional Hawaiian names. The pu 'u are regularly referenced throughout the historical documents,*

*Pu 'u are significant in the Hawaiian culture and are known to be often used for cultural ceremony or as burial sites. They are also critical in wayfinding, serving as valued landmarks by which travelers could orient themselves. A list of pu 'u located on the state-leased land is provided in Table 15. (p. 242-243)*

Despite the acknowledgement of the significance of *pu 'u*, the *CIA* failed to identify a number of *pu 'u* within PTA. Only the *pu 'u* identified on maps are referenced in this report. As a result, there were a number of *pu 'u* without traditional Hawaiian names within PTA that weren't identified in the *CIA*.<sup>5</sup> Also, the superimposing of *pu 'u* and other place names on some of the historic maps when they aren't actually found on these maps distorts the historic record. (See Figure 3) Likewise, when some of these names were superimposed on these historic maps, they were positioned in the wrong locations. Based upon personal experience from site visits with PTA staff, E. Kalani Flores has noticed that some of these unidentified *pu 'u* were used as landmarks that were in alignment with certain trails and habitation sites. In addition, the *CIA* failed to identify other significant geographical features such as lava tubes, caves, and gulches, and some lava flows. The significance of these features are that they are referenced in early accounts, surveys, and travels through this area. Also, only two photos (cover photo and Figure 29) of the landscape are included in the *CIA*. Thus, the *CIA* lacks sufficient photos and information depicting the cultural landscape and significant features that are directly connected

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<sup>5</sup> Note: PTA has identified some of these *pu 'u* on their maps with their own selection of Hawaiian names (e.g. Menehune, Hukilau, Kaneohe, Waipahu).

to Native Hawaiian cultural traditions and practices. Shown below is an example of the types of photos (depicting a cultural landscape in Kohala) with the *pu 'u* names superimposed that should be included in the *CIA*.



The *CIA* lacks an adequate discussion of *wai* (fresh water) elements and the connection to Native Hawaiian cultural practices, traditions, *akua* and *kupua*. Traditional *mo 'olelo* and *oli* clearly identify Kāne, Waiiau, Poliahu, Lilinoe, Līhau, Kahoupouokāne, and others associated with their *kinolau* and fresh water forms on Mauna a Wākea. Therefore, it's not surprising that the sacred springs on this mountain were called Lilinoe, Waihuakāne (Waihu), and Kahoupookāne (spelling variations: Houpokane, Hopukani, Hapukani, etc.). Consequently, the use and diversion of water from these sacred springs by PTA and the State are considered forms of desecration in a cultural context especially when it's being used to flush toilets and other non-potable uses. There are cultural practitioners today that still collect this *wai kapu* from the source points where they first emerge from the ground for use in ceremonies.

Inaccurate accounts are interspersed throughout the *ALR* and *CIA*. These errors apply to basic knowledge and researching skills. They are too numerous to list. This is troubling because it brings into question the accurateness and completeness of other areas in these reports. A few examples of these inaccurate and misconstrued accounts are noted below.

- The references to Ka' ohe Mauka and Pā'auhau Mauka/Makai as being *ahupua'a* is incorrect as substantiated by early Mahele records, survey accounts, and maps that reference these traditional *ahupua'a* without the terms "Mauka" or "Makai." Neither is this a "modern *ahupua'a* designation." Instead, the use of these terms misidentifies and misconstrues the actual names of these *ahupua'a*. The terms "Upper" and "Mauka" didn't appear on the maps until after 1900, not as the name of these *ahupua'a*, but instead were

used as a reference to the inland portions of these *ahupua'a*. This is similar to how the directional terms of “uka” and “kai” were used when referencing different portions of an *ahupua'a*. However, the use of these terms did not change the actual original names of these *ahupua'a*.

- Some of the information pertaining to the Mahele in the *ALR* is inaccurate. The lands of Ka'ohē and Humu'ula were not “awarded” to Victoria Kamamalu. They were initially “claimed” on her behalf and then relinquished as part of her commutation. In addition, Ka'ohē was not “designated as Crown Lands” during the Mahele. After this *ahupua'a* was relinquished by Victoria Kamamalu, then it became Government Lands of the Hawaiian Kingdom. Likewise, Humu'ula was not “initially designated as Crown Lands” during the Mahele. Instead this *ahupua'a* was relinquished by Victoria Kamamalu and it then became Crown Lands after Kamehameha III retained it as part of his inventory of lands.
- Narratives are inadequate to fully describe the environment and landscape of PTA. Why weren't sufficient photos included in both the *CIA* and *DEIS*? Furthermore, these photos should identify the locations and names (if known) of the *pu'u*, *mauna*, lava flows, caves, gulches and other features by superimposing the names on the photos similar to what was done on the maps in this report.
- Information from the ethnographic study by Social Research Pacific, Inc., *Final Draft Report: Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pohakuloa Training Area, Hawai'i Island, Hawai'i, (July 9, 2005)* appears missing from the *ALR* and *CIA*. [See attached copy.]
- The *CIA* fails to clearly define “the Study Area.” Throughout the *CIA*, there is an inconsistency of what area is being assessed with convoluted references to the “Region of Influence,” “Project Area,” “Geographic Extent,” and “Study Area.” Although the *CIA* states the following, the Study Area is depicted in Figure 5 as only the PTA area.

*The study area or geographic extent for traditional and customary practices can extend beyond the ROI utilized for tangible cultural resources. For the CIA, the geographic extent considered included the region between Mauna Kea, Mauna Loa, and Hualālai, known generally as the Saddle Region (Figure 5).*

*Based on the collected ethnographic data, which largely focused on PTA, it was decided that the installation would make the most appropriate Study Area.*

## **LACKS COMPREHENSIVE REVIEW OF CUMULATIVE IMPACTS**

**The DEIS is inadequate in that it lacks a comprehensive review of cumulative impacts by narrowing the Region of Influence (ROI) as it pertains to the respective cultural and biological resources.**

It's very evident that several of the previous projects within PTA were planned and reviewed as individual actions and not as part of a comprehensive review of the proposed undertakings at PTA that should be appropriately addressed in an EIS. Likewise, the ROI or Area of Potential Effect (APE) for each of these projects' proposed actions were greatly reduced in order to orchestrate "findings of no significant impact" for the U.S. military undertakings at PTA. As a result, there has been a failure to disclose the cumulative impacts upon the biological, cultural, and historic resources at PTA. This DEIS has taken the same approach.

The ROI for the cultural resources assessment was limited to just the State-leased lands instead of the entire PTA area as noted below:

*The ROI for historic and archaeological resources includes the entire geographic extent of State-owned land within PTA. (DEIS p. 3-42).*

Even with this ROI being restricted to just the State-leased land, archaeological inventory surveys have not been completed for about **11,920 acres** or **48%** of these lands. As previously noted, the analysis of the historic and archaeological resources was curtailed in the *Archaeological Literature Review*. Especially with the extent of military undertakings, live-fire exercises, firing-points, target ranges, and training activities that occur on the State-leased land, the entire geographic extent of State-leased land should have previously been surveyed for cultural resources. Furthermore, in order to completely grasp the cumulative impacts upon the cultural resources, the entire PTA should have been surveyed.

The ROI for the biological resources was also limited to just the State-leased and adjacent lands instead of the entire PTA area as noted below:

*The ROI for biological resources includes State-owned land leased by the Army and adjacent lands, both Government- and State-owned lands, where population distributions of plants or animals are contiguous.*

*This ROI includes wildlife corridors and areas encompassing habitats that connect to the State-owned land at PTA, which potentially support protected populations.*

Even with this ROI being restricted to just the afore-mentioned areas, Figures 3-4 and 3-5 failed to accurately show “where population distributions of plants or animals are contiguous” to State-leased land. Also, these maps fail to accurately show the “wildlife corridors and areas encompassing habitats that connect” to the State-leased land.

**Native Hawaiian traditional and customary practices are directly tied to the biological resources. With the failure to complete a comprehensive review of the cumulative impacts pertaining to these biological resources, an analysis of the potential impacts upon Native Hawaiian practices can not be adequately assessed. Conclusively, this DEIS doesn't include a comprehensive review of the cumulative impacts upon the cultural and biological resources within PTA.**

## **LACKS MITIGATION MEASURES FOR HAZARDOUS & TOXIC MATERIALS & WASTE**

**The DEIS is inadequate in that it lacks any mitigation measures for all alternatives pertaining to the hazardous and toxic materials and waste located on the State-leased lands as well as in the entire PTA that have been generated by military activities. In addition, it's contended that the Level of Significance being listed as “Less than significant” for Alternatives 1-3 is totally inaccurate.**

The DEIS doesn't include any cost estimates or analysis for the clean-up and removal of hazardous and toxic materials and waste, including unexploded ordnance and munitions debris/residues, from State-leased lands as it pertains to the various alternatives. The land contaminated with military munitions may potentially have soil, groundwater and surface water contamination from munitions residues (including explosives and heavy metals, chemical warfare agents or depleted uranium). These residues may derive from partially detonated and decomposing ordnance and explosives from training activities, flares, smoke grenades, open burning and open detonation disposal activities, munitions burial sites, weapons testing or other military activities. Also, the entire 2017 ECOP report should be included in the DEIS appendix or an online link to this report should be made accessible to the public in order to verify the analysis of this criteria.

## INADEQUATE CONSULTATION

**This DEIS is an incomplete document because it is blatantly void of any Section 106 consultation with Native Hawaiian organizations (NHOs) and/or individuals as required by federal law.**

The U.S. Army is required by regulations at 36 CFR Part 800 to implement Section 106 of the NHPA (54 U.S.C. Part 306108) to consult with NHOs and Native Hawaiian individuals who have an interest and/or connection to this area due to the proposed undertaking. According to Section 101(d)(6)(B) of this act, it requires “the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking.”

The U.S. Army Garrison (USAG) – Hawaii and the USAG – Pōhakuloa are not in full compliance with statutory requirements of Section 106 federal laws and failed to follow the [Department of Defense’s policy \(DODI 4710.03\)](#) and [Advisory Council on Historic Preservation \(ACHP\) Handbook](#) regarding the Section 106 review process with NHOs as it pertains to this DEIS despite the *2018 PA* outlining these processes as such:

WHEREAS, USAG-Pōhakuloa and USAG-HI recognize the U.S. Department of Defense Instruction Consultation Policy with Native Hawaiian Organizations (DODI 4710.03) and Advisory Council on Historic Preservation (ACHP) Handbook on Consultation with Native Hawaiian Organizations as their guiding principles for consulting with NHOs;

Furthermore, the *2018 PA* clearly states the significance for the Section 106 consultation process with NHOs as it pertains to undertakings in PTA as such:

WHEREAS, the NHPA defines Native Hawaiian Organizations (NHOs) as “any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians” (54 U.S.C. § 300314); and

WHEREAS, USAG-Pōhakuloa and USAG-HI acknowledge that NHOs possess special expertise in assessing the eligibility of properties to which they attach religious and cultural significance;

There is no evidence that demonstrates a Section 106 consultation with NHOs has been conducted for this DEIS. Instead, the U.S. Army is attempting to apply a previously limited

Section 106 process that was specific to only a *2018 PA* that was primarily done for the development and operation of the Infantry Platoon Battle Course (IPBC) at PTA. It's also contended that the proposed undertaking for this DEIS falls outside of the scope of the afore-mentioned *2018 PA* and as such would require a Section 106 process as stipulated in this PA:

#### **STIPULATIONS**

The USAG-Pōhakuloa Garrison Commander and the USAG-HI Garrison Commander shall ensure that the following stipulations are implemented:

##### **I. GENERAL**

E. USAG-Pōhakuloa shall follow the standard Section 106 process defined in Subpart B of 36 CFR Part 800 for undertakings that fall outside the scope of this PA (and other applicable agreements), or shall seek an amendment under Stipulation IV.C. to bring the activity within the scope of the PA.

Furthermore, the U.S. Army was reminded about Section 106 requirements during the public scoping process of this DEIS as noted below. Yet, this Section 106 consultation was still not completed.

##### Cultural Resources and Consultation with Native Hawaiian Community

The DEIS should document compliance with the National Historic Preservation Act (NHPA). Identify the progress towards identifying archaeological sites in the impact areas and areas of ongoing disturbance.

The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the agency's undertakings. We note that the Advisory Council on Historic Preservation has a handbook for consultation with Native Hawaiian organizations in the Section 106 process that may be useful. We recommend the DEIS describe the process and progress of Section 106 consultation between the Army and any Native Hawaiian organizations that have shown an interest in the action, issues that were raised, and how those issues are being addressed in the development of the proposed action and alternatives.<sup>6</sup>

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<sup>6</sup> Scoping comments from Karen Vitulano, Environmental Review Branch, U.S. EPA, Region IX. October 8, 2020.

## OTHER

The DEIS is incomplete for failing to provide a complete analysis of several other potential alternatives by reducing it to just Alternatives 1-3. Likewise, training sites outside of Hawai‘i are not identified as an alternative. In addition, there is no analysis for the use of blank and non-explosive munitions for military training. artillery, mortar, and rocket systems to mitigate the extremely adverse and destructive live-firing activities. Also, there is no disclosure as to what the U.S. Army intends to pay for the lease of State lands it plans to retain as part of the alternatives as well as how much it would cost to completely clean-up those lands not retained.

The DEIS is incomplete for failing to identify the specific types of military activities that occur in each of the training areas in order for the public to make adequate comments in regards to potential adverse impacts associated with the alternatives.

The DEIS **Section 3.3 Biological Resources** is incomplete as it fails to include a listing of all known Hawaiian plants in addition to those listed in Table 3-3.

The DEIS **Section 3.4 Cultural Resources** is incomplete for failure to complete an accurate and thorough assessment of Traditional Cultural Properties (TCPs) and properties of traditional religious and cultural importance (PTRCIs) to Native Hawaiians within PTA, including the State-leased land. Also, it lacks a comprehensive archaeological analysis of cultural resources. In addition, Table 3-7 is an extremely incomplete and inaccurate report as it pertains to TCPs within PTA.

The DEIS **Section 3.6 Air Quality and Greenhouse Gases** is incomplete for failing to provide a detailed description of the type of fugitive dust that has been generated by ongoing live-fire exercises, troop training, and wind erosion. There have been times when travel on Saddle Road has been curtailed during dust storms generated from the PTA area.

The DEIS **Section 3.7 Noise** is inaccurate and incomplete because it is apparent that the noise analysis of troop training is based primarily on modeling instead of actual monitoring. Case in point, we have experienced hearing live-firing outside of the PTA boundaries in cultural and recreational areas such as the Gilbert Kahele (Mauna Kea) Recreational Area, summits of Mauna Kea and Mauna Loa, and surrounding areas both during daylight and evening hours. In addition, artillery live-firing can be heard and felt in residential areas from adjacent Waiki‘i and Humu‘ula – Department of Hawaiian Home Lands and as far away as Waimea and other residential areas. The noise impact upon Kanaka Maoli cultural practitioners during ceremonies and activities

occurring within and outside of PTA is not addressed. Alternatives 1-3 should be considered a “Significant impact” especially with the concentration of training areas, firing-points, and the airfield within or adjacent to the State-leased land. Conclusively, the narratives, summary of impacts, level of significance, and Figures 3-8 to 3-10 do not accurately reflect these noise impacts.

The DEIS **Section 3.8 Geology, Topography and Soils** is incomplete for not including a geological survey of the unique lava flows, substrate, configurations, and lava tubes within PTA and the State-leased lands.. Also, the extent of permanent and irreversible impact upon this landscape as the result of site clearing, grading, ground softening, roads/trails, and quarrying has not been disclosed.

The DEIS **Section 3.9 Water Resources** is incomplete and inconclusive as there is insufficient studies and data to support any type of analysis of the impact and level of significance upon the groundwater. Likewise, the amount of hazardous and toxic materials and waste, including nonpoint source pollutants such as contamination from military munitions use during training activities, that has the potential to leach into the groundwater due to the fracturing of the earth surface due to the constant bombardment within the Impact Area is unknown. Any analysis must consider the Impact Area since the firing-points are located on the State-leased land. Also, the DEIS lacks an analysis of the impact and level of significance upon the use and diversion of water from the sacred springs of Kahoupookāne, Waihūakāne, and Lilinoe on Mauna a Wākea, also considered significant cultural resources.

In contradiction to what is stated in section **4.4.3. Cultural Resources**, the U.S. Army failed in these past decades to mitigate the significant adverse impacts upon cultural resources through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, to provide access to promote and protect cultural beliefs, practices, and resources. So why is it assumed that the Army will be able to accomplish any mitigations in the future. Thus, the statement in this section is clearly false.

In addition, this DEIS has failed to consider and/or disclose the adverse impacts of the proposed undertaking upon the ancestral *akua* and *kupua* connected to the area encompassed by PTA. Nowhere in these documents has it been cited that consultation has occurred directly with those ancestral *akua* and *kupua* connected to Mauna a Wākea, Mauna Loa, and those lands between them or indirectly through individuals with the ability to connect with them. Although this cultural perspective might seem difficult to grasp by those unfamiliar with these traditional practices, there are individuals who have the ability and gift to interact and communicate with

such ancestral *akua* and *kupua*. We charge that this process of consultation with those recognized as the ancestral *akua* and *kupua* of these lands has not been done. It may also be difficult to perceive that these culturally significant mountains are still the home and domain of those whom our ancestors interacted with, those who regulated the weather, and those who safeguarded the heavens and the earth. *Akua* and *kupua* on these lands are manifested in the elements, such as the dew, the frost, the snow, the winds. In addition, there are those who dwell on the summits and saddle region who serve in the capacity as guardians for the sacred landscape.

The proposed alternatives (especially when assessed from a cumulative perspective of this impact along with the past, present, and future activities associated with PTA and others) would create a significant disturbance to them and would also disrupt the energy and life forces that flow through and between these mountains. Consequently, the types of military activities create a physical and/or spiritual disturbance, disconnection, or imbalance between man and his *akua*, and between man and his environment.

The reference in the DEIS pertaining to the Republic of Hawai‘i assuming ownership of the Crown and Government lands of the Hawaiian Kingdom is inaccurate. These were clearly “stolen lands.” Likewise, the Republic of Hawai‘i was never legally annexed to the United States as a treaty of annexation was never executed and approved with a two-thirds vote of the U.S. Senate in 1898 due to Kanaka Maoli resistance at the time. What occurred in 1898 was just an illusion to secure and occupy Hawai‘i due to its strategic military location in the middle of the Pacific.

Note: There are several individuals named Kalani Flores. If the one listed in Table 1 of the *CIA* is referring to E. Kalani Flores of the Flores-Case ‘Ohana, he isn’t associated with the University of Hawai‘i at Hilo.

## CONCLUSION

**Comments put forth are specific to the items presented and were not intended as an assessment of all aspects of the DEIS and associated reports as there was insufficient time and resources to do so. The comments presented in this document identify significant deficiencies in this DEIS.**

Firstly, the proposed continued military operations at PTA are not an allowable use for this conservation district per HRS Chapter 183C and HAR Chapter 13-5. Also, military use is not in alignment with the purpose of land use in a conservation district as noted below.

**§183C-1 Findings and purpose.** The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare. [L 1994, c 270, pt of §1]

Likewise, this DEIS is not in compliance with particular HEPA and NEPA requirements noted in the sections underlined below.

**HRS §11-200.1-24 (i)** The draft EIS shall include a description of the environmental setting, including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance); specific reference to related actions, public and private, existent or planned in the region shall also be included for purposes of examining the possible overall cumulative impacts of such actions. Proposing agencies and applicants shall also identify, where appropriate, population and growth characteristics of the affected area, any population and growth assumptions used to justify the proposed action, and any secondary population and growth impacts resulting from the proposed action and its alternatives. The draft EIS shall expressly note the sources of data used to identify, qualify, or evaluate any and all environmental consequences.

(1) The draft EIS shall include an analysis of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the action. This analysis shall include consideration of all phases of the action and consideration of all consequences on the environment, including direct and indirect effects. The interrelationships and cumulative environmental impacts of the proposed action and other related actions shall be discussed in the draft EIS. The draft EIS should recognize that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource actions, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation shall be made of the effects of any possible change in population patterns or

growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data regarding these impacts shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (m), (n), (o), and (p).

Consequently, the proposed Alternatives 1-3, especially with the military activities, firing-points, training areas, and live-fire operations within the State-leased lands, would continue to cause a severe disturbance, destruction, and desecration to the land and everything and everyone connected to it at various levels and dimensions. The analysis pertaining to environmental impacts is considered extremely inaccurate especially when the level of significance for almost all resources is listed as “less than significant” in this DEIS. This analysis is inconsistent with the environmental impacts identified in other EIS for military uses within PTA such as the *Record of Decision: Military Training Activities at Mākuā Military Reservation, Hawai‘i* (see Tables 5 & 6). Particularly, the impacts to biological and cultural resources of military activities at PTA were identified as being a “significant impact.” So how can impacts of these military activities that are occurring in the State-leased lands as shown in the photos below be considered less than significant in this DEIS?







Examples of PTA military live-fire and training exercises that are adversely impacting our *‘āina*

It is important to remember that many peoples, including Kanaka Maoli, have a reverential relationship with the living Earth as our 'Mother' or 'Grandmother'. The cultural perspective of *mālama ʻāina* and *aloha ʻāina*, to care for the land and nature with sincere love and respect, is at the heart of Kanaka Maoli cultural traditions and customary practices. For those who are listening, what is our *ʻāina* trying to tell us during these times of change?

For us as native people connected genealogically to these lands, when the ancestral guardians and guides call upon us to protect it, that's what we must do, it's our obligation, our privilege, our birthright, our responsibility, our cultural tradition, our *kuleana*.

Everyone is responsible and accountable for their intentions and their actions on these lands. For those who wish to continue to inflict pain and trauma to our beloved island, have you lost your connection to nature? Have you forgotten you are nature?

**Attachments:**

- [Department of Defense's policy \(DODI 4710.03\)](#)
- [Advisory Council on Historic Preservation \(ACHP\) Handbook](#)
- *Record of Decision: Military Training Activities at Mākuā Military Reservation, Hawai'i* [select sections]
- *Final Draft Report: Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pohakuloa Training Area, Hawai'i Island, Hawai'i, (July 9, 2005)*





# Department of Defense INSTRUCTION

**NUMBER** 4710.03

October 25, 2011

Incorporating Change 1, August 31, 2018

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USD(A&S)

**SUBJECT:** Consultation With Native Hawaiian Organizations (NHOs)

**References:** See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues Directive-Type Memorandum 11-001 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5134.01 (Reference (b)).

b. Establishes policy and assigns responsibilities for DoD consultation with NHOs when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. Provides the DoD Components in Hawaii with a framework to develop localized processes to facilitate consultation.

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD with consultation responsibilities to NHOs (hereinafter referred to collectively as the "DoD Components").

b. Is intended only to improve the internal management of the DoD Components regarding their consultation responsibilities and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the DoD, its Components, officers, or any person.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. The DoD respects the traditions and cultures of all native peoples of the United States as well as the strong desire of Native Hawaiians to maintain their rich history and tradition amidst other prevalent influences in American society.

b. The DoD recognizes the special status afforded NHOs by the U.S. Government through various Federal laws, regulations, and policy. The Military Services' long presence in Hawaii has provided the DoD with a strong appreciation for the importance of consultation when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. The DoD shall conduct meaningful consultation for the purpose of avoiding or minimizing, to the extent practicable and consistent with law, the effects of DoD Component actions on a property or place of traditional religious and cultural importance to an NHO.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 provides procedures and requirements for when, with whom, and how to consult with NHOs, including considerations for natural and cultural resources.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. SUMMARY OF CHANGE 1. This change reassigns the office of primary responsibility for this Instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (c)).

9. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Frank Kendall  
Acting Under Secretary of Defense for  
Acquisition, Technology, and Logistics

Enclosures

1. References

2. Responsibilities
  3. Procedures
  4. Compliance Measures of Merit
- Glossary

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ENCLOSURE 1

REFERENCES

- (a) Directive-Type Memorandum 11-001, “Consultation with Native Hawaiian Organizations,” February 3, 2011 (hereby cancelled)
- (b) DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)),” December 9, 2005
- (c) Deputy Secretary of Defense Memorandum, “Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment,” July 13, 2018
- (d) Sections 691-716 of title 48, United States Code (also known as “The Hawaiian Homes Commission Act, as amended”)
- (e) Public Law 86-3, “The Admission Act,” March 18, 1959
- (f) Sections 4321-4370f<sup>1</sup> and 2000bb-1<sup>2</sup> of title 42, United States Code
- (g) Sections 470-470x-6 of title 16, United States Code (also known as “The National Historic Preservation Act of 1966 (NHPA), as amended”)
- (h) Sections 3001-3013 of title 25, United States Code (also known as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended”)
- (i) DoD Instruction 4710.02, “DoD Interactions with Federally-Recognized Tribes,” September 14, 2006
- (j) Public Law 103-150, “Overthrow of Hawaii,” November 23, 1993 (also known as “The Apology Resolution”)

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<sup>1</sup> Also known as “The National Environmental Policy Act of 1969, as amended”

<sup>2</sup> Also known as “The Religious Freedom Restoration Act of 1993, as amended”

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall establish DoD policy for interactions with federally recognized tribes and requirements for DoD consultation with NHOs.

2. DEPUTY UNDER SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT (DUSD(I&E)). The DUSD(I&E), under the authority, direction, and control of the USD(AT&L), shall:

- a. Develop policy and guidance for interactions with federally recognized tribes and for consultation with NHOs.
- b. Designate responsibilities and provide procedures for DoD consultation with NHOs.
- c. Enhance DoD Component understanding of NHO issues and concerns through education and training programs and outreach activities.
- d. Assist the DoD Components in identifying requirements of Presidential Memorandums, Executive orders, statutes, and regulations governing DoD consultations with NHOs.
- e. Designate an NHO liaison within the Office of the DUSD(I&E) (ODUSD(I&E)) to coordinate DoD consultation activities.
- f. As requested, assist the DoD Components with consultation with NHOs.

3. HEADS OF THE DoD COMPONENTS WITH CONSULTATION RESPONSIBILITIES TO NHOs. The Heads of the DoD Components with consultation responsibilities to NHOs shall:

- a. Ensure compliance with the applicable requirements of Presidential Memorandums, Executive orders, statutes, and regulations regarding DoD consultations with NHOs, and integrate required consultation activities into mission activities in order to facilitate early and meaningful consultation.
- b. Plan, program, and budget for Presidential Memorandum, Executive order, statutory, and regulatory requirements applicable to consultation with NHOs consistent with DoD guidance and fiscal policies, and within available resources.
- c. Ensure that consultation with NHOs occurs in accordance with Enclosure 3 of this Instruction.

d. Notify the DUSD(I&E) of NHO issues that are controversial, cannot be resolved at the DoD Component level, and have the potential to be elevated to the USD(AT&L) for resolution.

e. Assign NHO liaison responsibilities to staff at the headquarters level to coordinate NHO consultation issues with ODUSD(I&E).

f. Assign a point of contact in Hawaii to ensure that NHO inquiries are channeled to appropriate officials and responded to in a timely manner.

g. Develop consultation procedures and provide cultural communications training for military and civilian personnel with consultation responsibilities.

ENCLOSURE 3

PROCEDURES

1. WHEN TO CONSULT

a. The DoD Components shall consult with NHOs:

(1) When proposing an undertaking that may affect a property or place of traditional religious and/or cultural importance to an NHO.

(2) When receiving notice of or otherwise becoming aware of an inadvertent discovery or planned activity that has resulted or may result in the intentional excavation or inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on Federal lands or lands administered for the benefit of Native Hawaiians pursuant to sections 691-716 of title 8, United States Code (U.S.C.) (also known as “The Hawaiian Homes Commission Act, as amended”) (Reference (d)) and section 4 of Public Law 86-3 (Reference (e)).

(3) When proposing an action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO.

(4) When proposing an action that may substantially burden a Native Hawaiian’s exercise of religion (as defined in the Glossary).

(5) When proposing an action that may affect a property or place of traditional religious and cultural importance to an NHO or subsistence practices, and for which the DoD Components have an obligation to consult pursuant to sections 4321-4370f of title 42, U.S.C. (also known as “The National Environmental Policy Act of 1969, as amended” (Reference (f))) or any other statute, regulation, or Executive order.

b. The DoD Components shall conduct their consultation activities early enough in the DoD project planning process to allow the information provided to be meaningfully considered by DoD project planners and decision makers.

c. Recognizing that consultation is most effective when conducted in the context of an ongoing relationship, the DoD Components are encouraged to, insofar as practicable, establish and maintain relationships with NHOs separate from consultations related to specific actions. As part of this effort, the DoD Components and NHOs may exchange information related to operational and mission requirements, concerns about stewardship of important cultural resources and culturally-important natural resources, procedures to streamline action-specific consultations, and long-term planning.

## 2. WHOM TO CONSULT

a. The DoD Components shall make a reasonable and good faith effort to contact and consult with NHOs whose members perform cultural, religious, or subsistence customs and practices in an area that may be affected by a proposed DoD Component activity in Hawaii.

b. As a State of Hawaii organization established to promote the interests of Native Hawaiians, the Office of Hawaiian Affairs (OHA) (see <http://www.oha.org/>) may provide the DoD Components with up-to-date information and recommendations for appropriate contacts relative to a particular proposed action. OHA may also assist the DoD Components with consultation through dissemination of notices and announcements of proposed DoD Component actions that may affect resources of religious and cultural importance to NHOs.

c. As a practical matter, the DoD Components may find it helpful to contact:

(1) Individual Native Hawaiians and others who may have specific knowledge about the history and culture of an area that may have the potential to be adversely affected by a proposed DoD Component action.

(2) Individual Native Hawaiians and others who live near an area that may be affected by a proposed DoD Component activity and who regularly use the area for cultural, religious, or subsistence purposes.

(3) The U.S. Department of Interior, Office of Hawaiian Relations, which maintains an NHO Notification List at <http://www.doi.gov/ohr/nativehawaiians/list.html>.

(4) The Hawaii State Historic Preservation Officer at <http://hawaii.gov/dlnr/hpd/hpgreeting.htm>.

3. HOW TO CONSULT. The DoD Components shall fully integrate, including staff officers at the installation level, the principles and practices of meaningful consultation and communication with NHOs by:

a. Providing interested NHOs an opportunity to participate in pre-decision consultation that will ensure that NHO concerns are given due consideration whenever a DoD Component proposes an action that may affect historic properties or places of traditional religious and cultural importance to an NHO as defined by sections 470-470x-6 of title 16, U.S.C. (also known and hereinafter referred to as “The National Historic Preservation Act of 1966 (NHPA), as amended” (Reference (g))).

b. Considering the advice and recommendations of OHA to facilitate effective consultation between NHOs and DoD Components, with the understanding that no single NHO is likely to represent the interests of all NHOs.

c. Consulting in good faith, whenever a DoD Component proposes an action that may adversely affect resources of traditional religious or cultural importance to NHOs, and for which the DoD Components have an obligation to consult under any Presidential Memorandum, statute, regulation, or Executive order.

d. Initiating and maintaining effective communication with NHOs using tools and techniques designed to facilitate greater understanding and participation.

e. Providing continuity by ensuring new commanders are provided, as soon as possible, information regarding existing written agreements between the installation and NHOs, points of contact, and NHO areas of special interest concerning installation activities.

f. Recognizing the importance of improving communication between the DoD Components and NHOs by establishing a process for outreach regarding DoD activities that may have an effect on a property or place of traditional religious and cultural importance to an NHO or subsistence practices on each island to foster a positive relationship between the DoD Components in Hawaii and NHOs.

g. Involving the Hawaii State Historic Preservation Officer in consultations in accordance with NHPA, and, with respect to sections 3001-3013 of title 25, U.S.C. (also known and hereinafter referred to as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended” (Reference (h))), appropriate Burial Councils.

4. CULTURAL AND NATURAL RESOURCE CONSIDERATIONS. The DoD Components shall recognize and respect the significance that NHOs give to resources of traditional religious and cultural importance by:

a. Undertaking DoD Component actions and managing DoD lands and water resources so as to protect and preserve, to the extent practicable and consistent with the law and operational and readiness requirements, places that NHOs have identified, consistent with law, as being of particular significance to Native Hawaiian traditional religious and/or cultural practices.

b. Enhancing the ability of NHOs to help the DoD Components protect and manage a natural resource that is also a property or place of traditional religious and cultural importance to an NHO on DoD lands, through NHO participation in the development of Integrated Cultural Resource Management Plans (ICRMP).

c. Accommodating, to the extent practicable and consistent with the safety of NHO representatives, military training, security, and readiness requirements, NHO access to a property or place of traditional religious and cultural importance to an NHO for religious or cultural activities.

d. Developing written agreements to the extent practicable, appropriate, or required, among the DoD Components, the Secretary of the Interior, and NHOs to protect confidential information regarding a property or place of traditional religious and cultural importance to an NHO.

e. Developing written agreements, to the extent practicable, appropriate, or required, between the DoD Components and the Hawaii State Historic Preservation Officer, in consultation with NHOs, to address the effects of proposed DoD undertakings on a property or place of traditional religious and cultural importance to an NHO.

ENCLOSURE 4

COMPLIANCE MEASURES OF MERIT

1. POLICY IMPLEMENTATION. The ODUSD(I&E) shall assess the number of DoD Components that have incorporated a process for consultation with NHOs as part of an ICRMP when a property or place of traditional religious and cultural importance to an NHO has been identified.
  
2. NAGPRA. The ODUSD(I&E) shall assess compliance with NAGPRA in accordance with the compliance measures of merit included in DoDI 4710.02 (Reference (i)).

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

|            |                                                                                   |
|------------|-----------------------------------------------------------------------------------|
| DUSD(I&E)  | Deputy Under Secretary of Defense for Installations and Environment               |
| ICRMP      | Integrated Cultural Resource Management Plans                                     |
| NAGPRA     | Native American Graves Protection and Repatriation Act of 1990                    |
| NHOs       | Native Hawaiian Organizations                                                     |
| NHPA       | National Historic Preservation Act of 1966                                        |
| ODUSD(I&E) | Office of the Deputy Under Secretary of Defense for Installations and Environment |
| OHA        | Office of Hawaiian Affairs                                                        |
| U.S.C.     | United States Code                                                                |
| USD(AT&L)  | Under Secretary of Defense for Acquisition, Technology and Logistics              |

### PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

consultation. Seeking, discussing, and considering the views of other participants and, when feasible, seeking a mutually acceptable understanding regarding the matters at hand. As appropriate to the circumstances, consultation may include, but is not limited to, the exchange of written communications, face-to-face discussions, and telephonic or other means of exchanging information and ideas.

cultural patrimony. Defined in section 2(3)(D) of Reference (h).

culturally affiliated. Defined in section 2(2) of Reference (h).

exercise of religion. Defined in section 2000bb-1 of Reference (f) (also known as “The Religious Freedom Restoration Act of 1993, as amended”).

human remains, funerary objects, sacred objects, or objects of cultural patrimony. Defined in Reference (h).

Native Hawaiian. Defined in Public Law 103-150 (also known as “The Apology Resolution” (Reference (j))).

NHOs. Organizations that serve and represent the interests of Native Hawaiians have a primary and stated purpose of providing services to Native Hawaiians, and have expertise in Native Hawaiian affairs. Pursuant to NHPA and NAGPRA, NHOs include OHA and Hui Malama I Na Kupuna ‘O Hawai’I Nei (see <http://huimalama.tripod.com/>). The DoD Components may identify any other organization as an NHO if they determine that the organization meets the criteria in this definition.



*Preserving America's Heritage*

Consultation with  
Native Hawaiian Organizations  
In The Section 106 Review Process:  
A Handbook

January 2020

The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.

Aimee Jorjani is chairman of the 24-member council, which is served by a professional staff with offices in Washington D.C. For more information about the ACHP contact:

Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001-2637  
Phone (202) 517-0200  
[www.achp.gov](http://www.achp.gov)

# **Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook**

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## I. About This Handbook

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, requires federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings. The ACHP has issued the regulations implementing Section 106 (Section 106 regulations), 36 CFR Part 800, “Protection of Historic Properties.” The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings.

In 2008, the ACHP adopted the [\*ACHP Policy Statement on the ACHP’s Interaction with Native Hawaiian Organizations\*](#). The policy is intended to set “forth actions the ACHP will take to oversee the implementation of its responsibilities under the NHPA with respect to the role afforded to Native Hawaiian organizations in the NHPA.” The policy includes three principles:

1. The ACHP acknowledges Native Hawaiian traditional cultural knowledge, beliefs and practices and recognized their value in the understanding and preservation of historic properties in Hawaii;
2. The ACHP commits to working with Native Hawaiian organizations to fully consider the preservation of historic properties of importance to them; and,
3. The ACHP acknowledges the important contributions of Native Hawaiian organizations to the national historic preservation program.

While the policy does not directly apply to other federal agencies, it serves as a model for how federal agencies should interact with Native Hawaiian organizations in meeting their Section 106 responsibilities. At the very least, it serves to inform federal agencies of the ACHP’s position regarding the role of Native Hawaiian organizations in the Section 106 process.

In fulfillment of the commitments in the policy statement, the ACHP offers this handbook as a reference for federal agency staff in Hawaii with responsibility for compliance with Section 106. Native Hawaiian organizations, State Historic Preservation Office (SHPO) staff, and other Section 106 participants may also find this handbook helpful. Readers should have a basic understanding of the Section 106 review process because this document focuses only on Section 106 consultation with Native Hawaiian organizations. It is not a source for understanding the full breadth of Section 106 responsibilities such as consulting with the SHPO or involving the public.

This handbook will be updated periodically by the ACHP when new information is obtained or laws or policies change. Agencies should also supplement this document with their own agency-specific directives, policies, and guidance pertaining to consultation with Native Hawaiian organizations.

In addition, federal agency staff may refer questions about the Section 106 review process, and the requirements to consult with Native Hawaiian organizations, to their agency’s Federal Preservation Officer (FPO).

Finally, agency staff may obtain assistance from the ACHP in understanding and interpreting the requirements of Section 106. For general information on the requirements of Section 106, access the ACHP website at <http://www.achp.gov>. For additional questions about Native Hawaiian organization consultation, contact:

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Advisory Council on Historic Preservation  
401 F Street, NW  
Suite 308  
Washington, DC 20001-2637  
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## II. Federal Government Consultation with Native Hawaiian organizations

### A. Legal Requirements and Directives to Consult with Native Hawaiian organizations

#### 1) Statutes

A number of federal statutes require federal agencies to consult with Native Hawaiian organizations<sup>1</sup>. This section will address only those applicable to historic preservation and cultural resource protection. It is useful to be familiar with various statutory requirements not only to ensure compliance, but also to explore opportunities to maximize consultation opportunities. For instance, if a project requires compliance with both Section 106 of the NHPA and the Native American Graves Protection and Repatriation Act (NAGPRA), it may be helpful to carry out consultation in a comprehensive manner. However, consultation under another statute or regulation does not satisfy the consultation requirements under Section 106.

The following are broad summaries of key federal historic preservation and cultural resource protection statutes that require federal agencies to consult with Native Hawaiian organizations or accommodate Native Hawaiian views and practices. This is not an exhaustive list of requirements, nor does it imply that each of these statutes is applicable to each proposed project.

- Amended in 1992, the **National Historic Preservation Act of 1966 (NHPA)** is the basis for Native Hawaiian organization consultation in the Section 106 review process. The two amended sections of NHPA that have a direct bearing on the Section 106 review process are:
  - Section 101(d)(6)(A), which clarifies that properties of religious and cultural significance to Native Hawaiian organizations may be eligible for listing in the National Register of Historic Places; and
  - Section 101(d)(6)(B), which requires that federal agencies, in carrying out their Section 106 responsibilities, consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

The Section 106 regulations incorporate these provisions. Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and to provide the ACHP an opportunity to comment. Also known as the Section 106 review process, it seeks to avoid unnecessary harm to historic properties from such undertakings. The procedure for meeting Section 106 requirements is defined in the Section 106 regulations, [36 CFR Part 800, "Protection of Historic Properties."](#)<sup>2</sup>

The Section 106 regulations include both general direction regarding consultation with Native Hawaiian organizations and specific requirements at each stage of the review process. (Section 106 is discussed

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<sup>1</sup> The NHPA defines a Native Hawaiian organization as "any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii." 16 U.S.C. Section 470w(18). The NHPA defines Native Hawaiian as "any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii." 16 U.S.C. Section 470w(17).

<sup>2</sup> Available at <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

more fully in the next section, “Consultation with Native Hawaiian organizations under Section 106 of NHPA”).

For more information about the NHPA and the Section 106 regulations, visit [www.achp.gov](http://www.achp.gov)

Other relevant laws include:

- **The American Indian Religious Freedom Act of 1978 (AIRFA)** establishes the policy of the federal government “to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” For a copy of the act, go to: [http://www.nps.gov/history/local-law/FHPL\\_IndianRelFreAct.pdf](http://www.nps.gov/history/local-law/FHPL_IndianRelFreAct.pdf).
- **Section 3(c) of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)** requires federal land-managing agencies to consult with Native Hawaiian organizations prior to the intentional removal or excavation of Native American human remains and other cultural items as defined in NAGPRA from federal lands. For more information, to go: <https://www.nps.gov/archeology/tools/laws/nagpra.htm>.

In instances where a proposed project that is funded or licensed by a federal agency may cross federal lands, it is the federal land managing agency that is responsible for compliance with NAGPRA. Detailed information about NAGPRA and its implementing regulations is available at the National Park Service (NPS) National NAGPRA website.<sup>3</sup>

Federal agencies should also be aware that Hawaii has state laws regarding historic preservation and the treatment of burials. For more information, go to: <http://hawaii.gov/dlnr/hpd/hphrs.htm>.

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<sup>3</sup> Available at <https://www.nps.gov/subjects/nagpra/index.htm>

### III. Consultation with Native Hawaiian organizations in the Section 106 Process

*Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.* (36 CFR Section 800.16 (f)).

Consultation constitutes more than simply notifying a Native Hawaiian organization about a planned undertaking. The ACHP views consultation as a process of communication that may include written correspondence, meetings, telephone conferences, site visits, and e-mails.

The requirements to consult with Native Hawaiian organizations in the Section 106 review process are derived from the specific language of Section 101(d)(6)(B) of NHPA.

While federal agencies are required to consult with Native Hawaiian organizations at specific steps in the Section 106 review process, the ACHP suggests that agencies approach consultation with flexibility and in a spirit of cooperation. In fact, in its *Policy Statement on the ACHP's Interaction with Native Hawaiian Organizations*, the ACHP states that “the NHPA and the regulations implementing Section 106 of the NHPA, 36 C.F.R. Part 800, set the minimum standards for federal agency interaction with its preservation partners.”

Carrying out the process in the spirit and intent of the NHPA can lead to less adversarial relationships and better historic preservation outcomes. In fact, many Native Hawaiians believe that it is the *kuleana* (responsibility) of federal agencies to protect historic properties. Thus, a collegial or cooperative attitude or approach to the Section 106 process builds trust and good working relationships.

#### Regulatory Principles and General Directions for Section 106 Native Hawaiian Consultation

The procedures for meeting Section 106 requirements are defined in the Section 106 regulations, “Protection of Historic Properties” (36 CFR Part 800).<sup>4</sup> Under the NHPA, “historic properties” are defined as those properties that are listed on the National Register of Historic Places, or are eligible for such listing.

The regulations provide both overall direction as well as specific requirements regarding consultation at each step of the Section 106 review process. The Section 106 regulations at 36 CFR Section 800.2(c)(2) outline the following important principles and general directions to federal agencies regarding consultation with Native Hawaiian organizations:

- The agency shall ensure that consultation provides the Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance to it; articulate its views on the undertaking’s effects on such properties; and participate in the resolution of adverse effects.
- Consultation with Native Hawaiian organizations should commence early in the planning process, in order to identify and discuss relevant preservation issues and plan how to address concerns about confidentiality of information obtained during the consultation process.
- Historic properties of religious and cultural significance to a Native Hawaiian organization may be located on ancestral or ceded lands, e.g. Hawaiian Homelands. For historical reasons, members of a Native Hawaiian organization may now be located on another Hawaiian island or other distant location far away from historic properties that still hold such significance for them. Accordingly, the

<sup>4</sup> Available at <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

regulations require that agencies make a *reasonable and good-faith effort*<sup>5</sup> to identify Native Hawaiian organizations that may attach religious and cultural significance to historic properties that may be affected by the undertaking, even if Native Hawaiian organizations now are located a great distance away from such properties and undertakings.

- A Native Hawaiian organization may enter into an agreement with a federal agency regarding any aspect of that organization's participation in the review process. The agreement may specify a Native Hawaiian organization's geographic area of interest, types of projects about which it wishes to be consulted, or provide the Native Hawaiian organization with additional participation or concurrence in agency decisions under Section 106 provided that no modification is made to the roles of other parties without their consent.

While the Section 106 regulations are fairly prescriptive in nature, they only direct agencies on what to do and at which stages of the process to engage in consultation. They do not direct agencies on exactly how to otherwise carry out consultation. Thus, the following questions and answers are designed to clarify the most common questions and issues regarding consultation with Native Hawaiian organizations under the Section 106 review process.

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<sup>5</sup> Tips on how to fulfill this requirement are provided under the heading "How do I identify Native Hawaiian organizations that must be invited to consult," on page 11 of this handbook.

#### **IV. General Questions and Answers**

The following list of questions is meant to address general issues that commonly arise in the Section 106 review process, typically before an agency begins the review process or very early in the process. Section V of this Handbook addresses questions that might arise at each step of the Section 106 review process.

##### **When are federal agencies required to consult with Native Hawaiian organizations?**

The 1992 amendments to the NHPA require federal agencies, in carrying out the Section 106 review process, to consult with Native Hawaiian organizations when a federal undertaking may affect historic properties of traditional religious and cultural significance to them. An “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; or those requiring a federal permit, license or approval. This requirement applies to all undertakings regardless of where they are located.

The Section 106 regulations, 36 CFR Part 800, identify the steps in the Section 106 process when consultation must take place. It is important to keep in mind that consultation should take place early in project planning when the widest possible range of alternatives still exists.

It is also important to understand that Native Hawaiian organizations are not the “general public” for purposes of the NHPA and the Section 106 process. Federal agencies have a statutory, affirmative responsibility to consult with Native Hawaiian organizations and this responsibility cannot be satisfied through public notices or public meetings. NHOs can certainly participate in public meetings but such participation is not a substitute for the consultation required under the NHPA and laid out in the Section 106 regulations.

##### **Which Native Hawaiian organizations must be consulted?**

Native Hawaiian organizations that attach religious and cultural significance to historic properties that may be affected by undertakings must be consulted. Federal agencies must make “a reasonable and good faith” effort<sup>6</sup> to identify each and every such Native Hawaiian organization and invite them to be consulting parties in the Section 106 review process.

This includes Native Hawaiian organizations that live nearby as well as those that no longer reside in or near the project area but that, for example, may still have ancestral ties to that area. It is also possible that a Native Hawaiian organization attaches religious and cultural significance to a historic property on another island. For example, Mauna Kea, on the island of Hawaii, is widely regarded as a place of religious and cultural significance to many individual Native Hawaiians and Native Hawaiian organizations throughout the state of Hawaii. Accordingly, a proposed undertaking that might affect Mauna Kea could necessitate consultation with Native Hawaiian organizations throughout the state.

If a Native Hawaiian organization has not been invited by the agency to consult, that organization may request in writing to be a consulting party. The NHPA and the Section 106 regulations require that the agency grant consulting party status to any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the undertaking.

##### **Must a Native Hawaiian organization demonstrate its affiliation to an area to be considered a**

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<sup>6</sup> Tips on how to fulfill this requirement are provided under the heading “How do I identify Native Hawaiian organizations that must be invited to consult,” on page 11 of this handbook.

### **consulting party in the Section 106 process?**

No. A Native Hawaiian organization does not have to demonstrate its cultural affiliation in order to be a consulting party in the Section 106 process. The term “cultural affiliation” is used in the Native American Graves Protection and Repatriation Act and has no relevance in the Section 106 review process. In fact, the NHPA at Section 101(d)(6)(B) states that “in carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties” that are eligible for inclusion in the National Register. Therefore, **any** Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking *must* be invited by the federal agency to participate in the Section 106 consultation process.

### **What should a federal agency do if one NHO will not participate in the consultation process with another NHO or demands that the agency not consult with another NHO?**

It is important to remember that the NHPA requires a federal agency to consult with *any* Native Hawaiian organization that attaches religious and cultural significance to a historic property. Therefore, the views of one Native Hawaiian organization regarding the participation of another Native Hawaiian organization have no bearing on a federal agency’s obligation to extend an invitation to consult.

If such conflicts arise in the Section 106 process, the federal agency should approach consultation with flexibility. For instance, it may be necessary to conduct meetings or teleconferences separately with each consulting party.

### **What are appropriate consultation methods for individual undertakings?**

The consultation process must provide a Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of religious and cultural significance to it; articulate views on the undertaking’s effects on such properties; and participate in the resolution of adverse effects. (See 36 CFR Section 800.2(c)(2)(ii)(A)).

Appropriate consultation can take many forms or combine more than one type of interaction and should be commensurate with the nature of the undertaking and the properties which may be affected. For instance, face-to-face meetings or on-site visits may be the most practical way to conduct consultation. However, there is no specific way in which consultation must be conducted beyond the procedural specifics provided in the Section 106 regulations. In all cases, however, consultation should be approached with flexibility that respects the Native Hawaiian organization’s role within the overall project planning process and facilitates its full participation.

Documentation of consultation is important because it allows consulting parties to more accurately track the stages of the Section 106 process. Federal agencies should document all efforts to initiate consultation with Native Hawaiian organizations, as well as documenting the consultation process once it has begun. Such documentation, in the form of correspondence, telephone logs, e-mails, etc., should be included in the agency’s official Section 106 record. Agencies should also keep notes so that the consultation record documents the *content* of consultation meetings, site visits, and phone calls in addition to information about dates and who participated. Doing so allows agencies and consulting parties to review proceedings and correct any errors or omissions, thus facilitating better overall communication. Keeping information confidential can present unique challenges (see Section V(B)(4) of this handbook).

Finally, a federal agency and a Native Hawaiian organization may enter into an agreement in accordance

with the Section 106 regulations at 36 CFR Section 800.2(c)(2)(ii)(E) regarding how Section 106 consultation will take place. These are not project-specific agreements but, instead, are meant to address Section 106 consultation more broadly. Such agreements can cover all potential agency undertakings, or apply only to a specific undertaking. They can establish protocols for carrying out consultation, including how the agency will address concerns about confidentiality of sensitive information. Such agreements can cover all aspects of the Section 106 process, provided that no modification is made to the roles of other parties to the Section 106 process without their consent. Determining the types of undertakings and the potential geographic project areas within which a Native Hawaiian organization wants to be consulted, and how that consultation will take place can lead to tremendous efficiencies for both the federal agency and the Native Hawaiian organization. Filing such agreements with both the Hawaii SHPO and the ACHP is required per 36 CFR Section 800.2(c)(2)(ii)(E), and can eliminate questions about consultation with a Native Hawaiian organization when either the SHPO or the ACHP is reviewing a proposed undertaking. For more information about these types of agreements, see Section VI on Consultation Tools.

**Can a federal agency pay for expenses that facilitate consultation with Native Hawaiian organizations?**

Yes. The NHPA authorizes such expenditures, at 16 U.S.C. Section 470h-2(g), and the ACHP encourages federal agencies to take the steps necessary to facilitate Native Hawaiian organization participation at all stages of the Section 106 process. These steps may range from scheduling meetings in places and at times that are convenient for Native Hawaiian organizations, to paying travel expenses for participating Native Hawaiian organization representatives. Indeed, agencies are strongly encouraged to use available resources to help overcome financial impediments to effective Native Hawaiian organization participation in the Section 106 process. However, federal agencies should not expect to pay a fee to any consulting party to provide comments or concurrence in an agency finding or determination.

**Can a federal agency pay a fee to a Native Hawaiian organization for services provided in the Section 106 process?**

Yes. However, it should be noted that while the ACHP encourages agencies to utilize their resources to facilitate working with Native Hawaiian organizations, the NHPA or the ACHP's regulations do not require an agency or an applicant to pay for any form of Native Hawaiian organization involvement.

However, during the identification and evaluation phase of the Section 106 process, when the agency or applicant is carrying out its duty to identify historic properties that may be significant to a Native Hawaiian organization, it might ask a Native Hawaiian organization for specific information and documentation regarding the location, nature, and condition of individual sites, or even request that a survey be conducted by the Native Hawaiian organization. In doing so, the agency or applicant is essentially asking the Native Hawaiian organization to fulfill the duties of the agency in a role similar to that of a consultant or contractor. In such cases, the Native Hawaiian organization would be justified in requesting payment for its services, just as is appropriate for any other contractor. Since Native Hawaiian organizations are a recognized source of information regarding historic properties of religious and cultural significance to them, federal agencies should reasonably expect to pay for work carried out by Native Hawaiian organizations on behalf of the agency. The agency or applicant is free to refuse just as it may refuse to pay for an archaeological consultant, but the agency still retains the responsibility for obtaining the necessary information for the identification of historic properties, the evaluation of their National Register eligibility, and the assessment of effects on those historic properties, through reasonable methods.

It should be noted that reimbursing any party, including Native Hawaiian organizations, for work they perform on behalf of the federal agency is not reimbursement for consultation. Consulting parties should

not be expected to be reimbursed for participating in the consultation process.

**What specific activities might be reimbursed?**

Examples of reimbursable costs may include those costs associated with expert consultants to identify and evaluate historic properties as outlined in the immediately preceding answer. This may include field visits to provide information about specific places or sites, monitoring activities, research associated with historical investigation, documentation production costs, and related travel expenses.

**Can Native Hawaiian organizations, as well as federal agencies, request ACHP involvement in the Section 106 review process?**

Yes. Any party, including Native Hawaiian organizations, may request that the ACHP review the substance of any federal agency's finding, determination, or decision or the adequacy of an agency's compliance with the Section 106 regulations.

A Native Hawaiian organization may request that the ACHP enter the Section 106 review process for any number of reasons, including concerns about the identification, evaluation or assessment of effects on historic properties of religious and cultural significance to it. It may also request ACHP involvement in the resolution of adverse effects or where there are questions about policy, interpretation, or precedent under Section 106. The ACHP has discretion in determining whether to become involved in the process whether upon request or its own initiative.

**Does the ACHP have a policy on the treatment of Native American burials that are located on state or private lands (and thus not subject to the disinterment provisions of NAGPRA)?**

Yes. On February 23, 2007, the members of the ACHP unanimously adopted its revised "Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects." This policy is designed to guide federal agencies in making decisions about the identification and treatment of burial sites, human remains, and funerary objects encountered in the Section 106 process in various instances including those where federal or state law does not prescribe a course of action. The policy is not exclusively directed toward Native American burials, human remains or funerary objects, but those would be included under the policy. In accordance with Section 106, the policy does not recommend a specific outcome from the consultation process, but rather focuses on issues and perspectives that federal agencies ought to consider when making their Section 106 decisions. The policy is available at <https://www.achp.gov/sites/default/files/policies/2018-06/ACHPPolicyStatementRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects0207.pdf>.

Federal agencies should be aware there is a state law in Hawaii regarding burials. For more information, go to <http://hawaii.gov/dlnr/hpd>.

## V. Consultation with Native Hawaiian Organizations for Proposed Undertakings

As noted earlier in the handbook, under the NHPA, consultation with Native Hawaiian organizations is required for *all* federal undertakings, regardless of whether the undertaking's Area of Potential Effect (APE) includes federal, state, or private lands, so long as the undertaking may affect historic properties of religious and cultural significance to a Native Hawaiian organization. Consultation should begin early in project planning and continue throughout the Section 106 process when properties of religious and cultural significance to Native Hawaiian organizations may be affected.

The organization of this section of the handbook corresponds with the Section 106 review process's four steps of initiation, identification, assessment, and resolution.

### A. Initiation of the Section 106 Process

#### 1) How would I know if historic properties of traditional religious and cultural significance to Native Hawaiian organizations may be affected by the proposed undertaking?

Unless such properties have already been identified and the information is readily available, you probably will not know in advance. As with any undertaking that might affect historic properties, you must determine whether the proposed undertaking is generically the kind that might affect historic properties assuming such properties are present. Therefore, if the undertaking is the kind of action that might affect places such as archaeological sites, burial grounds, sacred landscapes or features, or ceremonial areas, then you must identify Native Hawaiian organizations that might attach significance to such places and invite them to participate in the process. Please note that this list of examples is not all-inclusive. It is through consultation with Native Hawaiian organizations themselves that such properties can be properly identified and evaluated.

#### 2) How do I identify the Native Hawaiian organizations that must be invited to consult?

Identification of Native Hawaiian organizations that must be invited to consult could include a number of initiatives. For instance, it might be useful to check with other federal agencies and their cultural resource specialists for a list of Native Hawaiian organizations with whom they have consulted in past Section 106 reviews. The SHPO and the Office of Hawaiian Affairs might also be able to suggest which Native Hawaiian organizations to contact. Other sources for such information may include ethnographies, local histories, experts at local universities, oral accounts, and, of course, the Native Hawaiian organizations themselves. Do not hesitate to ask about others that might also be interested in participating in consultation. Finally, the Department of Interior's Office of Hawaiian Relations maintains a list of Native Hawaiian organizations at <https://www.doi.gov/hawaiian/NHOL>.

It may also be helpful to publish notices in local newspapers about the initiation of the Section 106 review process and the opportunity for Native Hawaiian organizations to participate in the consultation. For major or controversial projects, it might be advisable to work with the Office of Hawaiian Affairs to include information in its radio programs.

Keep in mind that identification of Native Hawaiian organizations with ancestral connections to an area is not a "one stop shopping" endeavor in which any single source can be depended upon to fulfill the agency's legal responsibilities. Agency officials should bear in mind that while Internet sources are convenient and can be useful, their informational content may be incomplete.

Once the agency has identified Native Hawaiian organizations that may attach religious and cultural

significance to any historic properties that may exist in the APE, the agency must invite them to consult.

Finally, it is important to remember that documentary or other sources of information that do not appear to support a Native Hawaiian organization's assertions should not be used to deny the organization the opportunity to participate in consultation. A common misunderstanding is that a Native Hawaiian organization needs to document its ties to historic properties in the area of the undertaking. Instead, the NHPA requires agencies to consult with any Native Hawaiian organization that attaches religious and cultural significance to a historic property. It stands to reason that the best source for determining what historic properties have significance for a Native Hawaiian organization would be the experts designated by the Native Hawaiian organization to determine its own interest. Such experts might include elders, traditional practitioners, or Native Hawaiian historians. The Native Hawaiian organization will designate the appropriate representative(s) to represent its interests in the Section 106 consultation process.

#### **4) Who initiates the consultation process with a Native Hawaiian organization?**

Consultation with a Native Hawaiian organization should be initiated by the agency official<sup>7</sup> through a letter. It is helpful to follow up such correspondence with direct telephone communication to ensure the letter has been received.

If the agency official has correspondence from the Native Hawaiian organization designating a person or position within the organization to act on its behalf in the Section 106 process, the agency may initiate consultation accordingly. It is good practice, in this instance, to send a copy of all correspondence to the organization's leadership as well.

#### **5) Can applicants for federal permits or contractors hired by the agency initiate and carry out Native Hawaiian organization consultation?**

The Section 106 regulations at 36 CFR Section 800.2(c)(4) allow federal agencies to authorize an applicant or group of applicants to initiate consultation with the SHPO and other consulting parties. However, this is a formal authorization and requires notification from the federal agency to the SHPO. The federal agency remains responsible for all findings and determinations charged to the agency in the review process.

The Section 106 regulations allow for federal agencies to use the services of consultants or designees to prepare information, analyses, and recommendations, but not to initiate and carry out consultation.

#### **6) What are the consultation responsibilities for undertakings that involve more than one federal agency?**

The Section 106 regulations at 36 CFR Section 800.2 (a)(2) provide that, if more than one federal agency is involved in an undertaking, some or all of the agencies may designate a lead federal agency who will act on their behalf to fulfill their collective responsibilities under Section 106, including consultation with Native Hawaiian organizations. Those federal agencies that do not designate a lead agency remain individually responsible for their Section 106 compliance; thus, they each would need to initiate and carry out Section 106 consultation with Native Hawaiian organizations for the undertaking.

### **B. Identification of Historic Properties**

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<sup>7</sup> As defined in Section 800.2(a) of the ACHP regulations, an agency official is one who has jurisdiction over the undertaking and takes legal and financial responsibility for Section 106 compliance.

### **1) Does the federal agency consult with Native Hawaiian organizations to carry out identification and evaluation of historic properties?**

Yes, the agency consults with Native Hawaiian organizations to plan and carry out identification efforts and to evaluate the National Register eligibility of identified properties for proposed undertakings.

Many agencies assume that agency or contract archaeologists can identify which properties are of significance to Native Hawaiian organizations when they conduct archaeological surveys. However, unless an archeologist has been specifically authorized by a Native Hawaiian organization to speak on its behalf on the subject, it should not be assumed that the archaeologist possesses the appropriate expertise to determine what properties are or are not of significance to a Native Hawaiian organization. The appropriate individual to carry out such a determination is the representative designated by the Native Hawaiian organization for this purpose. Identification efforts may include site visits to assist in identifying these types of properties.

The Section 106 regulations state that the agency official shall acknowledge that Native Hawaiian organizations possess special expertise in assessing the National Register eligibility of historic properties that may possess religious and cultural significance to them (36 CFR § 800.4(c)(1)).

The agency must provide Native Hawaiian organizations with the same information that is provided to the SHPO during consultation, including information on buildings and other standing structures that may be affected by the proposed undertaking. A federal agency should not presume to know what is of significance to a particular Native Hawaiian organization.

### **2) How can I identify historic properties that may possess traditional religious and cultural significance to Native Hawaiian organizations and determine their National Register eligibility?**

The identification of those historic properties that are of traditional religious and cultural significance to a Native Hawaiian organization must be made by that Native Hawaiian organization's designated representative as part of the Section 106 consultation process.

The National Register eligibility of such places is determined in the same manner as any potentially eligible property, by applying the criteria of eligibility.

### **3) What are Traditional Cultural Properties?**

The term "Traditional Cultural Property" (TCP) is used in the National Park Services (NPS) Bulletin 38, entitled "*Guidelines for Evaluating and Documenting Traditional Cultural Properties.*"<sup>8</sup> That bulletin explains how to identify a property "that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that a) are rooted in that community's history, and b) are important in maintaining the continuing cultural identity of the community." For a TCP to be found eligible for the National Register, it must meet the existing National Register criteria for eligibility as a building, site, structure, object, or district. TCPs are defined only in NPS guidance and are not referenced in any statute or regulation, and **refer to places of importance to any community, not just to Native Hawaiian organizations.** Therefore, this terminology may be used when an agency is considering whether any property is eligible for the National Register.

Within the Section 106 process, the appropriate terminology for National Register listed or eligible sites of importance to Native Hawaiian organizations is "**historic property of religious and cultural**

<sup>8</sup> Available at <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>

**significance to Native Hawaiian organization.**” Unlike the term TCP, this phrase appears in the NHPA and the Section 106 regulations. **It applies (strictly) to Native Hawaiian sites, unlike the term TCP.** Furthermore, Section 101(d)(6)(A) of the NHPA reminds agencies that properties of religious and cultural significance to Native Hawaiian organizations may be eligible for the National Register. Thus, it is not necessary to use the term TCP when considering whether a site with significance to a Native Hawaiian organization is eligible for the National Register as part of the Section 106 process. The NPS Bulletin 38 guidelines are helpful, however, in providing an overview of how National Register criteria are applied.

Another issue with the term TCP is that Bulletin 38 has sometimes been interpreted as requiring a Native Hawaiian organization to demonstrate continual use of a site in order for it to be considered a TCP in accordance with Bulletin 38. This could be problematic in that Native Hawaiian use of a historic property may be dictated by cyclical religious or cultural timeframes that do not comport with mainstream conceptions of “continuous” use; while in other cases, Native Hawaiian organizations may have been denied access to historic properties of religious and cultural significance to them. This is particularly true for historic properties located within military installations or on private property. It is important to note that under the NHPA and the Section 106 regulations, the determination of a historic property’s religious and cultural significance to a Native Hawaiian organization is **not** tied to continual or physical use of the property. Also, continual use is not a requirement for National Register eligibility.

**4) What procedures should be followed if a Native Hawaiian organization does not want to divulge information to the federal agency regarding places of traditional religious and cultural significance?**

Native Hawaiian organizations may have internal prohibitions against or cultural protocols about the disclosure of certain information about traditional religious and cultural properties. The ACHP’s regulations at 36 CFR Section 800.4(b)(i) state, in part, that “[t]he agency official shall take into account any confidentiality concerns raised by ... Native Hawaiian organizations during the identification process.”

The NHPA and the Section 106 regulations also provide a vehicle for protecting information that a Native Hawaiian organization has disclosed for the purpose of identification and evaluation in the Section 106 process. Section 304 of the NHPA (16 U.S.C. 470w-3(a)) and the regulations at 36 CFR Section 800.11(c)(1) provide that an agency, after consultation with the Secretary of the Interior, “*shall* withhold from disclosure to the public” information about the location, character, or ownership of a historic property when the agency and the Secretary determine that the disclosure of such information may cause a significant invasion of privacy; risk harm to the historic property; or, impede the use of a traditional religious site by practitioners. After such a determination, the Secretary of the Interior will determine who, if anyone, may have access to the information for purposes of the NHPA.

One important caveat: the Section 304 confidentiality provisions only apply to properties that have been determined eligible for the National Register. Thus, it is possible that information disclosed prior to an eligibility determination may not be protected. Therefore, the ACHP suggests that agencies and Native Hawaiian organizations contact National Register staff for guidance regarding the amount of information and detail needed to make a determination of eligibility when such information may be at risk of disclosure. It may be possible for a Native Hawaiian organization to share just enough information for the agency to identify the existence of a site and make a determination of eligibility without compromising the site or the Native Hawaiian organization’s beliefs. Such information might include general aspects of the historic property’s attributes, i.e., that an important yearly ceremony takes place in a certain general location, that quiet is required in an area where spirits reside, that visual impacts will impede the ability to properly perform a required ritual, or that important ceremonial harvesting activities must occur at a particular place, time, or under certain conditions. However, if there are questions about the adequacy of

such information in making determinations of eligibility, the National Register staff should be consulted.

Issues of confidentiality and sensitivity of information require flexibility and cooperation among the consulting parties. There may be situations where a Native Hawaiian organization is only willing to share information with the federal agency and not with the other non-federal consulting parties. This can challenge the traditional Section 106 process where the federal agency also consults with the SHPO to determine the National Register eligibility of properties. In such cases, it is recommended that the agency promptly talk with the ACHP or the National Register staff about how to resolve such a situation.

**5) Is the federal agency required to verify a Native Hawaiian organization’s determination of significance with archaeological or ethnographic evidence before making a National Register eligibility determination?**

No. The agency is not required to verify a Native Hawaiian organization’s determination that a historic property is of religious and cultural significance to it. However, the fact that a property may be of religious and cultural significance to a Native Hawaiian organization does not necessarily mean that the property is eligible for the National Register. The ACHP regulations at 36 CFR 800.4(c)(1) do state, in part, that “[t]he agency official shall acknowledge that Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.” Additionally, traditional knowledge and oral histories are sources of information which federal agencies should consider in assessing the National Register eligibility of properties. For additional guidance on making eligibility determinations, the agency should consult with the staff of the National Register.<sup>9</sup>

**6) Does the federal agency need to obtain a Native Hawaiian organization’s concurrence with the agency’s determination of National Register eligibility?**

No. The agency does not need to obtain a Native Hawaiian organization’s concurrence with eligibility determinations. The agency only needs the concurrence of the SHPO for a determination and, absent such concurrence, the matter goes to the Keeper of the National Register for final resolution. The federal agency must acknowledge, however, that Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may be of significance to them, as required in the Section 106 regulations at 36 CFR Section 800.4(c)(1).

Also, if a Native Hawaiian organization disagrees with the federal agency’s determination of eligibility, the Native Hawaiian organization may, per the Section 106 regulations at 36 CFR 800.4(c)(2), ask the ACHP to request that the federal agency obtain a formal eligibility determination from the Keeper of the National Register.

**7) Once the required identification and evaluation efforts are completed, does the federal agency need to consult with a Native Hawaiian organization in reaching a finding that there are no historic properties that will be affected by the undertaking, or that there are historic properties present but the undertaking will have no effect on them?**

Despite the requirements for Native Hawaiian organization consultation up to this point in the process, the agency does not have to consult with a Native Hawaiian organization in reaching a finding that there are no historic properties present, or that the proposed undertaking will not affect an identified historic property. However, the agency must provide notification and documentation supporting its finding on

<sup>9</sup> Contact information for National Register headquarters in Washington, D.C., available at <https://www.nps.gov/subjects/nationalregister/index.htm>

these questions to any consulting Native Hawaiian organization.

If a consulting Native Hawaiian organization disagrees with the agency's finding, it should immediately contact the ACHP and request that the ACHP object to the finding, per 36 CFR 800.4(d)(1)(iii). If, upon the review of the finding, the ACHP also objects to the finding, the ACHP may provide its opinion to the agency official, and, if the ACHP determines the issue warrants it, to the head of the agency. The regulations stipulate that if the ACHP wants to object to a no historic properties affected finding on its own initiative (as opposed to in response to a SHPO unresolved objection), it must do so within 30 days of the agency's issuance of that finding.

### **C. Assessment of Adverse Effects**

#### **1) Which parties does the federal agency consult with to apply the criteria of adverse effect to historic properties within the APE?**

The agency consults with the SHPO and Native Hawaiian organizations in applying the criteria of adverse effect to historic properties within the APE. Again, federal agencies must recognize the special expertise of Native Hawaiian organizations in assessing the eligibility of properties of religious and cultural significance to them per 36 CFR 800.4(c)(1), and 36 CFR 800.5(a) requires that agencies apply the criteria of adverse effect in consultation with Native Hawaiian organizations. Therefore, in assessing how a proposed undertaking might affect historic properties of religious and cultural significance to Native Hawaiian organizations, federal agencies need to consider the views of those Native Hawaiian organizations.

#### **2) When proposing a finding of "no adverse effect," does the federal agency consult with Native Hawaiian organizations?**

No. The agency consults with the SHPO in proposing a finding of "no adverse effect," but notifies consulting parties such as Native Hawaiian organizations, and provides them with documentation supporting that finding. The federal agency is encouraged, but not required, to seek the concurrence of Native Hawaiian organizations that attach religious and cultural significance to the historic property subject to the finding.

#### **3) What happens if a Native Hawaiian organization disagrees with a finding of "no adverse effect"?**

If a consulting Native Hawaiian organization disagrees with a proposed agency finding of "no adverse effect," it must specify the reasons for its objection in writing within 30 days of receipt of the agency's issuance of the proposed finding. Once a timely written objection is received, the agency must either consult with the objecting party to resolve the disagreement or request ACHP review of the "no adverse effect" finding, per 36 CFR 800.5(c)(2)(i). The agency must concurrently notify all other consulting parties that it has requested ACHP review of the finding.

Consulting Native Hawaiian organizations can make a direct request to the ACHP to review the finding, specifying, in writing and within the 30 day review period, the reasons for its objection, per 36 CFR 800.5(c)(2)(iii).

After review of the objection, the ACHP may provide its opinion to the agency official, and, if the ACHP determines the issue warrants it, to the head of the agency. The regulations stipulate that if the ACHP wants to object to a finding on its own initiative (as opposed to in response to a consulting party unresolved objection), it must do so within 30 days of receipt of the agency's issuance of that finding.

## **D. Resolution of Adverse Effects**

### **1) Which parties does the federal agency consult with to develop and evaluate alternatives or modifications to the undertakings to avoid, minimize, or mitigate adverse effects?**

The agency consults with the SHPO, Native Hawaiian organizations, and other consulting parties at this phase of the Section 106 process. The agency must provide project documentation to all consulting parties and invite the ACHP into consultation. Any consulting party may request ACHP participation in consultation to facilitate the resolution of adverse effects.

In fact, the Section 106 regulations at 36 CFR Section 800.2(b) stipulate that the ACHP may enter into the consultation at any point in the Section 106 process without invitation when it determines that its involvement is necessary to ensure that the purposes of Section 106 are met. As specified in Appendix A to 36 CFR Part 800, the ACHP may elect to enter the consultation if, among other things, an undertaking presents issues of concern to Native Hawaiian organizations.

### **2) What happens if agreement is reached on how to resolve adverse effects?**

If agreement is reached, the agency, SHPO and consulting parties, including Native Hawaiian organizations, develop a Section 106 memorandum of agreement (MOA) or programmatic agreement (PA) outlining how the adverse effects will be addressed.

In order to go into effect, the agreement must be signed by the agency, SHPO, and the ACHP if it is participating in the consultation.

### **3) Is the federal agency obligated to invite a Native Hawaiian organization to be a signatory or a concurring party to an MOA or PA?**

No. The agency may, but is not required, to invite a Native Hawaiian organization to become a signatory or concurring party. A signatory to an MOA or PA possesses the same rights with regard to seeking amendments to or terminating the agreement as all other signatories, which include the agency official, the SHPO, and the ACHP, if participating. Those that sign as a concurring party do not have such rights to amend or terminate the MOA or PA. Refusal by Native Hawaiian organization to become a signatory or concurring party to an MOA or PA, however, does not invalidate it. Certainly, agencies are encouraged to invite Native Hawaiian organizations that attach religious and cultural significance to affected historic properties to sign the agreement. If a Native Hawaiian organization is assuming review or other responsibilities under the MOA or PA, the agency should consider inviting the Native Hawaiian organization to become a signatory.

### **4) What happens if agreement is not reached on how to resolve adverse effects?**

If agreement is not reached, the agency, the SHPO, or the ACHP (if participating), may terminate consultation. Other consulting parties, including Native Hawaiian organizations, may decline to participate, but they cannot terminate consultation. After consultation is terminated, the ACHP prepares its formal comments to the head of the agency, who must consider and respond to the ACHP's comments before reaching a final decision on the undertaking. Per the Section 106 regulations at 36 CFR Section 800.7 (c), the ACHP must provide an opportunity for the agency, all consulting parties, and the public to provide their views to the ACHP during the time in which the comments are being developed. When the ACHP issues comments, it means the ACHP membership issues the comments, not the ACHP staff. In addition to providing the comments to the head of the agency, the ACHP provides copies of those comments to each of the consulting parties. Once the head of the agency has received the ACHP's

comments, he or she is required to prepare a summary of his or her final decision regarding the proposed undertaking that contains both the rationale for its decision as well as evidence that it had considered the ACHP's comments when making that decision. In addition, the agency must provide copies of this summary to all consulting parties.

## **VI. Consultation Tools**

While the Section 106 regulations direct agencies to consult with Native Hawaiian organizations on proposed undertakings, the regulations do not offer guidance on how to carry out such consultation. The following are some examples of ways in which consultation could be achieved and improved.

### **Agreements**

The Section 106 regulations at 36 CFR Section 800.2(c)(2)(ii)(E) provide for agreements between federal agencies and Native Hawaiian organizations that tailor how consultation will be carried out. Such agreements are not project-specific but, instead, are more general and are focused on the relationship between an agency and a Native Hawaiian organization. An agreement can cover all aspects of the consultation process and could grant a Native Hawaiian organization additional rights to participate or concur in agency decisions in the Section 106 process beyond those specified in the regulations. The only restriction on the scope of such agreements is that the role of other parties in the process may not be modified without their consent.

Such agreements can be a means not only to ensure that consultation would be carried out to the satisfaction of both parties but also as a workload management tool. Agreements can outline the geographical areas within which a Native Hawaiian organization has an interest.

The negotiation process to develop an agreement with a Native Hawaiian organization does not require participation by any other parties outside of the agency (there may be other entities within the agency, such as the agency's office of legal counsel, that must participate). The only requirements for such agreements under the ACHP's regulations are that:

- the role of other parties is not modified without their consent; and
- the agreement is filed with both the ACHP and the SHPO.

### **Summits, Listening Sessions, and Meetings**

Some agencies have hosted summits with Indian tribes and continue to do so on a regular basis. These meetings provide a means for agencies to share information about proposed undertakings and for Indian tribes to voice their views and talk with agency personnel. They also serve to develop trust and build relationships. Federal agencies in Hawaii could certainly host summits with Native Hawaiian organizations and change the dynamic from one of consultation on specific projects to programmatic discussions.

Listening sessions are another very useful tool for improving the relationship between agencies and Native Hawaiian organizations. The ACHP has hosted listening sessions in Hawaii and based, in part, on the feedback it received, decided that a policy regarding its interaction with Native Hawaiian organizations was called for.

Some agencies also host annual or regular meetings with Indian tribes to ensure that the consultation relationships are working and to address any outstanding issues. These gatherings are separate from Section 106 consultation meetings. They provide a forum for airing more general concerns, a means for recharging the relationship, and an opportunity to meet new agency personnel and tribal representatives. Again, these kinds of meetings would be especially helpful in Hawaii.

### **Guidance Materials and Training**

Training is extremely useful in that it ensures that both federal agencies and Native Hawaiian organizations have a common understanding of legal requirements, organizational structures, decision-making, and other important mechanics of the consultation relationship. Training can also address cultural issues to help foster greater mutual understanding. Some agencies have hosted joint training sessions, while others require new personnel to receive training specific to their new duties. For instance, the ACHP has an internal requirement to train all staff and members regarding tribal and Native Hawaiian consultation within the Section 106 process.

## **VII. Principles and Tips for Successful Consultation**

The key to success in any consultation relationship is building trust, having common goals, and remaining flexible. There is no “one size fits all” model for consultation with Native Hawaiian organizations. This final section of the Native Hawaiian Consultation Handbook provides helpful tips on how to put them into practice.

### **Respect is Essential**

- Become aware of and respect Native Hawaiian conventions and protocols. Understand that they may vary from island to island. Do not take photographs without obtaining permission first.
- Behavior you may perceive as normal may be insulting or offensive to others. Consider Native Hawaiian perspectives and values. When in doubt, ask respectfully.
- Members of Native Hawaiian organizations may have many other duties and obligations. In fact, unlike their tribal counterparts, Native Hawaiians may not hold paid positions in a Native Hawaiian organization. They may have full-time jobs that make it challenging to participate in meetings held during the day, for example. Look for ways to work cooperatively, because this is your undertaking and consultation is your responsibility.
- Be sensitive to time and costs. A Native Hawaiian organization’s lack of human and financial resources may impede its representatives’ ability to respond quickly or to participate in meetings. Do not demand that everyone adhere to your schedule and deadlines. Instead, explain why your deadline exists, who set it, and why it is important. Make an effort to facilitate and support consultation with available agency resources. Above all, strive to be as flexible as possible.
- Do not voice your opinion on what is best for the Native Hawaiian organization; that is for its members to determine.
- Be mindful of the significance of history. The history of U.S. government relations with Native Hawaiian organizations may color current perceptions and attitudes and cause distrust or suspicion. Take the time to learn about the unique history of Hawaii and Native Hawaiians.

## Communication is Key

- Communicate with Native Hawaiian organization representatives directly whenever possible—do not rely solely on letters. Follow up written correspondence by phone or in person. Create documentation of your communications, such as notes on the content of discussions, keep phone logs, etc.
- Provide project information and timelines for the project as early in consultation as possible. Clarify any constraints or additional requirements which may impact the Section 106 process.
- Do not expect quick answers. Native Hawaiian organization representatives may need time to consult with others in the organization. Make sure you understand their timelines for decision-making.
- Do not assume silence means concurrence; it could signal disagreement. Always verify views with the official Native Hawaiian organization representative.
- Always ask the representatives of Native Hawaiian organizations about their preferred way of doing business and any specific protocols for meetings. Be aware that their cultural norms may be different from yours.
- Be mindful of appropriate behaviors. Always show deference toward elders and allow them plenty of time to speak first. Do not interrupt or raise your voice. Learn by observation and by talking to others. Again, when in doubt, ask respectfully.

## Consultation: Early and Often

- Make sure you identify and initiate consultation with Native Hawaiian organizations at the *start* of the planning process for your agency's undertaking.
- Suggest a process for consultation and discuss it with the Native Hawaiian organizations. Collaborate in a way that accommodates the protocols and schedules of Native Hawaiian organizations. The ACHP regulations at 36 CFR Section 800.2(c)(2)(ii)(E) provide for agreements with Native Hawaiian organizations that set out procedures for Section 106 consultation and can address concerns of Native Hawaiian organizations about confidentiality of information.
- Consider establishing an on-going working group that can provide continuity for future undertakings by your agency.
- Focus on partnerships rather than on project-by-project coordination.
- Remember to document all correspondence, follow-up telephone calls, consultation meetings and visits to project sites. Be sure to include the content of your communications in your documentation.
- Ask Native Hawaiian organizations representatives to keep you up-to-date on any changes to postal or email addresses and contact information for new leadership.

## Effective Meetings Are A Primary Component of Successful Consultation

- Consider requests from Native Hawaiian Organizations to meet to discuss the project or address concerns. Some Native Hawaiian Organizations might request individual meetings to discuss issues privately with the federal agency.
- Offer to go on-site with traditional authorities. Some people may be uncomfortable relying solely on maps, and site visits may stimulate consideration of alternatives.
- Do not create expectations or make commitments that you are unable or unwilling to fulfill. Before entering into consultation, be certain that what you are negotiating is supported by the Office of General Counsel or Solicitor of your agency, and anyone else who will need to review and approve your position.
- Do not set your own meeting agenda or logistics without consulting with Native Hawaiian organization representatives to learn what they expect the process and substance to be. Native Hawaiian organizations may have their own ways of conducting meetings so be respectful of customs and protocols.
- Inform Native Hawaiian organization representatives in advance of the meeting's goal and what needs to be accomplished in the time you have, so that participants can stay focused. Like you, Native Hawaiian organizations representatives are there to work and accomplish results.
- Give plenty of notice beforehand so that Native Hawaiian organization representatives have adequate time to prepare. Provide participants with a list of all attendees, an agenda, and most importantly, complete project documentation.
- Speak to Native Hawaiian organization representatives by phone beforehand so that you know who will be attending the meeting. Allow Native Hawaiian organizations to send as many representatives as they wish, but explain any limitations that your agency may have with funding travel.
- Check if anyone has special needs. Some elders may need special accommodations.
- Offer the Native Hawaiian organization participants the opportunity to make an opening or welcoming statement.
- Make sure you invite Native Hawaiian organization representatives to sit at the table with you, and introduce all participants with their proper titles. Check with your Native Hawaiian organization contact beforehand so you know if certain officials or elders should be introduced and acknowledged first.
- Review your agency's mission and operations at the start of the meeting. Do not assume that everyone knows how your agency functions or is familiar with all of the programs it oversees.
- Take accurate notes during the meeting, or, ***if the Native Hawaiian organization representatives agree in advance***, arrange for meetings to be recorded (it is still advisable to take notes to avoid problems should a recording be lost or damaged). It is important to document not only that you have consulted, but the substance of the meeting and the views and concerns expressed by the Native Hawaiian organization, as well. Be sensitive to the issue of confidentiality, which may require that you switch the recorder off, or to omit certain sensitive information from your notes

if the Native Hawaiian organization representatives so request. Documenting meeting content ensures that participants can later review and correct any inaccuracies, and also provides the agency with a solid consultation record.

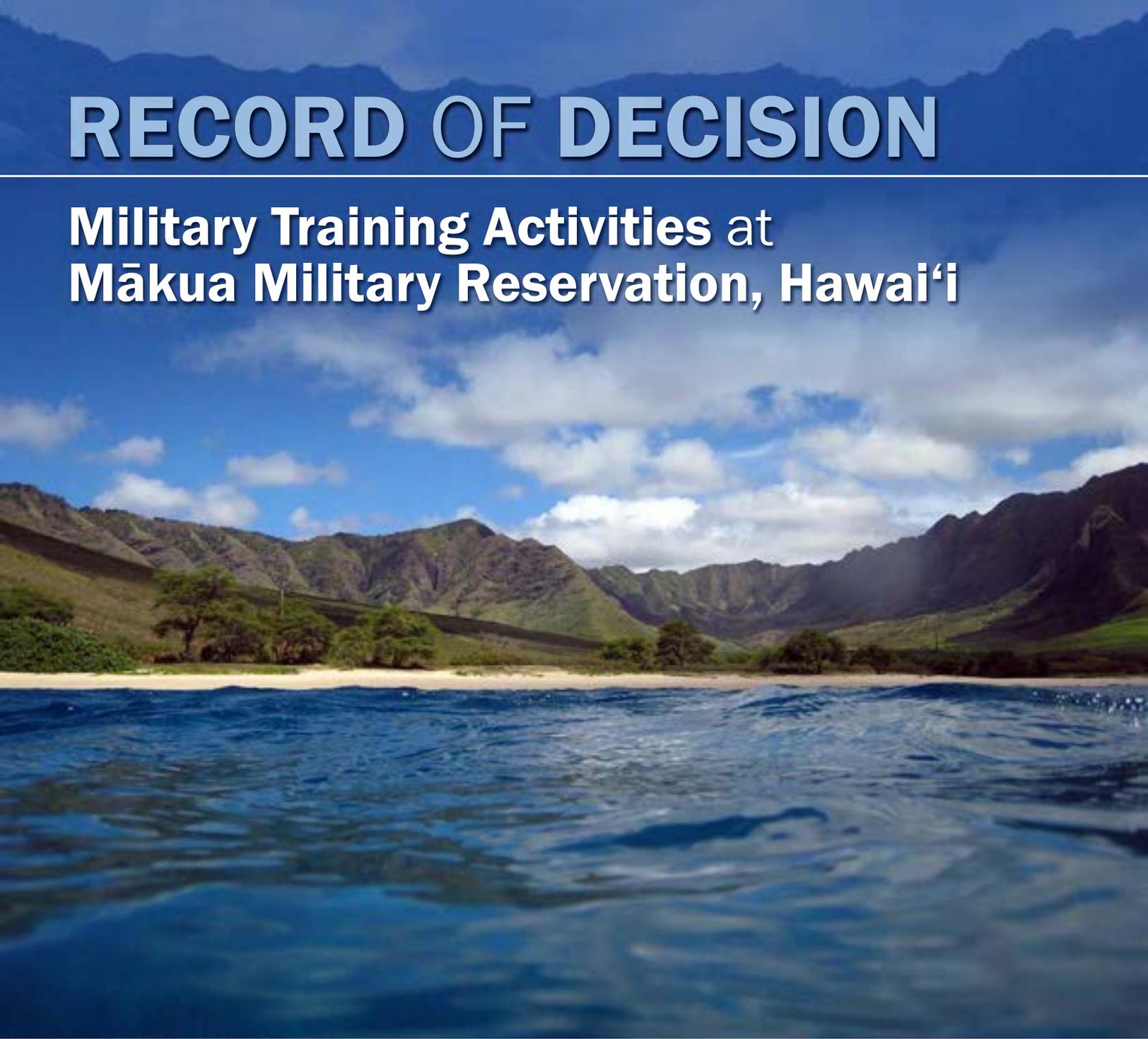
- Be prepared on the issues and be open to Native Hawaiian organization perspectives.

### **Conclusion**

We hope this handbook has been helpful. If needed, you may obtain further assistance from the ACHP in understanding and interpreting the requirements of Section 106, including Native Hawaiian consultation. For general information, please visit the ACHP web site at <https://www.achp.gov/>.

# RECORD OF DECISION

## Military Training Activities at Mākuā Military Reservation, Hawai‘i



Prepared for:  
U.S. Army Garrison, Hawai‘i



Prepared by:  
U.S. Army Environmental Command

JULY 2009

Booz | Allen | Hamilton

## Record of Decision

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public comment. I forwarded the letter from NMFS to the USAG-HI DPW and Environmental Division for their action and consideration.

The NMFS further offered an additional mitigation for the Army to consider, and I have added more discussion in Table 10, which is found in Section 4.2 of this ROD.

Finally, the NMFS indicated that the waters off Mākua beach are designated Essential Fish Habitat (EFH) from shoreline to 50 fathoms (approximately 91 meters or 300 feet) under the Coral Reef Ecosystem Fishery Management Plans; and they further indicated that the Army did not adequately address the potential adverse impacts of the Army's proposed action to the Mākua nearshore environment (contained within EFH), and consequently, the NMFS could not provide adequate conservation recommendations to minimize such adverse impacts. During preparation of the Final EIS, the Army considered and analyzed the impacts to Mākua nearshore fish and benthic communities in both Section 4.8 of the EIS, and in preparing the MRS as a supporting study of the EIS. In addition, in accordance with 50 CFR § 600.920, and with proposed NMFS guidance, the Army fulfilled its responsibilities under NEPA by notifying the Service of the availability of the Draft EIS and Supplemental Draft EIS. The NMFS was afforded opportunity to provide comments on the issue raised here. The Army's notification also indicated that significant adverse impacts were anticipated due to soil erosion and from munitions use to areas on- and off MMR. The Army further provided the NMFS a CD containing the Supplemental Draft EIS for its review and comment. I encourage the Service to work with the Army in preparing the long-term monitoring plan, to foster full cooperation of both Federal departments, while helping the Army to conduct a full evaluation of the risk from live-fire training at MMR to the marine ecosystem and to the local community.

### 3.4 Environmental Consequences

This section provides a summary of the overall potential environmental impacts for each of the alternatives described in Chapter 2 of the Final EIS. Each section in Chapter 4 of the Final EIS includes a discussion of impact methodology and factors used to determine the significance of direct and indirect impacts (40 CFR 1508.8) as well as proposed mitigation where appropriate. Cumulative impacts are presented in Chapter 5 of the Final EIS.

Pursuant to the CEQ regulations, factors considered for determining significance of impacts have been established for each resource and are presented for each resource section. If any project activity would exceed one of those factors, the impact is considered significant.

Impacts are defined in the following categories:

- Significant impact;
- Significant impact mitigable to less than significant;
- Less than significant impact;
- No impact; and
- Beneficial impact.

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Table 5 below provides a comparative summary of the potential impacts of implementing each alternative for meeting the Proposed Action. Table 6 exhibits the composite impact (direct and indirect impacts) for each valued environmental component (VEC) resulting from implementation of each alternative.

The composite impact incorporates the impacts from the four activity groups that were analyzed (Range Capacity, Range Design, Quality of Life, Time and Cost). To summarize these impacts comparatively, the highest impact level to each VEC that would be realized from any of the four activity groups in any of the impacted areas is used as the single impact rating for each of the alternatives. There may be both adverse and beneficial impacts within a single resource category. Where there are both adverse and beneficial impacts, both are listed on the tables and in the text.

**Table 5. Summary of Potential Impacts**

| Impact Issues                                     | No Action<br>Alternative | Alternative 1<br>MMR<br>(Reduced Capacity<br>Use with Some<br>Weapons<br>Restrictions) | Alternative 2<br>MMR<br>(Full Capacity<br>Use with Some<br>Weapons<br>Restrictions) | Alternative 3<br>MMR<br>(Full Capacity<br>Use with Fewer<br>Weapons<br>Restrictions) | Alternative 4<br>PTA<br>(Full Capacity<br>Use with Fewer<br>Weapons<br>Restrictions) |
|---------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Land Use and Recreation</b>                    | ○                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○                                                                                    |
| <b>Airspace</b>                                   | ○                        | ○                                                                                      | ○                                                                                   | ○                                                                                    | ○                                                                                    |
| <b>Visual Resources</b>                           | ○                        | ○                                                                                      | ○                                                                                   | ○                                                                                    | ○                                                                                    |
| <b>Air Quality</b>                                | ○                        | ○                                                                                      | ○                                                                                   | ○                                                                                    | ⊗                                                                                    |
| <b>Noise</b>                                      | ○                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○                                                                                    |
| <b>Traffic and Transportation</b>                 | ○                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○                                                                                    |
| <b>Water Resources</b>                            | ○                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○                                                                                    |
| <b>Geology and Soils</b>                          | ⊗                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○                                                                                    |
| <b>Biological Resources</b>                       | ⊗                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ⊗                                                                                    |
| <b>Cultural Resources</b>                         | ⊗                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ⊗                                                                                    |
| <b>Hazardous Materials and Waste</b>              | ○                        | ○                                                                                      | ○                                                                                   | ○                                                                                    | ⊗                                                                                    |
| <b>Socioeconomics &amp; Environmental Justice</b> | ○                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ○+                                                                                   |
| <b>Public Services and Utilities</b>              | ○                        | ○                                                                                      | ○                                                                                   | ○                                                                                    | ○                                                                                    |
| <b>Wildfires</b>                                  | ⊗                        | ⊗                                                                                      | ⊗                                                                                   | ⊗                                                                                    | ⊗                                                                                    |

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**Table 5. Summary of Potential Impacts**

| <b>Impact Issues</b> | <b>No Action Alternative</b> | <b>Alternative 1 MMR</b><br>(Reduced Capacity Use with Some Weapons Restrictions) | <b>Alternative 2 MMR</b><br>(Full Capacity Use with Some Weapons Restrictions) | <b>Alternative 3 MMR</b><br>(Full Capacity Use with Fewer Weapons Restrictions) | <b>Alternative 4 PTA</b><br>(Full Capacity Use with Fewer Weapons Restrictions) |
|----------------------|------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|----------------------|------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|

**LEGEND:**

- ⊗ = Significant impact
- ⊙ = Significant impact mitigable to less than significant
- ⊖ = Less than significant impact
- = No impact
- + = Beneficial impact

In addition to the direct and indirect effects the Army assessed for meeting the purpose of the proposed action, it also conducted an assessment of cumulative impacts when looking at this action in terms of past, present, and reasonably foreseeable proposals in the region. The impact assessment below incorporates the impacts when viewed in the context of proposals and actions which have already occurred, or may occur in the future.

**Table 6. Summary of Potential Cumulative Impacts**

| <b>Impact Issues</b>                     | <b>No Action Alternative</b> | <b>Alternative 1 MMR</b><br>(Reduced Capacity Use With Some Weapons Restrictions) | <b>Alternative 2 MMR</b><br>(Full Capacity Use With Some Weapons Restrictions) | <b>Alternative 3 MMR</b><br>(Full Capacity Use With Fewer Weapons Restrictions) | <b>Alternative 4 PTA</b><br>(Full Capacity Use with Fewer Weapons Restrictions) |
|------------------------------------------|------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Land use and recreation                  | ⊖                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊖                                                                               |
| Airspace                                 | ○                            | ○                                                                                 | ○                                                                              | ○                                                                               | ○                                                                               |
| Visual resources                         | ⊖                            | ⊖                                                                                 | ⊖                                                                              | ⊖                                                                               | ⊖                                                                               |
| Air quality                              | ⊖                            | ⊖                                                                                 | ⊖                                                                              | ⊖                                                                               | ⊙                                                                               |
| Noise                                    | ⊖                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊖                                                                               |
| Traffic and transportation               | ⊖                            | ⊙                                                                                 | ⊙                                                                              | ⊙                                                                               | ⊖                                                                               |
| Water resources                          | ⊗                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊖                                                                               |
| Geology and soils                        | ⊗                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊗                                                                               |
| Biological resources                     | ⊗                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊗                                                                               |
| Cultural resources                       | ⊗                            | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊗                                                                               |
| Hazardous materials and waste            | ⊖                            | ⊙                                                                                 | ⊙                                                                              | ⊙                                                                               | ⊙                                                                               |
| Socioeconomics and environmental justice | ⊖+                           | ⊗                                                                                 | ⊗                                                                              | ⊗                                                                               | ⊖+                                                                              |
| Public services and                      | ⊖                            | ⊖                                                                                 | ⊖                                                                              | ⊖                                                                               | ⊖                                                                               |

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**Table 6. Summary of Potential Cumulative Impacts**

| <b>Impact Issues</b> | <b>No Action Alternative</b> | <b>Alternative 1 MMR (Reduced Capacity Use With Some Weapons Restrictions)</b> | <b>Alternative 2 MMR (Full Capacity Use With Some Weapons Restrictions)</b> | <b>Alternative 3 MMR (Full Capacity Use With Fewer Weapons Restrictions)</b> | <b>Alternative 4 PTA (Full Capacity Use with Fewer Weapons Restrictions)</b> |
|----------------------|------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| utilities            |                              |                                                                                |                                                                             |                                                                              |                                                                              |
| Wildfires            | ⊗                            | ⊗                                                                              | ⊗                                                                           | ⊗                                                                            | ⊗                                                                            |

**LEGEND:**

- ⊗ = Significant impact
- ⊙ = Significant impact mitigable to less than significant
- ⊕ = Less than significant impact
- = No impact
- + = Beneficial impact

**4.0 Decision**

After a thorough review of the Final EIS for Military Activities at MMR, Hawai‘i, I have decided to proceed with a variation of Alternative 2. This variation of Alternative 2 has less impact to the environment and to the community than Alternative 3, the Army’s preferred alternative in the Final EIS, and has less impact than Alternative 2, which was also analyzed in the Final EIS.

The action I have selected allows up to 32 CALFEXs and 150 convoy LFXs per training year at MMR; this decision includes the squad- and platoon-level LFXs that sequentially lead up to a CALFEX. The Army will not use MMR for live-fire training at night until all relevant fire suppression measures are met and approved in accordance with the USFWS 2007 and 2008 BO.

I have elected to not use either C-Ridge or Ka’ena Point for training, due to the risk of wildfire, and the potential irreversible impacts from training to T&E species.

The action does not include use of Javelin and inert TOW missiles; AT-4 and 2.75-inch rockets, the SMAW, illumination munitions, and tracer ammunition at MMR. The selected action represents a proper balance for meeting the training requirements of the units of the 25<sup>th</sup> ID and other users, while ensuring the Army meets its responsibilities to preserve the land and resources at MMR, and continues to be a good neighbor to the community along the Wai’anae coast.

Firebreak Road (USARHAW 2007a), is included as Appendix G-9 to this EIS. Revised comment responses are found as Appendix M.

The treatment of identified cultural resources inside MMR is discussed in Section 3.10.8 under Current Management Actions.

At present, significant evaluations to determine if the sites are NRHP eligible are continuing for the archaeological sites inside MMR.

As seen in the inset of Figure 3.10-2, the locations of LCAs at MMR, or *kuleana* plots, have a positive correlation with the locations of archaeological remains. This correlation suggests that at least a portion of the archaeological landscape reflects traditional Hawaiian patterns of land use in the 1800s. However, the continued use of sites over several generations would imply that the original dates of the sites are considerably older.

A review of historic maps reveals two branches of a water pipeline issuing from sources near the back of Mākua Valley at least as early as 1912 (see Figure 3.10-2). One source appears to be associated with historic archaeological site 9523. The other source is a spring associated with Site 4630 and also LCA 9706-2. This correlation emphasizes the importance of freshwater springs in the area. The pipeline appears to deliver to LCA 9708.1, also associated with LCA 6123.

Direct links between archaeological sites and specific ATI are often unclear, but a link is expected in some cases for the sites in Mākua and Kahanahāiki. Certainly, Ukanipō *Heiau* (Site 50-80-03-0181 ) is a good example of an archaeological site that is also identified as a traditional cultural property. Other identified archaeological sites also have important cultural values as locations where Hawaiian ancestors lived, worked, worshipped, or engaged in other activities.

### **Pōhakuloa Training Area Previous Surveys**

The sections below discuss briefly the status of knowledge concerning cultural resources at PTA. This include areas where survey has occurred and known prehistoric and historic resources in addition to ATI. In the 1970s the Army commissioned a survey of cultural resources at PTA (Rosendahl 1977). Since the 1980s, many archaeological studies have been conducted at PTA, mostly for regulatory compliance (e.g., Cox 1983; Haun 1986; Hommon and Ahlo 1983). Other studies at PTA include Athens and Kaschko (1989), Reinman and Schilz (1993, 1994, 1999), and Streck (1985, 1986, 1990). Surveys in the northern section of PTA include those of Barrera (1987), Kalima and Rosendahl (1991), and Welch (1993),

among others. A biological inventory of cave and lava tube systems within PTA recorded cultural resources at the cave entrances and within the underground system (Pearthree, Stone, and Howard 1994). GANDA has completed additional survey work, including surveying potential SBCT project areas, training areas 1, 3, 4, 5, and 21, and potential Stryker maneuver areas north of the cantonment area (GANDA 2002a, 2003d).

There have been many archaeological investigations of the lands traversed by the PTA Trail corridor, including Barrera and Kelly (1974), Clark (1981), Hammatt and Shideler (1989), Hammatt et al. (1988), Langlas et al. (1997), Clark and Kirch (1983), Clark (1987), and Soehren (1980). Cox (1983) conducted a reconnaissance of the military vehicle trail between Kawaihae Harbor and PTA.

Most of the early archaeological surveys at PTA took place in the west and southwest portions of the training area along or off Bobcat Trail. In 1985, PHRI conducted a survey of the Bobcat Trail Habitation Cave Site and the surrounding kīpuka (Haun 1986), and, in 1987, Athens and Kaschko (1989) surveyed the heavily forested and (at the time) undeveloped region of the Multi-Purpose Range Complex (MPRC). In 1992, Ogden revisited the MPRC and conducted data recovery excavations of sites to be affected, as well as a survey of an additional 20,000 acres (8,094 hectares) (Reinman and Schilz 1999). This resulted in the discovery of 48 new sites.

On the east side of PTA, surveys were not initiated until 1993, when BioSystems Analysis conducted an aerial and pedestrian inventory survey of 6,700 acres (2,711 hectares) along both sides of Redleg Trail (Reinman and Pantaleo 1998b). Following this work, Ogden surveyed four areas east of Redleg Trail totaling about 970 acres (393 hectares) (Williams et al. 2002). Later, an additional area of 2,640 acres (1,068 hectares) to the east of the trail was surveyed and Phase II surface collection and testing conducted of sites in areas previously surveyed (Williams 2002 a & b). In an area with an expected low density of sites, 67 sites and over 1,800 excavated pits were recorded. Many of the sites identified in 2002 and 2003 fieldwork are now being formally evaluated. Cultural resources surveys at PTA from April 2004 to July 2007 are presented in Table 3.10-4. Figure 3.10-3 displays previously surveyed areas at PTA.

**Table 3.10-4 Cultural resource surveys at PTA: April 2004 – July 2007**  
 Since the 2004 Transformation EIS (USAG-HI 2004), cultural resource surveys were performed for many of the projects identified in the EIS. Information regarding projects, reports, and surveys reflects their status as of July

| Project Location | Project Number | Project Name                                        | Project ed Fiscal Year Start | Contractor | Findings                                                                |
|------------------|----------------|-----------------------------------------------------|------------------------------|------------|-------------------------------------------------------------------------|
| PTA              | 57183          | Anti-armor Live Fire & Tracking Range (AALFTR)      | Not Funded                   | GANDA      | 8 sites in the AALFTR and 7 sites in the AALFTR extension               |
| PTA              | 56994          | Range Maintenance Facility                          | 2013                         | GANDA      | No Historic Properties                                                  |
| PTA              | 58165          | Installation Information Infrastructure             | 2005                         |            | No Historic Properties                                                  |
| PTA              |                | Fixed Tactical Internet (PTA FTI)                   | 2005                         |            | No Historic Properties                                                  |
| PTA              | 57414          | Tactical Vehicle Wash Facility (PTA FTI)            | 2006                         | GANDA      | No Historic Properties                                                  |
| PTA              | 57417          | Ammunition Storage                                  | 2012                         | GANDA      | 1 Archaeological Site                                                   |
| PTA              | 57197          | Battle Area Complex (PTA BAX)                       | 2007                         | GANDA      | 9 Archaeological Sites are recognized as potentially eligible for NRHP. |
| PTA              | 57408          | Runway Upgrade & Extension, Bradshaw Army Air Field |                              | GANDA      | No Historic Properties                                                  |

**Table 3.10-4 Cultural resource surveys at PTA: April 2004 – July 2007**  
 Since the 2004 Transformation EIS (USAG-HI 2004), cultural resource surveys were performed for many of the projects identified in the EIS. Information regarding projects, reports, and surveys reflects their status as of July

| Project Location | Project Number | Project Name                                                | Project ed Fiscal Year Start | Contractor | Findings                |
|------------------|----------------|-------------------------------------------------------------|------------------------------|------------|-------------------------|
| PTA              | 57411          | West PTA Maneuver Training Area Land Acquisition (Ke‘āmuku) | 2005                         | GANDA      | 72 Archaeological Sites |
| PTA              | 58273          | Land Easement & Tank Trail, Pōhakuloa to Kawaihae           | 2006                         |            | 7 Archaeological Sites  |
| PTA              | 57412          | Construct Tank Trail, Pōhakuloa to Kawaihae                 | 2013                         | GANDA      |                         |

#### Known Prehistoric and Historic Resources

In general, archaeological resources at PTA consist of modified natural features, such as lava tubes, lava shelters, and lava blisters. A 1998 review of previous archaeological studies concluded that lava tubes made up 70 percent of all recorded sites at PTA (Eidsness et al. 1998), and they remain one of the most common site types found in more recent surveys.

Other site types include cairn sites, trails, volcanic glass quarries, excavated pits, and lithic workshops. Within these sites, material remains include grinding tools, charred wooden torches, gourds, cordage and matting, woven ti leaf sandals, kukui nuts, ‘opihi shells, and other faunal remains. Surface features include stone-lined hearths, cupboards, rock-paved areas, low walls and platforms, rock-filled crevices, ramps, cairns, shrines, open-air shelters, and trails. The region has much value for archaeological research and has produced important information concerning bird hunting, trail systems, and short-term living conditions at higher elevations.

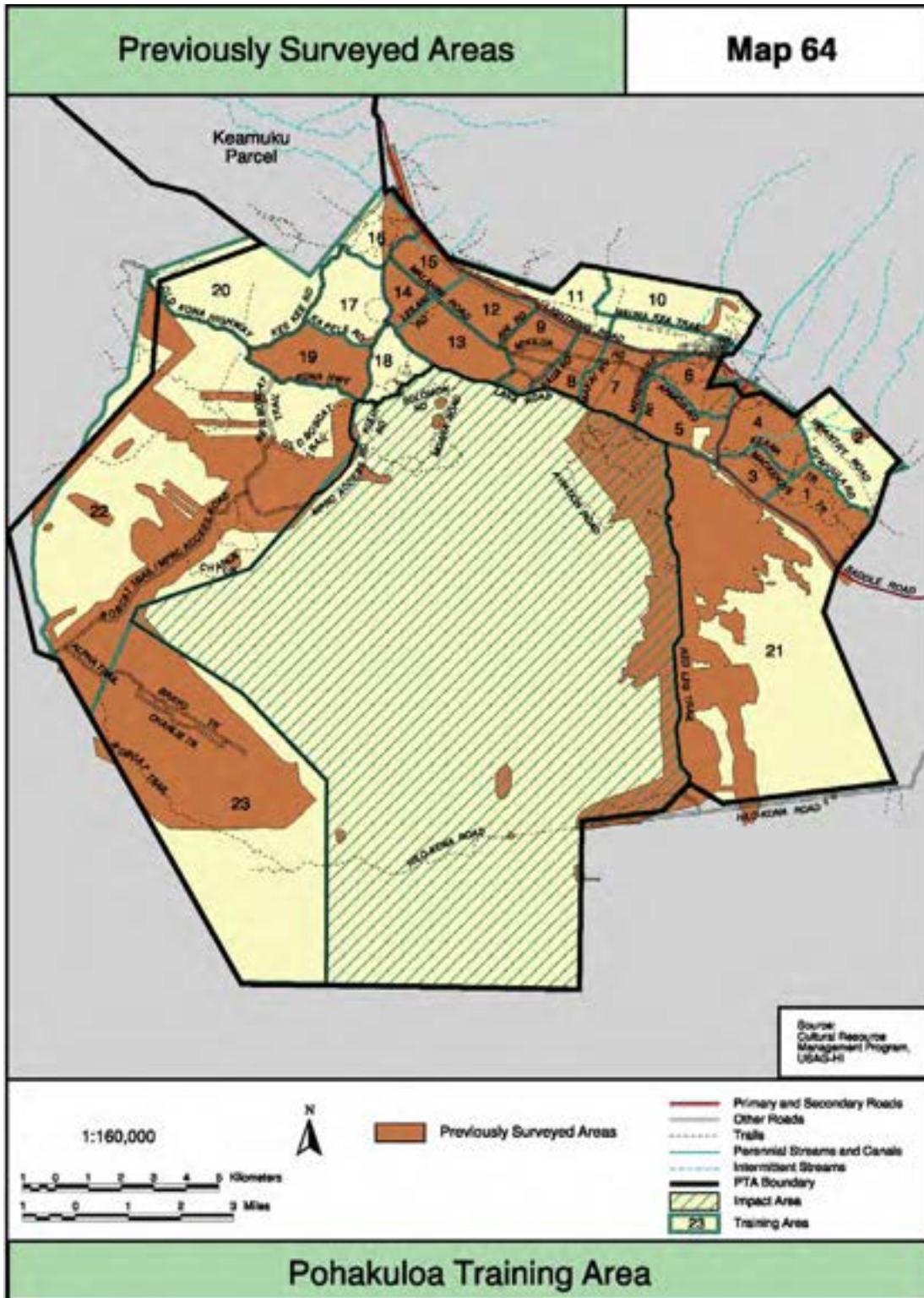


Figure 3.10-3 Previously Surveyed Areas, PTA

Reinman et al. (1998a) claim the cultural resources at PTA are important for addressing issues about Hawaiian prehistory and history in the uplands region, as well as the development of Native Hawaiian society.

The existence of approximately seven stone shrines attest to the likely ritual activity that went on at PTA. With prayers and ritual permeating traditional Hawaiian life, some of the structures at PTA may be occupational shrines (Buck 1957, 259, cited in McEldowney 1982, 1.10). Cairns (ahu) have been recorded at various terrains, either associated with trail systems or boundary markers, or as just isolated features. There appears to be no pattern to the distribution of cairns across the PTA landscape, and they have been quantified as representing between 10 and 15 percent of known sites. Cairns have also been constructed for military purposes, although the trained eye can usually differentiate military cairns from prehistoric ones. It is also possible that some cairns were constructed for rituals.

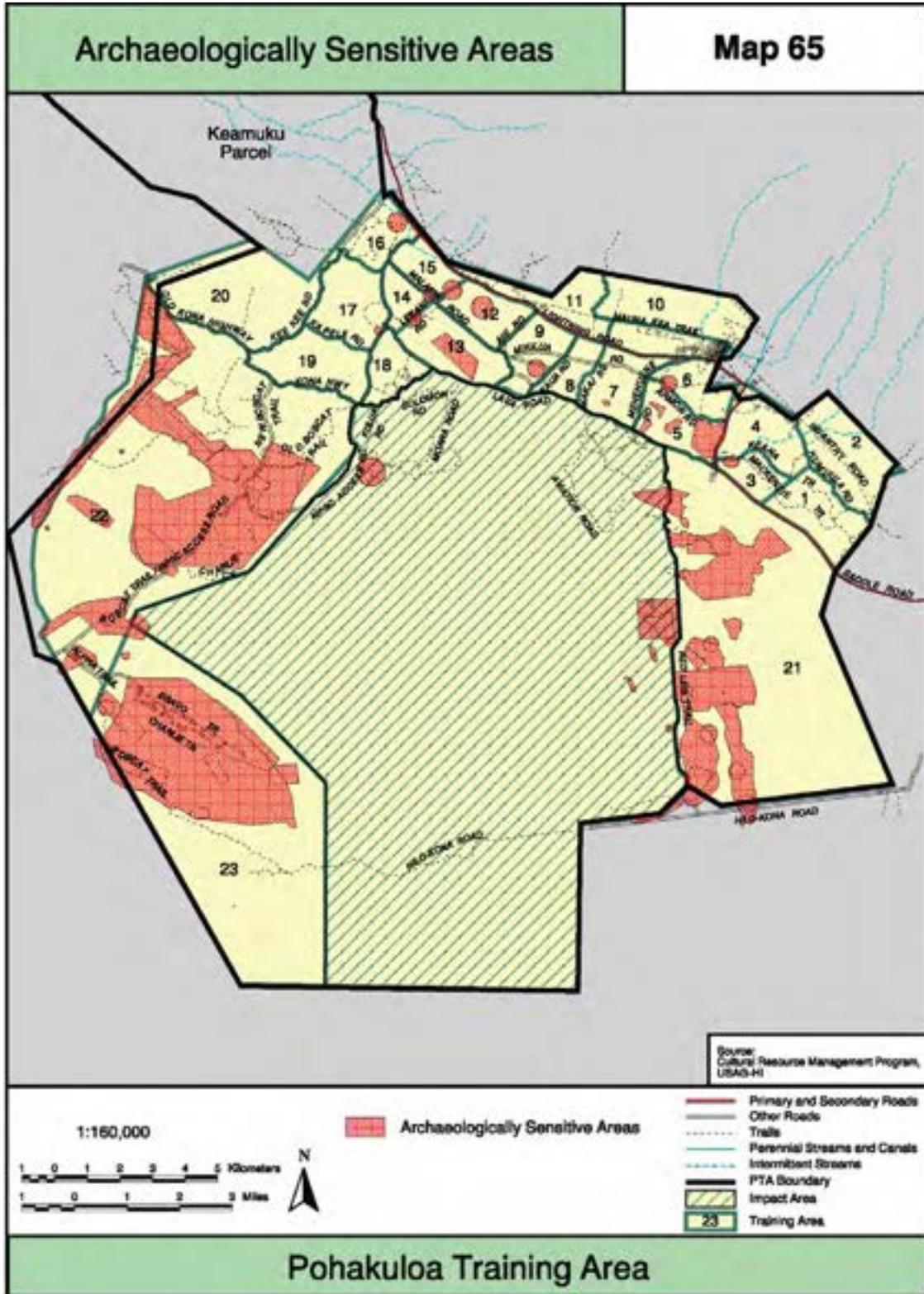
#### Archaeological Resources

PTA is rich with archaeological resources, with 350 reported archaeological sites, including both prehistoric and historic Native Hawaiian sites and historic military structures. Tables 8- 24 through 8-29 from the SBCT EIS (2004) detail the archeological resources identified for the SBCT projects. The only site listed on the NRHP is the Bobcat Trail Habitation Cave (Site 50- 10-30-5004). Figure 3.10-4 shows archaeological sensitivity areas at PTA.

Archaeological sites have been found during surveys conducted by BioSystems Analysis along Redleg Trail and areas to the east along the west side of Redleg Trail (Reinman and Pantaleo 1998b).

Sites identified to the east of Redleg Trail include Site 18671, a small lava tube containing cultural features and material; Site 21495, a complex of excavated pits; and Site 21671, a complex of scattered chill glass quarry locations (Williams 2002a, 2000b). Archaeological sites along the northern terminus of Red Leg Trail lie within the ROI in areas considered to have a high potential for fire spread.

Seventeen sites were found in the proposed area for the BAX during SBCT-related survey work, including excavated pit complexes, rock shelters, modified outcrops, rock mounds, a cairn, a lava tube, a lithic scatter, and an enclosure. One site, a complex of lava tubes, trails, enclosures, and a shrine was identified prior to archaeological survey for the Proposed SBCT Action (Reinman and Pantaleo 1998b). The GANDA survey of the entire BAX area revealed the presence of an additional 16 sites (Roberts et al.in GANDA 2003a). Except for the ahu or cairns, whose age is uncertain, all features seem to be prehistoric in age. Figure 3.10-5 shows recorded archaeological sites at PTA (including caves).



**Figure 3.10-4 Archaeologically Sensitive Areas, PTA**



### Areas of Traditional Importance Surveys

Maly (1997) conducted a series of interviews that considered not only Mauna Kea itself, but the landscape and view planes of the area. Many of the respondents had knowledge of several of the traditional practices described above. In the 1997 study, and in follow-up interviews, the researchers surmised that the Hawaiian people feel a “deep cultural attachment to the broad spectrum of natural and cultural resources” found in and around Mauna Kea (Maly 1999, 3). Maly recommended that the traditions, sites, practices, and continuing significance of Mauna Kea, both historically and today, make it “eligible for nomination as a traditional cultural property under federal law and policies” (Maly 1999, 3).

### Known Areas of Traditional Importance

ATI may include previously identified archaeological sites. Almost all archeological sites at PTA are Native Hawaiian sites and reflect the traditional types of activities that Hawaiians conducted in this region. Activities included procurement of lithic (stone) resources, primary preparation of tools in workshops, hunting of birds, and collection of nestling birds. A few sites incorporate ritual aspects. Streck (1986b) interprets a basalt platform on a terraced mound within a lava tube as a shrine (Site 10269). Shapiro et al. (1995) identify a grouping of rock platforms and open-air sites with stone uprights near Pu‘u Koli in the southeastern portion of PTA as a place where prehistoric Hawaiian religious activities took place (Reinman et al. 1998, 17). Ritual permeated traditional Hawaiian life, including everyday work activities, and some of the religious structures at PTA may be occupational shrines, where fowlers, quarry workers, and woodcutters recited formulas and made offerings connected with their work.

### *Pōhakuloa Training Area Trail*

A new PTA Trail is scheduled to be constructed as a result of the SBCT use of PTA. The environmental impacts of the new PTA Trail are covered in the Stryker EIS and SEIS. The trail is expected to be operational no earlier than 2010. At that time, the PTA Trail will be the primary route for convoys traveling between the Kawaihae Harbor and PTA. The PTA Trail would replace a seldom used military vehicle trail that parallels Saddle Road. The current military vehicle trail passes through grazing lands and fields. The proposed road would consist of a 24-foot- (7-meter-) wide gravel road and a 3-foot- (1-meter-) wide shoulder on either side of the road. It would run approximately 27 miles (43 kilometers), connecting Kawaihae Harbor to PTA. Work would include grading, paving, improving drainage, installing culverts at stream crossings and guardrails at drop-offs, and building storm drainage structures. Road grades steeper than 10 percent would be paved with asphalt or concrete.

**Table 3.10-5  
PTA Trail Archaeological Sites**

| <b>Site Number</b> | <b>Site Type</b> | <b>Probable Function</b> | <b>Probable Age</b>  |
|--------------------|------------------|--------------------------|----------------------|
| 50-10-05-9012      | Wall             | Cattle boundary          | Historic             |
| 50-10-05-23601     | Retaining wall   | Cart road                | Historic             |
| 50-10-05-23602     | Mound            | Marker                   | Historic             |
| 50-10-05-23623     | Wall network     | Cattle boundary          | Historic             |
| 50-10-05-23624     | Terrace          | Possible habitation      | Possibly prehistoric |
| None               | Lava blister     | Possible burial          | Possibly prehistoric |
| None               | Mound            | Undetermined             | Undetermined         |

There have been many archaeological investigations of the lands traversed by the PTA Trail corridor, including Barrera and Kelly (1974), Clark (1981), Hammatt and Shideler (1989), Hammatt et al. (1988), Langlas et al. (1997), Clark and Kirch (1983), Clark (1987), and Soehren (1980). Cox (1983) conducted a reconnaissance of the military vehicle trail between Kawaihae Harbor and PTA. See Figure 8-39 from the 2004 SBCT EIS for a depiction of the archaeological sensitivity along the PTA trail.

GANDA surveyed a 98-foot- (30-meter-) wide corridor along the proposed trail, between Kawaihae Harbor and Māmalahoa Highway, and identified seven archaeological sites (Roberts et al in GANDA 2003b). Four sites are likely post-Contact or Historic in age. Two of these are segments of rock walls used as cattle enclosures or boundaries for Parker Ranch. One site is a stone mound possibly used as a trail marker. The fourth historic site, immediately inland from Kawaihae, consists of the remains of a .62-mile- (1-km-) long stretch of a cart road probably representing the main road built in the mid-1800s between Kawaihae and Waimea. Preserved features of the road include bridge foundations built of cobbles and boulders, milled lumber from the bridges with nails in place, stone retaining walls, and possible pāhoehoe barrow pits from which construction material was obtained.

Two possibly prehistoric sites include a lava blister, which might contain a burial, and a terrace that may have been used during the prehistoric period. No cultural materials were found in association with the prehistoric features during the survey. The seventh site recorded consists of a stone mound of undetermined age.

**Final Draft Report**

**PLANNING LEVEL ORAL HISTORY SURVEY  
OF TRADITIONAL CULTURAL PROPERTIES ON  
U.S. ARMY PŌHAKULOA TRAINING AREA  
HAWAII ISLAND, HAWAII**

**Contract No. DACA83-00-C-0029**

Prepared for

United States Army Engineering District, Honolulu  
Engineering and Construction Division  
Environmental Technical Branch  
Fort Shafter, Hawaii 96858-5440

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July 9, 2005



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*"...the old natives who knew these things were becoming fewer and fewer every year, and even they - as is well known to everyone that has had any experience in the matter - maintain the greatest reserve on such subjects, even to their own countrymen" (Fornander 1878:v).*

*"That's the only problem...we was growing up with all those old folks, we ask them questions, they wouldn't give us a good answer. But now, you cannot find anybody" (Sonny Kaniho 2003).*

## 1.0 INTRODUCTION

At the request of the U.S. Army Corps of Engineers, Honolulu District, under Contract No. DACA83-00-C-0029, Social Research Pacific, Inc., (SRPI) conducted a "Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pōhakuloa Training Area Hawai'i Island, Hawai'i." The study was completed by SRPI and Keone Nunes, between October 2000 and October 2003.

A Work Plan (WP), prepared in October 2000, was developed to guide the tasks to be completed by this study. This report presents results of the: 1) background and archival research on prehistoric and historic land use patterns at Pōhakuloa Training Area (PTA); 2) oral interviews with Native Hawaiians knowledgeable about the area and its traditional uses; and 3) potential Traditional Cultural Properties (TCPs) identified through oral histories. The remainder of this report presents the results of this oral history survey.

### 1.1 Background and Purpose of the Survey

The primary goal of this project was to conduct a planning level oral history survey to identify and locate Traditional Cultural Properties (TCPs) at Pōhakuloa Training Area (PTA; Fig. 1). A total of 25 formal interviews were anticipated. The survey was specifically tasked with identifying new TCPs in the project area, which then could be mapped using Ground Positioning System (GPS) guidelines. Though efforts to identify new TCPs persisted over nearly a three-year period, and thirty-one formal interviews were completed, no new TCPs were located. However, several potential TCPs in areas immediately adjacent to PTA were identified; no attempts have yet been made to locate these.

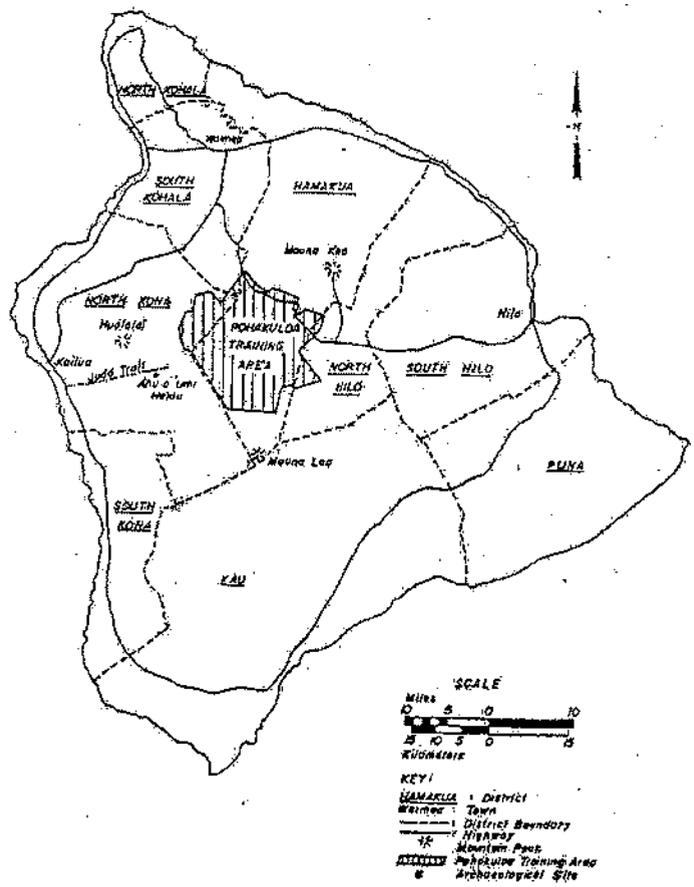
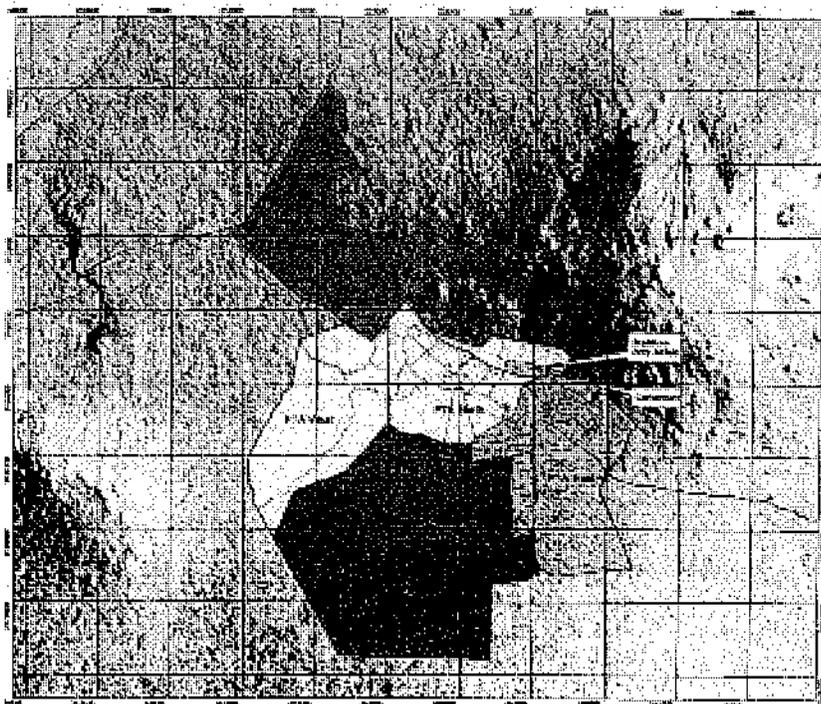


Figure 1. U.S. Army Pōhakuloa Training Area, Hawai'i Island, Hawai'i (Hammatt a and Shideler 1991).

TCPs, as defined in the National Register of Historic Places (NRHP), are important to both the history of a living community and to the continuation of the community's identity. Pōhakuloa Training Area and its surrounding environments are known for their significance in Hawaiian history. Archaeological studies and historical accounts have documented a fairly large number of historic features and sites throughout this part of Hawai'i Island. Because of their immediate relevance to the project area, many of these sites and features are discussed in this report.

While the project area's role in the traditional history of Hawai'i is fairly widely known, archaeological surveys have only been completed for approximately one-third of

the total area of PTA; a larger portion of the project area which includes the 48,000 "Impact Area" (Fig. 2) was not a consideration for survey when this project was initiated.



**Figure 2. The 'Impact Area' at PTA (25<sup>th</sup> ED(L) & UASRHAW Integrated Wildland Fire Management Plan 2003).**

It was hoped however, that through the oral interviews, information could be obtained about areas on PTA lands that have not been surveyed. However, one of the major shortcomings of this study was the small number of individuals remaining who have knowledge about traditional uses the project area. [As is often found with oral histories about historical places, the number of Native Hawaiians with traditional knowledge about this area is dwindling.] Of the oral histories that were obtained during this survey, and reviews of previous oral history work, very few tell of actual TCPs; most are general recollections and experiences about the area. While these histories may not identify specific sites and/or features, they do demonstrate the traditional and historic significance of the PTA area. Some of these sites, features, land uses, etc., fall into the category of Area of Traditional Importance (ATI) – a category which do not meet the

NHPA regulatory criteria but nonetheless, are significant to Native Hawaiians. These are discussed in a later section of this report.

## 1.2 The Project Area

Pōhakuloa Training Area is used as a training facility by the U.S. Army Pacific Command (USARPAC) and other Pacific Commands (PACOM). It is located on the north-central portion of the island of Hawai'i (see fig. 1), in the saddle region that borders the three largest mountains of the island – Mauna Kea, Mauna Loa, and Hualālai. PTA covers nearly 108,792 acres, with elevations ranging from 4,030 feet above mean sea level (AMSL) near the northwest boundary to 8,650 feet AMSL on south boundary that forms the slopes of Mauna Loa. Topography varies from flows of *'a'ā* and *pāhoehoe* lava, to drought resistant forest, scrub and grasslands. Most of the project area is ceded lands that are owned by the Army, with a smaller portion being owned by the State of Hawai'i (Biosystems Analysis Inc. 1995).

This study attempted to cover all the lands within PTA that are accessible either by ground or aerial survey. [It should be noted that two attempts were made for aerial survey in the initial stages of the current study; both were canceled due to military restrictions at the time and no further attempts were made.]

### 1.2.1 Traditional and Historic Land Use in the Project Area

Along with historical documents such as the Land Boundary Commission testimonies, archaeological studies and oral histories have described traditional and historic land use at PTA (c.f. Roberts et al. 2004; Langlas 1998; Garcia and Associates 1998; Streck C. 1992; Hammatt and Shideler 1991; Athens et al. 1991; Haun 1986). Garcia and Associates, Inc. (GANDA) recently compiled a comprehensive list of archaeological sites in the PTA area (see Roberts et al. 2004). The remainder of this discussion summarizes from the work completed by Robert et al. (2004), and the

*Historical Preservation Plan for Pōhakuloa Training Area*, prepared by GANDA in 1998.

As of May 2004, approximately 34 percent of PTA lands had been surveyed for archaeological sites; 383 sites ranging from subterranean and surface lava tube features to lithic quarries and religious structures have been identified ((Roberts et al. 2004). A total of eleven prehistoric and historic foot trails traverse the project area, indicating that this great expanse of land was used often enough to create such imprints. The saddle area within which PTA lies acts as a central junction of sorts for travel to all points east, west, north and south. It is also an area that provided an exclusive array of resources.

Native Hawaiians have been using the saddle region for more than 1,000 years. Based on archaeological evidence, use of the area began around ca. A.D. 775, and continued in to the nineteenth century. The evidence also indicates that the most intense use of this upland area was between A.D. 1400 and 1450. This change in land use intensity is believed to be associated with resource exploitation. Namely, activities such as bird hunting that were either not practiced or were less common during earlier prehistoric times, became more important in the 15<sup>th</sup> century.

PTA covers portions of four traditional Hawaiian districts - the Hamakua, Hilo, Kona and Kohala districts (Fig. 1). Ka'ohē *ahupua`a*, within which most of the project area lies, is in the Hamakua District. Two notable prehistoric sites lie just outside of PTA - *Ahu a 'Umi Heiau*, approximately five miles west of PTA, and Mauna Kea Adze Quarry on the slopes of Mauna Kea to the northeast of PTA (Fig. 1). Along with trails, prehistoric sites within PTA include burials in lava tubes, lithic quarries, petroglyphs, *ko`a* (shrines), *ahu* (cairns), rock platforms and walls.

One of the more common uses of the project area may have been bird hunting. Birds were hunted, for both food and their plumage (to make *kāhili*, the feather standard used by royalty), throughout the project area. In their article, Moniz et al. (1998) present an effort to test the hypothesis that human-modified pits found throughout the flat lands

of PTA were used for catching the *'ua'u* (seabird). The significance of identifying these pits for catching birds is supported by an historical account given by Lyons: "Ka'ohē, whose owners belonged [sic] the sole privilege of capturing the *'u'au*, a mountain-inhabiting but sea-fishing bird" (Lyons 1875:111, in Moniz et al. 1998:112). The trapping of birds for their feathers is supported by more recent oral accounts. Interviews completed for this study tell of family histories related to bird trapping; these accounts are presented in Section 4.0 of this report.

The saddle region was also used as a cross-island transportation route; remnants and whole segments of an extensive trail system traverse the project area. Eyewitness accounts, often by non-Hawaiians, describe the footpaths used to cross through the saddle region to get to and from Hilo, Kona, Waimea and Kilauea. Perhaps the best known of these trails is Umi's Road, which connects Waimea, Kohala and Hamakua with Kona. These trails make-up an important segment of the area's cultural history; they serve as imprints of how Hawaiians used the project area and its greater surroundings (see discussion in Section 4.2, "A Review of Known Traditional Cultural Properties in the Vicinity of the Project Area").

Other activities in the saddle region during the 1800s would have also included the sandalwood trade, which very likely involved harvesting sandalwood from PTA lands. Soon after cattle were introduced to the islands, the saddle region became both a grazing and hunting area. In 1843, John Parker began the Parker Ranch in Waimea and leased portions of PTA for occasional-use. Military use of saddle region dates to March of 1942, when "Camp Tarawa" was set up for the Marines at Parker Ranch. That same year, the U.S. Army built "Kaumana Road" (now known as Saddle Road) to provide military access between Hilo and Waimea. With establishment of the Cantonment and Bradshaw Army Air Field, the "Saddle Training Area" was created. In 1955, authority was given for establishing a year-round training area for the military at PTA. Since that time, PTA has regularly been used by the military for training purposes.

## 2.0 IDENTIFICATION OF TRADITIONAL CULTURAL PROPERTIES

The National Register of Historic Places (NRHP) provides guidelines for determining the significance of a historical property. Property types include buildings, structures, sites, landscapes, and objects. These properties are also significant because of their association with traditional cultural beliefs and practices. The identification of traditional cultural properties is conducted within the framework of the *National Historic Preservation Act* (NHPA), 1966, as amended. The NHPA established the basic framework for the identification and management of historic properties by the federal government. Section 110 of the federal guidelines implementing the NHPA mandates federal agencies to inventory historic properties, nominate significant properties to the National Register, and manage these properties in an appropriate manner. As a part of this management, Section 106 of the implementing guidelines requires that federal agencies take into account the effects of their undertakings on properties listed on or eligible to the NRHP.

Historic property is defined in the NHPA (Title III, Section 301) as:

any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register..." Eligibility to the NRHP is based on criteria identified in the Code of Federal Regulations Title 36, Part 60.4 (36 CFR Part 60.4). In brief, historic properties include districts, sites, buildings, structures, and objects that are associated with (a) events that have made a significant contribution to the broad patterns of our history, (b) the lives of persons significant in our past, (c) embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, and (d) have yielded, or may be likely to yield, information important in prehistory or history.

Properties that have achieved significance within the past 50 years are not be considered eligible for the National Register, unless they qualify as integral parts of districts that do meet the criteria or if they fall within [specified categories].

Based on the description above, there is very little that is excluded from the definition of a "historic property." It's the all-encompassing nature of this NHPA category that in turn has created some problems for its practical application. No where is this confusion more evident than in addressing tangible and intangible historic properties whose significance is determined almost entirely by its native traditional cultural value (see discussion below). While NHPA and its implementing guidelines (Section 110 and Section 106) also allow for significant cultural associations to be made in the evaluation of a historic property, it was the publication of Bulletin 38 (Parker and King 1990) that identified the specific guidelines for evaluating and documenting "Traditional Cultural Properties".

In 1980, amendments to the NHPA, the Secretary of the Interior, with the American Folklife Center, was directed to study means of:

preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife and folkways...[and to recommend ways to]...preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage (NHPA #502; 16 U.S.C. 470a note).

This review [need] directed the National Park Service to prepare guidelines to "assist in the documentation of intangible cultural resources" (King and Parker 1990:2). Bulletin 38 is the result of this direction. Its intent is to "aid in determining whether properties thought or alleged to have traditional cultural significance are eligible for inclusion in the national Register" (ibid).

## 2.1 Identification of Traditional Cultural Property in Hawai'i

The above nationally defined categories and criteria help to determine a community's cultural heritage. National Register Bulletin 38 provides guidance for evaluating and documenting both tangible and intangible cultural resources in the State of

Hawaii. It specifically addresses "traditional cultural significance" as being the factor that makes the historic property eligible for nomination to the National Register:

'Traditional'...refers to those beliefs, customs, and practices of a living community...that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices...

A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with the cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community.

Following the publication of Bulletin 38, revisions were made to the NHPA and Section 106 to accommodate the use of this new [TCP]:

NHPA - Section 101:d(6)(A). Properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

Section 106 - 36 CFR 800:16(l). Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term [historic property] includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

There has been some confusion in the use of the term and concept of traditional cultural properties in the State of Hawaii. An excellent discussion of this confusion, and its subsequent clarification, can be found in Tuggle and Tomonari-Tuggle (2001). Briefly, the authors discuss that TCP has come to be perceived as a new National Register category, "and it is clear that the ambiguous language of Parker and King (1990, quoted above) is the source of this confusion. There is no NR category of TCP; it is simply a shorthand phrase for a NR property that is culturally significant to a particular cultural/ethnic group. The "definition" of TCP quoted above is a general characterization that applies to all NR properties, which are inherently culturally significant, rooted in our history, and important in maintaining general cultural identity, as expressed in the

legislative history of the NHPA, by statements in the NHPA itself, and in the implementing regulations” (Tuggle and Tomonari-Tuggle 2001). The authors go on to add that as early as the 1970s *wahi pana*<sup>1</sup> was an appropriate term for addressing places of special importance in Hawaiian culture.

Although TCP studies are becoming more common in the State of Hawaii, confusion over the ‘intended’ application of the term continues. As routine components of environmental assessments, TCP studies generally address historic (archaeological) properties. It is common for a TCP to be questioned on the grounds of whether it is or isn’t eligible to the National Register. (More often than not, if it is not eligible, it is also not seen as a *bona fide* cultural property). As stand alone studies, as in the present case, TCPs can denote a wider significance, taking into consideration the *wahi pana* as a place of traditional significance to Native Hawaiians. According to King, Bulletin 38 is aimed to satisfy those things that are significant to a community, that are not necessarily archaeological or architectural (King 2003). However, confusion still continues over the identification of boundaries. In general, the expectations of TCP studies seem to fall into one or both of the following:

1. If a TCP is not eligible for nomination to the National Register of Historic Places, than it is not a *bona fide* TCP (or if preferred, historic property). In other words, if a potential TCP fails to meet the criteria established by the NRHP, than its validity as a place of traditional significance is questioned.
2. The question of where and what the boundaries are of a TCP is still inherent in TCP studies. This is most evident in studies that request mapping the exact locations of TCP. It is quite common than no physical boundaries can be defined for properties that are not tangible. In the event that a non-tangible property does have some definable boundaries, what is the beginning or end to one oral historian, may be quite different for another.

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<sup>1</sup> H. David Tuggle was an original member of the Hawai‘i Historic Places Review Board during the time the NHPA was being implemented in Hawaii. This board recommended that the National Register of Historic Places include the term *wahi pana* (“celebrated place” or “storied place” sometimes with an implication of being sacred; cf. Kanahahele 1986:41; Pukui and Elbert 1986:313) for addressing places of special importance in Hawaiian culture.

Briefly, TCP studies may accompany archaeological investigations, and as well, may derive information about historic properties from such studies, and they can also be based on written and ethnographic research. Bulletin 38 already states that "such places [properties] may not necessarily come to light through the conduct of archaeological, historical, or architectural surveys". Regardless of the methods used, the process of identifying a TCP calls for a "systematic study, just as with most other kinds of historic properties". The current study, based primarily on ethnographic research, was to be completed using information gathered from oral histories with Native Hawaiians who are knowledgeable about the traditional cultural beliefs and practices of the project area.

## 2.2 Cultural Landscapes: Areas Traditional Significance

The concept of cultural landscape, developed by Carl Sauer, a human geographer in 1920s, offers an alternative means by which to look at TCPs. Among cultural geographers, greater emphasis is placed on the social perception and response to environments, the cognition, feelings, and behavior associated with places. Earle et al. (1978:71) define cultural landscape as "that segment of earth space which lies between the viewer's eye and his or her horizon". As will be discussed, oral accounts in Hawai'i reveal that this visual 'range' which is within the viewer's eye, often determined the beginning and ending of traditional places on the land.

The use of cultural landscapes to describe cultural significance of an area, also allows the inclusion of multiple TCPs. This is most important when the TCPs of a given area/context are inter-related to one another. A cultural landscape can also include both natural and cultural resources (National Park Service 2002:1). As will be presented in this report, the entire area of Mauna Kea forms a unique cultural landscape; to some researchers, and perhaps, Native Hawaiians, the entire area forms a single TCP.

Within the context of the landscape, the value attached to its identification is also highly representative of the people who use it. This value is often best demonstrated in the name given to a place. The name of a place, as it is passed from one group or

generation to another, becomes a means for cultural association...shared experience about that segment/body of land. Beyond the literal translation of a place name, names that occur in legends and myths always signify and/or represent a person, thing, or event of the cosmology of the Hawaiian Islands. So valued are the recorded versions of these myths and legends that, at times, they are the sole source of reference to traditional sites and cultural places.

More recently, the term 'Area of Traditional Importance' has been used to describe places of Native Hawaiian significance in the PTA area (Tetra Tech Inc. 2004). These may be potential TCPs but their eligibility needs to be determined needs to be completed in consultation among the Army, the State Historic Preservation Office (SHPO), and other interested groups. As will be presented later in this report, some ATT's identified during the course of this study, are believed to be potential TCPs. However, their evaluation has not been made.

### 2.3 Efforts to Identify TCPs through Oral Histories

Abraham Fornander can be considered among the first "collectors of history" to identify TCPs. But even in his time, over a century ago, he found it difficult to not only locate those who maintained knowledge about things traditional in Hawai'i, but also to have them share this knowledge. One hundred and thirty years later, little has changed in the attempts...a great deal has changed in the numbers of those who hold such knowledge. In 1998, Henry Auwae believed he was the only person who had knowledge about burials and ritual sites along the saddle road corridor (Langlas et al. 1998:134). But even the sites 'Papa' Auwae described could not be relocated or were no longer in use.

The efforts to identify TCPs in Hawai'i, a place where not only has Hawaiian use of land been largely displaced but also continued use of the same land is almost nonexistent (e.g. the project area has been a military facility for over fifty years), has met with little success. Oral histories may perhaps be the best means, or perhaps the only

means, by which to learn about TCPs, however, the limitations of this approach are substantial.

### 3.0 STUDY APPROACH

The primary approach of this survey was to conduct oral histories with individuals knowledgeable about the traditional history of the area. From this information, areas, sites and features that could be categorized as TCPs, would be evaluated and identified. In addition to completing oral histories, it was also hoped that individuals could help to physically locate some of these TCPs. The information in this report, including direct citations, is presented with consent from the interviewee. Initially, a list of potential interviewees was identified from ongoing work being done by Kepa Maly of Kumu Pono Associates, and Hawaiian *kūpuna* (elders) known by Keone Nunes. Recommendations for interviewees were also sought from Office of Hawaiian Affairs, the Kona Historical Society, the Hawai'i Island Burial Council, and the Royal Order of Kamehameha. This list was amended throughout the duration of the project. One of the most unfortunate events experienced during the course of this survey was the loss of five interviewees identified in the WP prepared for this study. Each of these individuals was well known as *kūpuna* from the island of Hawai'i. Their knowledge about the project area was highly respected throughout the greater island community.

Appendix A provides a list of the individuals who were contacted and/or interviewed for this survey. The list also contains names of many of the individuals who provided incidental information through informal meetings and discussions. Overall, the attempts to conduct interviews for this survey consisted of a very large group of people, including those who are not residents of Hawai'i Island.

#### 3.1 Process of Obtaining Oral Histories

Although the sequence and formality varied from individual to individual, the process of obtaining oral histories generally involved the following:

1. Identification of a list of potential sources to interview (informants);
2. Submitting the list to the Archaeology Contracts Manager (ACM) for approval;
3. Scheduling the interview;
4. Audio and/or written recordation of interview (with consent);
5. Translation and transcription of the interview;
6. Presentation of the results of the interview to the interviewee, followed by a written report to the contracting officers); and
7. Field visits (one field visit to *Ahu a 'Umi* was completed with *kūpuna* and several long-term area residents).

### 3.1.1 Formal Interviews: Written, Audio/Visual Recordation

All oral interviews were recorded using an audio recorder and/or as written notes. In the event that an interviewee did not want to be audiotaped, their interview was recorded in written form only. Audiotaping was done using a minidisk CD player as well as a mini cassette recorder. A total of 31<sup>2</sup> formal interviews were completed. Nearly all informants agreed to give taped interviews; a few individuals were not comfortable talking into a microphone or being electronically recorded. No videotaping was done, however, several photographs were taken [by permission] during the interview or home/field visit. Transcriptions of these interviews are included at the conclusion of this report.

### 3.1.2 Consent/Release Form

Prior to the interview, each person was asked if he/she would consent to use of the information they were sharing. At this time, the reason and purpose of the interview was also explained to them. A signed consent/release form (Appendix B) was obtained from interviews done in person. Consent for interviews done over the telephone, was

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<sup>2</sup> Of the 31 formal interviews completed, 17 yielded information pertinent to the identification of TCPs in the project area.

acknowledged verbally. [At times when logistics was a problem an interview was completed over the telephone]. In some instances, the informant felt uncomfortable signing a 'release' document even though he/she was willing to participate in the study. In such cases, the consent form was waived and is appropriately noted in this report. Informants were also given the option of receiving a copy of their contribution prior to finalization of this report.

### 3.1.3 Informal Interviews

Informal discussions, particularly those arising from attempting to locate oral historians and/or sites and areas mentioned, also led to gathering of information pertinent to this survey. A total of 32 informal interviews were completed; not all of these were with Native Hawaiians or *kūpuna*. It is the experience of this researcher that informal discussions are common to the process of gathering oral histories, and that they often lend to the gathering of highly significant supporting data. And every so often, they provide the most meaningful data to be gathered. These are noted and incorporated into the project, with appropriate acknowledgements given to the discussant where possible.

## 3.2 Identifying Traditional Cultural Properties

The National Register Bulletin (No. 38) provides guidelines to be used for identifying a Traditional Cultural Property. These are as follows:

1. a comprehensive effort to identify properties already known in the area;
2. consulting with and doing oral histories with bearers of traditional information; and
3. field assessment and archaeological evaluation of the property.

Identification of TCPs and oral traditions associated with PTA that meet the criteria established in the National Register, were completed in accordance to these guidelines. It was hoped that approximate site identifications could be made of newly

located TCPs, however, only one site visit was completed with *kūpuna* and informants. The site visit to *Ahu a `Umi* helped locate and describe TCPs that are in the vicinity of, or leading up to, the project area. A second field trip that would have located potential TCPs closer to the project area, was canceled twice due to poor health of the informant. While approximate locations of these potential sites are noted in the report, their exact location would best be recovered with the informant's help. These are further discussed in Section 4.2.

### 3.2.1 Evaluation and Interpretation of the TCP Guidelines

It is important to briefly discuss the criteria for defining a TCP. The reader should bear in mind that the definition is used in conjunction with nominating properties to the National Register...a TCP is not a "stand alone" identification in this sense. As presented in Section 2.0, the identification of a TCP is done within the framework of the *National Historic Preservation Act* (NHPA) of 1966. A TCP is not a new category nor is it 'new' criteria for evaluating historic properties of cultural significance. It is a broader analysis of traditional cultural land use and traditional cultural practice. It is a property that is evaluated for its eligibility to the NRHP...and all properties considered for NRHP eligibility must be tangible places with justifiable boundaries (Tuggle and Tomonari-Tuggle 2001:12-13). Using these guidelines, the majority of archaeological [historic] properties such as features and sites that are of ceremonial significance to a living community, are TCPs. Third, although continuation of a practice or belief is an important aspect of the criteria defining a TCP, communities can claim the lack of physical access as a deterrent against being able to continue such practices.

While the above is generally accepted, there continues to be some confusion over if a TCP is a separate category or is it the same as a historic property. T. King who co-authored National Register Bulletin 38 "*Guidelines for Evaluating and Documenting Traditional Cultural Properties*", states that a 'TCP' was created [for the National Register] as a separate category to "satisfy those things that are significant to a community, that are not necessarily archaeological or architectural" (King 2003,

Workshop presented at the University of Hawaii). In his opinion, the community should be allowed to decide if a historic property is a TCP. The community's decision is the best means by which to complete these studies. However, Tuggle and Tomonari-Tuggle (2001:12-13) see the adding of a new category or new criteria as being an "ad hoc addendum to federal regulation with due process."

The concept and application of TCP has been controversial since its inception (see Section 2.1). The differing opinions on constitutes a TCP is, if it is or isn't a new category or new criteria, and how to evaluate/determine it, have been a source of confusion for many individuals working to identify culturally significant properties. This confusion was evident in the initial [draft] analyses of the current study which treated TCPs as a separate and new category. However, in this final draft report, a TCP is treated as a type of historic property; its evaluation is to be completed on the basis of its eligibility for NRHP listing.

### 3.3 Documentary Research

Documentary research of archival literature, archaeological studies and oral histories of the area was done throughout the duration of the survey. A review was made of relevant archaeological documents prepared for the PTA project area at the U.S. Army Corps of Engineers Office at Ft. Shafter; the University of Hawai'i at Hilo, Kona Historical Society, Hawai'i State Archives, Paul Rosendahl, Inc. in Hilo, Garcia and Associates, and the State Historic Preservation Division office on Oahu. The recently released "Archaeological, Historical, and Traditional Cultural Property Assessment for the Hawai'i Defense Saddle Road A-AD-6(a) and Saddle Road (SR200) Project" (Paul Rosendahl Inc. 1998), is the only known report completed on TCPs in the vicinity of the project area. The TCPs addressed in this report are based largely on interviews completed with the late "Papa" Henry Auwae. The "Mauna Kea Kuahiwi Ku Ha'O I Ka Maile: A Report on Archival and Historical Documentary Research" (Kumu Pono Associates 1997), provides a good review of historical documents describing the cultural resources

of Mauna Kea. It includes narratives of testimonies from the Land Boundary Commission – a source of primary references for descriptions of the area.

Many of the cultural resources described in this document are either within the project area and/or have direct relevance to PTA lands. Earlier work by McEldowney (1982) also provides a review of oral accounts and written documents about the Mauna Kea summit area. Some of the most informative data, directly related to PTA lands, comes from the historic travels of various westerners who passed through the region. A review of oral histories in the “Social History of Kona” (University of Hawai‘i, 1985) was also completed but found to have little reference to traditional land use in the project area. Information obtained from these various documents is presented in appropriate sections in this report.

### 3.3.1 Previously Recorded Legends in the Vicinity of PTA

In the absence of physical features and sites, and/or long-term disuse of land by its traditional inhabitants, it is the stories of *kūpuna* and other Hawaiians that will tell the value and significance of a feature and place. As elsewhere, this is true in many areas of Hawai‘i. Areas that were formerly occupied or used are often described in the oral and written narratives of former inhabitants and storytellers. Among the most widely known and written about legends associated with the PTA area is that of the legendary King `Umi. Because of the vast expanse of the project area, its traditional significance in social, political and economic functions, and its strategic location, myths and legends of the PTA area are plentiful. A few, perhaps those that are most often recollected or cited, are discussed in this report.

#### *`Umi a Līloa*

The *Story of Umi: One of the Most Noted of Hawaiian Kings* by Fornander (translation by Elbert 1959) tells the complete story of `Umi, from his ancestry and birth to Līloa, high chief of Hawai‘i and Akahiakuleana, a lower chiefess from Maui, to his

travel to the island of Hawai'i, to his becoming King, and his eventual death. 'Umi's influence upon the lands that lay in the saddle area [PTA] between Mauna Kea, Mauna Loa and Hualālai mountains were significant. *Ahu a 'Umi*, the altar he built, remains one of the few structurally identifiable TCP's located in the vicinity of the project area. Figure 3 shows the location of *Ahu a 'Umi*, at the intersection of the two major trails that crossed through the Kona District.



**Figure 3. *Ahu a 'Umi* at the Intersection of the Two Major Trails in Kona**  
(Cordy 2000).

The purpose of *Ahu a 'Umi* is not clearly understood. Most early writings describe the *heiau* being a place of residence for 'Umi, either for a short period or an unknown amount of time. According to Fornander, the cairns found surrounding this *heiau* represent each of the districts that 'Umi oversaw (Cordy 2000:209). This was later repeated by Alexander and Baker (ibid). Another version, given by Kanuha (Appendix C), an elderly Hawaiian, tells of the legendary battle that took place at *Ahu a 'Umi*. With

the chief of Kailua, Keali'iokāloa, dying in this battle, 'Umi gained rule of the entire kingdom (Kumu Pono Associates 1997:21). A third interpretation of *Ahu a 'Umi* is that it is an astronomical *heiau*. In an attempt to observe the evening sky during the June and December solstice from *Ahu a 'Umi* for its possible astronomical alignments, William [Bill] Bonk found no significant associations (W. Bonk, pers. comm.). The layout of the *heiau*, as shown below in figure 4 however, remains unique amongst other ceremonial and commemorative structures found in the islands. The cairns, positioned to form an 'outer ring', lend to a overall configuration unlike other *heiau* on the island of Hawai'i.



**Figure 4.** *Ahu a 'Umi* in Haleopapa, 1841, Sketch by T.R. Peale in Wilkes Expedition 1845 Vol.4 (Wilkes Expedition 1845 Vol. 4; opposite of page 100; Sketch by T.R. Peale).

Kamakau (1992:1-21) also describes the story of *'Umi a Liloa*. Umi's fame was attributed to his uniting the Hawaiian Kingdom through a series of wars. Kamakau tells

of `Umi's conquest of the northern and southern portions (Hilo and Kona) of Hawai'i, and his popularity as a humble and powerful chief. Farming and fishing were two things that `Umi did himself. He was the first chief known to assign governors and headmen to watch over land divisions (*ahupua`a*, *okana* and *ili`aina*) and the distribution of resources. `Umi's reign had significant and lasting consequences for the island of Hawai'i.

### *Mauna Kea and some of its Physical Features*

Mauna Kea and the various physical features that are found around and atop the mountain, are also a source of Hawaiian legends. Archival and historical research by Maly (Kumu Pono Associates 1998), shows that numerous traditions are associated with the various features on Mauna Kea, some dating to the 1500s. The following descriptions are taken largely from Maly's study.

Literally meaning "white mountain", according to Theodore Kelsey, the translation "Wakea's mountain" may also be appropriate for Mauna Kea (Kelsey c.1917). "Wakea, also written and pronounced as Akea and Kea, was the god-father of the island of Hawai'i. He was born to Papa, the goddess who gave birth to all of the Hawaiian islands.

Houpo-o-Kane (also known as Ka-houpo-o-Kane), Pu`u Lilinoe and Waiiau (also known as Lake Waiiau) were three god companions of the goddess Poli`ahu (Hale`ole Jan. 24, 1863, in Kumu Pono Associates 1998:13). Houpo-o-Kane means "the chest (bosom) of Kane", and lies on the southwestern slopes of Mauna Kea. The god Kane plays a significant role in Polynesian cosmology, where his role is often as a creator of living things.

Pu`u Lilinoe is a hill named for the goddess of mists; she is also the sister of Poli`ahu. A translation by Mary Kawena Pukui of "A Tale of a Royal Couple who Froze on Mauna Kea", tells of how after marrying Lilinoe of Kau, Kukahaula, a chief of

Waimea, moved to Mauna Kea. The couple died atop Mauna Kea and was buried there. King Kamehameha III (Kamehameha III) was the last person to see their frozen bodies. Their burials are thought to have remained there (Bishop Museum, Hawaiian Ethnological Notes; Legends Vol II:149).

Waiiau (also known as Lake Waiiau), meaning “swirling water,” is a rather large pond located atop Mauna Kea. It has also been referred to as the spring of Poli`ahu. According to Kamakau, an ancient mountain trail between Hamakua and Hilo passed Poli`ahu’s spring at the summit (Kamakau 1961:16). Recent oral histories tell of possible burials being exposed at Waiiau when the water line recedes.

Some of the legends associated with *Ahu a`Umi* and Mauna Kea has been passed down the generations; a few of the participants in the current survey retold the version they had learned from their ancestors. More often than not however, the knowledge of these traditional places has come by way of archival writings about the area.

#### **4.0 RESULTS OF THE ORAL HISTORY SURVEY OF PŌHAKULOA TRAINING AREA**

##### **4.1 Application of TCP Guidelines to Properties of Significance in PTA**

What constitutes a TCP in PTA needs to be established here. For the purposes of this report, it is important to note that there are many types of sites of cultural ceremonial/religious significance, or ATI, in the area. Some of these have been surveyed and described while others are known and/or assumed from written and oral records. Within the immediate boundaries of PTA, a little more than one-third of the land area has been surveyed (Roberts et al. 2004). The significance or “non-significance” of any of these sites cannot be questioned from the viewpoint of their [dis]continued use. [Since the area is a military training ground, most of the sites are no longer in use]. A more appropriate evaluation is that these properties retain continued significance to the

Hawaiian community, but they are no longer (or seldom) used for their traditional purposes.

The lack of use, or continuity as defined by the guidelines, is due to the community's lack of access to the property. Accessibility, or lack of, is directly attributed to military use of the area. Hence, this is a situation where "continuation" of a practice or belief is hampered by non-traditional practices. Based on the limitations created by this conflict in the definition and application of the guidelines, it is deemed appropriate that a separate category be created consisting of properties bearing traditional cultural significance that fall "outside" the federal guidelines. This category should include properties that hold traditional value to the local community despite their lack of access to it, or despite the lack of practicing beliefs and rituals with which it is associated. The concept of ATI largely fulfills this categorical need.

In its discussion of TCPs and tangible cultural resources or historic properties, Bulletin 38 reads, "attributes that give such properties significance, such as their association with historical events, often are intangible in nature...properties and their intangible attributes of significance must be considered together" (National Register Bulletin 38:3). These 'emotional' aspects of significance meet NRHP criterion A or B because they are associated with persons/characters or events important to Native Hawaiians (e.g. mythical persons/events).

The following section presents what was learned about TCPs – those known previously and the potential TCPs and identified through oral histories completed for this study. A discussion of the importance of the cultural landscape of PTA is also presented, followed by past and current day 'cultural' uses of the area.

#### 4.1.1 Previously Identified Sites of Cultural Significance

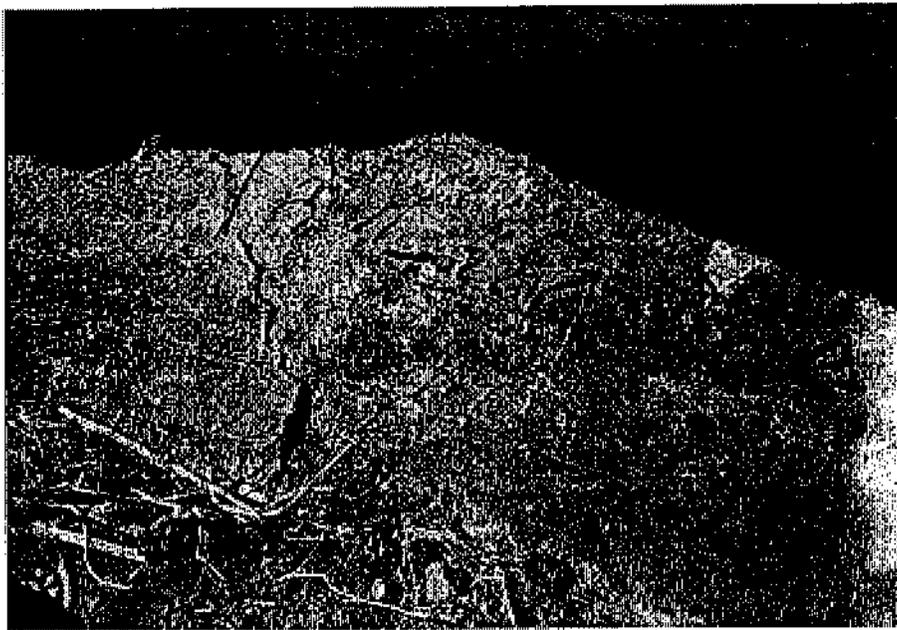
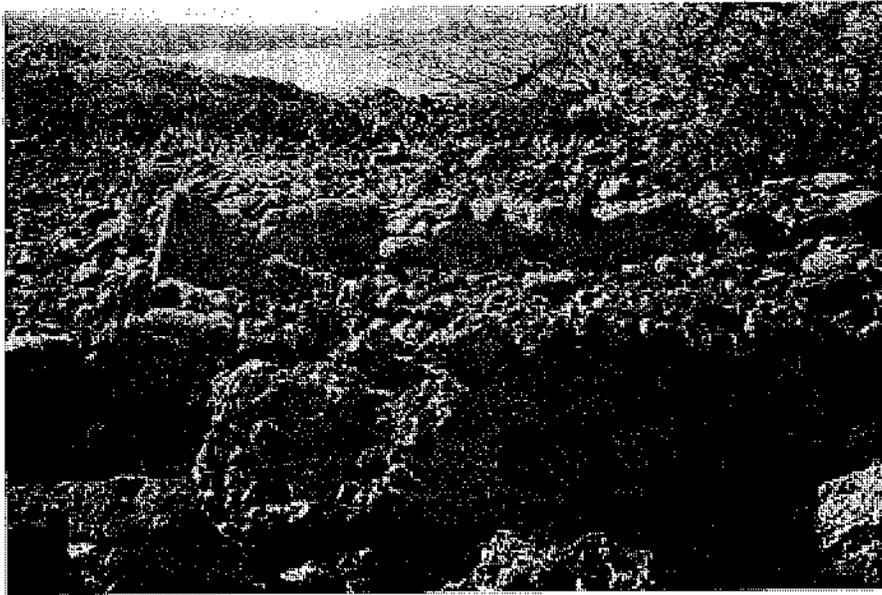
A total of 38 archaeological investigations have been completed at PTA, resulting in identification of approximately 383 archaeological sites (Roberts et al. 2004). These

include: lava tubes (subterranean), bird nesting sites (excavated pits), quarry sites (volcanic chill glass), trails, markers, ceremonial sites, and historic features related to ranching and military use of the area. One of the earliest researchers to identify archaeological sites in the PTA area was Violet Hansen. Working under the guidance of Kenneth Emory, Violet completed many of the site forms for the Anthropology Department of Bishop Museum (W. Bonk, pers. comm.). Site 5000 (figures 5a and 5b) is one of the many cave shelter sites, originally identified by Hansen in 1958 and later relocated by archaeologists at the U.S. Army Garrison, Schofield Barracks (D. Cox, pers. comm.). Accompanying these original photographs is a brief descriptive note about the site and the area:

“there are many such shelters in this flat saddle area between Mauna Kea and Mauna Loa. In 1957, and, [sic] brought to my attention by Mr. Ah Fat Lee of the Division of Fish and Game, Pohakuloa area I checked a similar shelter about  $\frac{3}{4}$  miles south of the Pohakuloa Ranger Station and about  $\frac{1}{2}$  mile west of the Saddle Road. No trails noted. You have to go over very rough aa to get to shelter. Shelter 50' long, 15' wide and 3 to 4 feet high. 4 to 6 inches of floor silt. Entrance to shelter 3  $\frac{1}{2}$  feet high and 6  $\frac{1}{2}$  feet wide. Surface material noted scattered stones, plenty of bird bones along both sides of shelter, few opihi shells, some basalt, cooking stones, adze blank, olona [plant] cord and part of a sandal. The area is also difficult to get into due to the constant military training. Have been told that this saddle area was a good area to catch the 'ua'u bird” (Hansen 1964:2).

More than forty years have passed since Mr. Ah Fat Lee showed this shelter to V. Hansen, but his knowledge about TCPs in the project area is just as valuable today. In his interview for the current study, Mr. Lee recalled several historic features that could be potential TCPs; these are presented in Section 4.2.1 (a complete transcript of the interview is in Appendix D). W. Bonk, who was able to relocate some of the sites found by V. Hansen, also found some caves to contain fireplaces and bird bones (W. Bonk, pers. comm.). Mr. Bonk believes that there are caves throughout the PTA area.

Shelter or habitation sites consist primarily of lava tubes and to a lesser extent, rockshelters; approximately 132 limited-use and 46 repeated use sites have been identified (Roberts et al. 2004). The majority of these occur within or adjacent to travel



**Figures 5a and 5b. Site 5000, showing Rock Alignment above Cave Shelter, and Petroglyphs and Modern Writings on Cave Floor (Bishop Museum Archives, 1964).**

corridors and *kīpuka* (vegetated sections of an older lava flow surrounded by a newer flow) (Athens and Kaschko 1989:84-85). If the majority of shelter sites indeed do lie adjacent to travel corridors, than many may have been identified for the PTA area since most of the trails (a total of 11) have been partially or fully identified. The trails, because

of the travel network they represent for the remainder of the island, are highly significant TCPs.

#### 4.1.2 Identification and Delineation of New TCPs

Identification of TCPs followed the procedures set forth in the *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1990). Knowledge of these TCPs comes from three primary sources: archaeological studies; previous oral histories; and historical records. The work by GANDA (Roberts et al. 2004) provides the most up to date comprehensive review of all archaeological studies and sites known from PTA. Some of the site-specific descriptions of these sites (c.f. Athens and Kaschko 1989; Haun 1986, Hammatt and Shideler 1991) appear to fall within the guidelines of a TCP.

Oral history work in the vicinity of PTA (Langlas 1998; Kumu Pono Associates 1997) has identified both TCPs, and individuals who are knowledgeable about potential TCPs in the general vicinity of the project area. Kumu Pono Associates (1997) report provides a closer look at the value of cultural and historical resources of the Mauna Kea portion of PTA lands. The latter also includes oral histories from elders who knew the lands but are no longer available to tell about it; the same is demonstrated in Langlas' TCP study (1998). These individuals would have been some of the best sources for identifying a TCP. Gone with them is the knowledge they held about the area.

The following takes known sites and features, as well as those identified through the present survey and other sources, to identify potential TCPs. Many of these sites and features are important cultural landscapes or ATIs at PTA...areas that are known to have traditional significance.

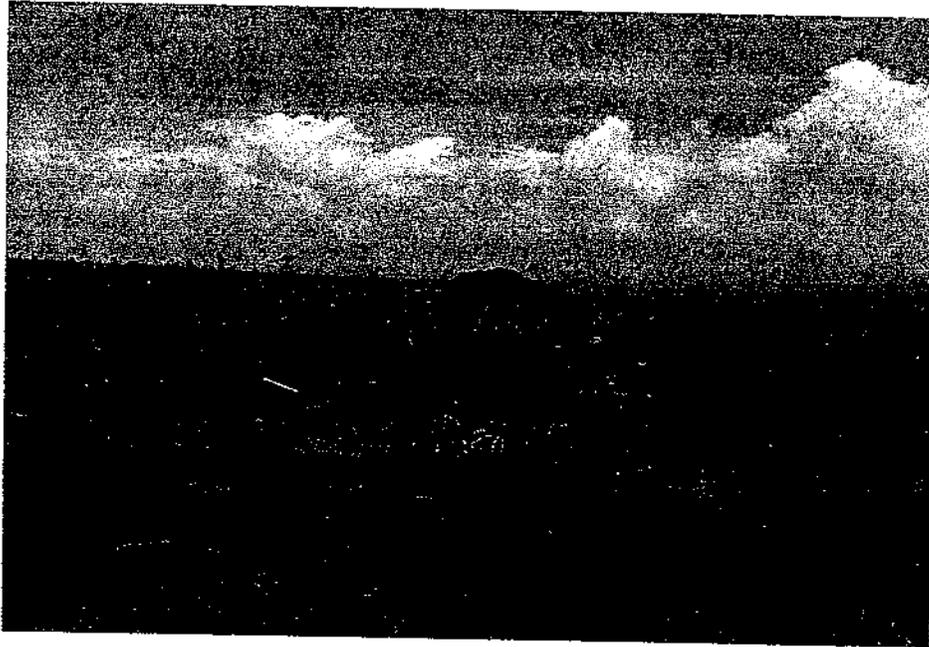
## 4.2 A Review of Known Traditional Cultural Properties in the Vicinity of the Project Area

PTA and its surrounding environs are known to have numerous traditional and historic sites of significance. However, due to the large land area and limited accessibility, the project area has not been surveyed in its entirety. Although PTA presents one of the most marginal lands in Hawai'i, remnants of several important traditional features indicate the value of this part of the island in traditional times. *Ahu a 'Umi* is one of the better-known features. There are also burials that while not readily visible, have been documented and described in oral histories. The adze quarry atop Mauna Kea was once a significant tool-manufacturing site on the island. Mauna Kea also has numerous features of religious and most probably, astronomical significance. There are several cross-island trails that come through the project area. These were utilized to access places like the quarry; some have habitation caves that provided temporary shelter for the travelers. Lastly, the collection or hunting of birds was another major activity in PTA lands. Evidence remains of the various bird-hunting (and consumption) activities in the project area. Combining information from written sources including previous oral histories, results from the current survey are used in the discussion of these categories of known TCPs.

### *Ahu a 'Umi*

*Ahu a 'Umi* is a large *heiau* (temple) on the interior slopes of Hualālai (see discussion in Section 3.3.1 on the legend of *'Umi a Līloa*). Its positioning allows the viewer to see the tops of Mauna Kea, Mauna Loa and Hualālai. First documented by the Wilkes Expedition in 1841, most of the structure still remains although not in its original form. Figure 6 is a photograph of the structure taken in July, 2001. A rather large and unusual *heiau* in its configuration, *Ahu a 'Umi* sits in a fairly flat barren area. The walls as well as the formation and placement of features within them are unlike other *heiau* seen in Hawai'i. Another unusual attribute of this *heiau* is the rocks used in its

construction are not from the immediate area; these rocks were transported from outside the area.



**Figure 6. *Ahu a 'Umi* with Large *Ahu* in Foreground** (Kumu Pono Associates).

### *Burials*

Ancient burials and gravesites are among the most significant features previously noted in and around the project area. While ascending Mauna Kea, in the vicinity of Pu'u Lilinoe, Alexander noted that:

"Here as at other places on the plateau, ancient graves are to be found. In olden times, it was a common practice of the natives in the surrounding region to carry up the bones of their deceased relatives to the summit plateau for burial" (William D. Alexander 1892, in Hammatt and Shideler 1991).

McEldowney also discusses traditional accounts of burials in secret places such as on the summit plateau (ibid). As Hammatt and Shideler point out, McEldowney's summary may be important to PTA since transportation of the burials would (or could) have been done through PTA lands. In one interview by the author, a *kūpuna* tells of the

importance of burying ancestors on the land to which they were born. He pointed out the area in which his grandparents are buried, and noted that both had to be transported to this site (the location is outside of the project area).

### *Mauna Kea Adze Quarry Complex and other Quarries*

The Mauna Kea Adze Quarry Complex is a National Historic Landmark and is listed on the Hawai'i and National Register of Historic Places. The complex consists of numerous basalt extraction areas, lithic workshops, shrines and habitation shelters clustered within an area of approximately 7.5 square miles, between 8,600 and 13,000 feet AMSL on the southern slopes of Mauna Kea (Haun 1986). The complex was used over a period of approximately 700 years, with intensification of use around the 15<sup>th</sup> century. Production of tools and erection of shrines associated with the quarry indicate that the craftsmen were highly skilled in both art and ritual activity (McCoy 1981 in Haun 1986).

Within PTA proper, hundreds more lithic quarries have been identified. In data recovery excavations of eight lava tube shelters, Reinman and Schilz (1992) found artifacts of volcanic glass and basalt to be the most common. Williams (2002) described finding stone tools (primarily basalt) that had been worked at the quarries and within rockshelters. GANDA's (Roberts et al. 2004) survey has identified at least 525 quarries. Chill glass debitage was found in association with bird bones at eight habitation sites, suggesting these tool type were used for butchering or general resource processing at the site (ibid).

### *Religious Structures atop Mauna Kea*

*O hanau ka mauna a Kea,  
'Opu'u a'e ka mauna a Kea.  
'O Wakea ke kane, 'o Papa,  
'o Walinu'u ka wahine.  
Hanau Ho'ohoku he wahine,*

*Born of Kea was the mountain,  
The mountain of Kea budded forth.  
Wakea was the husband, Papa  
Walinu'u was the wife.  
Born was Ho'ohoku, a daughter,*

*Hanau Haloa he ali 'i*

*Born was Haloa, a chief,*

*Hanua ka mauna, he keiki mauna na Kea... Born was the mountain, a mountain-son of Kea*  
(Pukui and Korn 1973:17, 23)

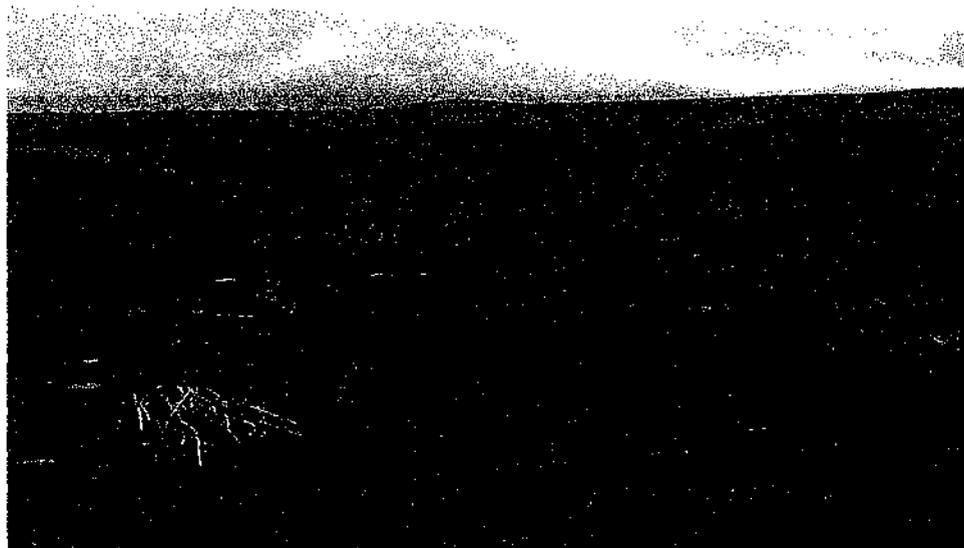
In 1982, McCoy identified 21 new sites, all thought to be religious structures, on the summit and north slopes of Mauna Kea (1982:10). None of these sites was associated with stone tool manufacturing or with the shrines at the Mauna Kea Adze Quarry Complex. McCoy concluded that the sites reflected ritual activity associated with an upper mountain god/spirit zone, and that "astronomical phenomena were integral factors in the topographic location, orientation, and function of the larger, more complex structures (McCoy 1982:39). Testimonies in the Land Boundary Commission records show that Mauna Kea's summit held direct significance for Hawaiian cosmology (c.f. Maly 1997).

#### *Ala loa* and *Ala hele* - Trails and Paths within and around PTA

*Ala loa* (long trail) and *Ala hele* (paths) are both found in the PTA area. Remnants of at least 11 trails were identified within PTA proper (Roberts et al. 2004). Most of these traverse the project area, meeting up with trails going to lands outside of PTA. At least two of the trails were used in the post-contact period since they cross over the 1859 lava flow (Haun 1986). Some of these paths such as the Judd Trail (also known as Judd Road) which was initiated by Dr. Gerritt P. Judd about 1849, may date from the prehistoric period. According to Isabella Bird, one of the earliest travelers to cross PTA lands, no trail was present in the "central plateau between Hualālai, Mauna Loa & Mauna Kea (Bird 1964:208 in Watanabe 1986).

There are trails immediately south of Hamakua District that connected Ka'u to the Waimea-Kona trail near *Ahu a 'Umi* (see Fig. 3). Figure 7 shows a portion of the Judd Trail in the vicinity of *Ahu a 'Umi*; figures 8a and 8b show segments of the Kaukūkū [Kaukahōkū] trail on the southern slopes of Hualālai. After reviewing documents pertaining to trails in the PTA area, Hommon and Ahlo (1983:25) concluded that one of the main travel corridors was from the Kona coast along the southern side of Hualālai, up

to the base of Mauna Kea. The Kaukūkū trail would form part of this corridor. Based on their findings, Athens and Kaschko (1989:44) suggest that the use or passage into the



**Figure 7. Portion of Judd Trail from *Ahu a 'Umi* Vicinity** (Kumu Pono Associates).

saddle region was primarily by residents of the Kona coast. Na Ala Hele, which has the task of identifying historic trails within Hawai'i, has largely focused on coastal trails; Figure 9 (back cover) is an island-wide map of all trails identified by the group. Since this map (Fig. 9) was produced, Na Ala Hele has not identified additional or new *ala loa* or *ala hele* within the PTA area (R. Oshiro, pers. comm.). However, it is quite possible that at least one or two of these trails served as the foundation for roadways (mostly governmental) constructed during the historic period. Such is known to be the case in the transformation of the *ala loa* along the Wailuku-Kahului coastline of Maui (B. Hobdy, Na Ala Hele, pers. comm.).

#### *Bobcat Trail Habitation Cave*

The Bobcat Trail Habitation Cave (BHTC) was initially identified in 1977, and was nominated to the National Register of Historic Places (NHRP) in 1983 (Haun 1986).



**Figures 8a and 8b. Segments of the Kaukūkū [Kaukahōkū] Trail on the Southern Slopes of Mount Hualālai.**

It lies halfway between *Hale La`au* and *Pu`u Ka Pele*. Materials and features found at the site include: wooden adzes handles, wooden fire plough, leather fragments, human and non-human (bird, cow, goat) bones, coconut, pandanus, gourd, basalt, charcoal, firepits, *imu* (earth ovens), terraces, and shelter and retaining walls (ibid). The cave was used both on a temporary basis and for extended periods. In addition, there are numerous sites of

significance within the surrounding *kīpuka*, as well as trails leading to and around BHTC (Haun 1986). Visits to cave sites during the current survey indicate similar results - some are surrounded by culturally significant features (e.g. trail, water spring), and some still contain various items (artifacts) of cultural value. One very small cave included a pair of sandals that were left on a ledge in the far corner. According to many of the people interviewed for the current survey, similar 'small' shelters are known of/or can be found throughout PTA lands.

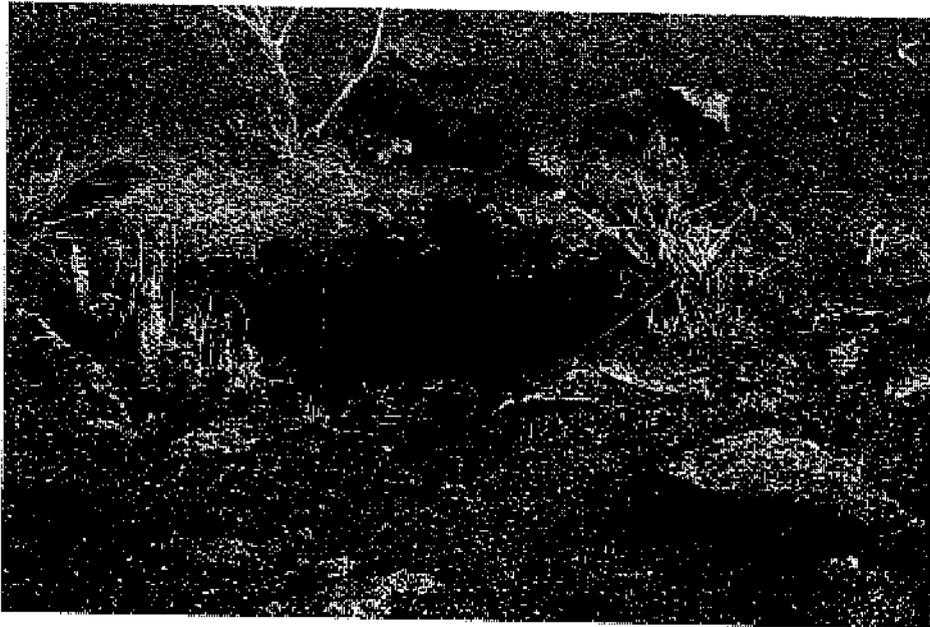
### *Bird Collecting/Hunting within PTA Lands*

One of the primary economic activities associated with traditional uses of PTA lands, is that of bird hunting. According to Welch (1993), the lower elevation Government lands in the Pōhakuloa area continued to be leased to Parker Ranch for raising cattle, while the higher elevation lands were used primarily for hunting birds. According to Reinman and Schilz (1999:3), archaeological data on foraging birds such as the dark-rumped petrel (*ua`u*) and the Hawaiian goose (*nene*), relates to activities associated with three generations of ruling chiefs and the establishment of *Umi's heiau*.

Written and oral sources tell of the significance of bird hunting for Hawaiians. The following from "Hawaiian Land Matters" by Curtis J. Lyons, tells of the influence of bird hunting on land designations:

"The ordinary ahupuaa extends from half a mile to a mile into this [forest] belt. Then there are larger ahupuaas which are wider in the open country than others, and on entering the woods expand laterally so as to cut off all the smaller ones, and extend toward the mountain till they emerge to the open interior country; not however to converge to a point at the tops of the respective mountains. Only a rare few reach those elevations, sweeping past the upper ends of all the others, and by virtue of some privilege in bird-catching, or some analogous right, taking the whole mountain to themselves...The whole main body of Mauna Kea belongs to one land from Hamakua, viz., Kaohe, to whose owners belonged the sole privilege of capturing the *ua`u*, a mountain-inhabiting but sea-fishing bird. High up on its eastern flank, however, stretched the already mentioned land of Humuula, whose upper limits coincide with those of the mamane, a valuable mountain acasia" (Lyons 1875:111, in Kumu Pono Associates 1997).

The value of the *'u'au* is noted in other historical documents. The study completed by Moniz and associates, shows that bird hunting was important enough to where pit features were deliberately created and enhanced to serve as breeding sites for the *'u'au*. "Construction of pit features in upland areas improved species habitat and availability, thus enhancing the subsistence regime of Native Hawaiians" (Moniz et al. 1998:117). Figure 10 shows a modified bird trap near *Ahu a 'Umi heiau*.



**Figure 10. Modified Bird Trap near *Ahu a 'Umi* (Kumu Pono Associates).**

Even though the initial preparation of these pits was fairly labor intensive, Moniz et al. conclude that once established, the hunter would be able to return to an easily identifiable patch (pit). Pat McCoy discusses the finding of bird cooking stones, collected in the 1880s by Emerson. These *'pohaku ehu manu'* were also found on Kahoolawe by G. McAllister. Pat himself has found some of these stones but not all had been used, questioning whether their use may have been for ceremonial purposes as well (P. McCoy, pers. comm. 2003).

As noted by Henshaw in 1902, the young *'u'au* were highly prized food items:

"The natives inform me that the uuau [sic] is common on the fishing grounds, some five to ten miles off the windward side of Hawaii. They say also that formerly this bird nested in great numbers in the lava between Mauna Kea and Mauna Loa. They have visited the old nesting sites within a year or two, but report that they are no longer occupied, having been invaded by the mongoose. It is said that years ago the nestlings of the uuau were considered a great delicacy, and were tabooed for the exclusive use of the chiefs. Natives were dispatched each season to gather the young birds which they did by inserting into the burrows a long stick and twisting it into the down of the young which were then easily pulled to the surface" (Henshaw 1902:102 in Hommon and Ahlo 1983:22).

It is interesting to note that Mr. Ah Fat Lee, who spent 18 years at PTA (until 1973), never saw any *ua'u* during his routine faunal census data collection. His job involved constant monitoring of goats, sheep, wild pigeon, turkey, quails, etc, and seasonal monitoring of the bird population by counting egg nests and hatchlings. However, the biologist Mr. Lee worked with found carcasses of several *ua'u*. He knew they nested on the ledges and "we hear 'em, a few biologists and aides go out and count...at night we could hear them call."

While hunting birds for food purposes is well discussed, the collection of bird feathers is also noted. In *Pohakuloa Training Area: Understanding its Natural and Cultural Resources* (c.1997:17), several species of native birds such as the *'Akialoa* (yellow feathers), *Mamo* (yellow feathers), *Hawaiian 'O'o* (yellow feathers), *'Iiwi* (for red feathers), *'Apapane* (red feathers), *Hawai'i 'Amakahi* (greenish yellow feathers), and the *'O'u* (green feathers), are identified whose feathers were used in the making of royal cloaks. Of these 7 species, the first three are now extinct. Feathers from *nene*, *'alala*, *pueo* and *'io* were used to make *Kahili* (ibid). Except for the *nene*, the remaining three birds are uncommon or scarce (Hawaii Audubon Society, 1993).

Accounts of bird hunting and collecting of feathers were discussed during the field trip to *Ahu a 'Umi Heiau*. Both Frank Silva and Sonny Keakealani told stories and experiences shared by their fathers and grandfathers about bird hunting ventures. Both men talked about the fact that the birds, which provided feathers, were not hunted but

were trapped, often for a short time and then released. Sonny and Frank have spent many years working and traveling along the slopes of Hualālai; they are familiar with the lands around Pōhakuloa and that the “feather-providing birds” were never killed. According to Sonny:

“you know this thing about I heard it was taboo in the 1800s Hannah, and I was told that there were only certain people who could go get the birds. They would pluck the feathers for the cape for the ali`i. They would pluck from the i`wi, the `elepaio and `apapane, those three...and they’ve been plucked, remember I was talking about the olona...that they drop on the branches like this (demonstrating). They did it with my great uncle, Ka`ilihiwa, and then when the i`wi or the `elepaio land on, then this gluey thing would get stuck on their feet. Then they’d just pluck the feathers and let ‘em go. See you don’t kill the birds for their feathers. Only certain ali`i knew how to do this. Dad used to do it with grandpa Ka`ilihiwa, my grand uncle but we called him grandpa. Grandpa was Kaiwinuinui...”

Frank added that:

“only the underbelly feathers were taken so as not to endanger the bird’s life. They could only take so many feathers out of each bird. We’d see the birds hanging by the tail [on the olona plant], stuck on the wings, flying but can’t go nowhere. Its stuck on its wings. Quite a few times...I’d go up on the horse from underneath and let the things go.”

#### 4.2.1 Potential TCPs Identified During the Current Survey

Oral histories completed for this survey indicate knowledge about both specific features and sites that may be potential TCPs<sup>3</sup>, as well as broad landscapes that were traditionally important within PTA. Specific features and sites include habitation shelters such as BHTC, *Ahu a `Umi Heiau*, trails, etc. In the general category, features such as bird nesting sites, lithic quarries, lava tubes, etc., are included. This general category includes a ‘type’ of site that can be found throughout PTA, and has most likely been seen by an informant, but the site type may not point to any one feature in particular.

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<sup>3</sup> The determination (eligibility for nomination to the National Register) of whether a feature or site is a TCP cannot be done within this report. Only the potential or likelihood that a site or feature is a TCPs can be identified here.

Information from the oral histories indicates at least seven categories of potential TCPs within the PTA area; some of these are cultural landscapes or known areas of traditional importance. Some still exist, while others have either been destroyed or knowledge of their whereabouts has been completely lost. [It is also likely that TCPs exist in areas that the informant has no experience in...this may be especially true for areas that have been off-limits due to military activity for a prolonged period of time]. Excerpts from transcripts that give information about a potential TCP, are included in the text; the complete transcripts of the interview are located in Appendices D and E. The seven potential TCP categories are:

1. Human burials
2. Caves
3. Water Spring/waterholes
4. Stone Platform
5. Trails
6. *Ahu a 'Umi* - uses associated with the historic period
7. Hunting Grounds

### *Human Burials*

The presence of burials in the project area and nearby Mauna Kea comes from (a) actual observations of these features, and (b) information passed to (often from preceding generations) informants in this survey. In all cases, their exact location cannot be recalled, and at least in two instances, their location will not be shared. The burials described include those that are of higher ranked individuals as well as commoners who may have died during their trip to the saddle/Mauna Kea area. According to Jean Greenwell, "there are lots of sites between here [from *Ahu a 'Umi*] and Pu'u Ke'ānuī, built up grave sites as well as other sites."

In an interview with Johnny Ah San, Maly tells of a Hawaiian graveyard in the back of Kanakaleonui (HTS Plat 613). It was built up of stones, possibly destroyed by mid 1900s. He [Ah San] went up in 1935. The Hawaiians "used to bury there. When they go up and make their adze, and the Hawaiians die up there, they had a little...above Kanakaleonui, in between Red Hill and Kanakaleonui" (Maly 1998 p.A-48). In a recent study of the Ka'ohē Lease Area and Pu'u Mali, on the north slope of Mauna Kea, burials, rituals and trails were identified as the traditional practices known from the area (Tomonari-Tuggle and Paraso 2002).

"Burying a person was very important [to Native Hawaiians], so important that death was talked about before the person died...The deceased-to-be would discuss where to be taken...Being buried up on Mauna Kea would have been a privileged place" (W. Bonk).

When asked if he saw any burials, Mr. Ah Fat Lee answered "No but I imagine so...must be plenty in the area. There's a big, long cave in the PTA area. A couple of hundred people can live in there but no sign of food, no [bird] bones. The smaller cave had [bird] bones." Outside of PTA proper, there are some accounts of burials being found or removed. According to Kimo Pihano, many ancient burials were bulldozed during construction of the summit road (up Mauna Kea) in the 1970s. In Langlas' oral histories with the late Papa Auwae for the Saddle Road Corridor, the *kūpuna* pointed out a burial site.

### *Caves*

According to at least four informants, there are caves within and around PTA, that have not been documented; each of these caves were at one time or another visited by the informant. Jean Greenwell, Frank Silva, William Bonk, and Ah Fat Lee have all been in caves that are not known through written records. Many of these would also not be easy to relocate. As Violet Hansen mentions about Site 5000, accessing the cave was difficult because it was in the middle of rough 'a`ā. Without Mr. Lee's knowledge, she or others

may have never encountered Site 5000. One of the caves Mr. Lee described appears to be the one closest to *Ahu a `Umi*:

"It is a big, long cave in the PTA area. A couple of hundred people can live in there but no sign of food, no [bird] bones. The smaller cave had [bird] bones. The big cave is at the same elevation as *Ahu a `Umi*. There used to be pigeons [brought in]. Pigeons got their food from Waiki'i. Parker Ranch grew corn there, and then [the pigeons] flew back to the caves."

Frank Silva described what he knows as 'Pigeon cave'; this is located very close to *Ahu a `Umi*, and is likely the same cave that described by Mr. Lee:

"The cave inside used to be a lot of pigeons. World War II I think the Army was up here. I think they left them, that's what I heard. Pigeon cave...that's why we call it pigeon cave. There's a lot of pigeons, when I used to come here, I'd see them. Lots of young pigeons too. Then years later, owls flying out of the cave. They replaced the pigeons. I brought up my brother-in-law (from Micronesia) and he found a dollar bill in the cave. I think the pigeons brought it up here. You look in those caves, you still get that. A lot of pigeons in that cave. Then the owls came in. Then the cave went caved in."

The 'Pigeon Cave' is easily entered off of the Judd Trail. It is a rather large opening, and once inside, it forks off in two directions. According to Frank, at least the left fork (towards Waimea) can be walked for up to two miles.

Mel Kalahiki Sr. tells of a recent event when *iwi* was found in one of the caves at PTA. Although he went to the cave for the initial visit, he could not recall exactly where it is located other than it was within the training area. Also, his understanding is that the whereabouts of this cave are to be revealed but will be protected by the military. Mel received a phone call from the military officer in command:

"I think it was from a Colonel. It was about a find. It was a cape...the one with the feathers. I think we went up twice. I think they went inside the cave where it was found. I didn't go back on the next trip. But I know they found the *iwi* inside the cave...I know there's caves that go from place to place. Interesting, I think this map you cannot see [referring to the 1800s Surveyor's map of Hawai'i], the Kings knew the Crown Land, I had access to that map [didn't bring up here], and there were slivers and slivers of Crown Land. There were caves in them. There

were caves that could take you from Kona to Hilo, and from one island to the next."

Bill 'Papa' Akau is also familiar with this site. He was the *kūpuna* called on by Colonel Texeira of the U.S. Army, to bless the site. Although Papa Akau did not mention the cave, or the *iwi* specifically, but he did indicate that it was a newly found site that had some traditional Hawaiian items.

During his tenure at PTA, Mr. Ah Fat Lee found several caves. He recalls seeing the inside of one cave that may have been used in historic times:

"We came across caves...3 that I know. One very close to Saddle Road, maybe ¾ mile up, nice cave, on pahoehoe, at about the 35 mile marker. Where Mauna Kea State Park is, gong back towards Hilo on makai side. Another cave was a lava tube, down a couple of hills, in an area known as Napukoloa, in impact area. Someone would have to crawl in. In 1876, a Hawaiian, Joe something, carved his name there...when you see up at the adze quarry, like the cave I talk about, the people use it we know. In the center of the cave, we find a fireplace with rocks. They say to use to cook the birds. But these were abandoned long time. In WWII, military used the area, not the present location. Military used that place for training."

Mr. Lee "never saw any older Hawaiians in the area".

### *Water Spring/Waterholes*

Both Frank Silva and Mr. Lee describe sources of water in the PTA/saddle area that are either no longer in existence, no longer accessible or have dried up. According to Mr. Silva:

"bet you there's a water hole in the ground someplace [en route to Ahu a 'Umi, while on the mid-upper slopes of Hualālai], cuz before I, first of the month, I would saddle up and ride up all the way to Ahu a 'Umi. I would look for water sources, measure amount of water. And the entire area would be bone dry. No water hole with water. You know Kiholo, the pond had disappeared. Right outside Kipuna Gulch, I stay there, and the dog ran off. It came back soak and wet. The two dogs, I hardly been cooling off, when they come back. They found the water. Round here (on top of Hualālai), you get water hole. When you get 4

inches [down there], you get about ½ a inch up here. But then once in a while you get up to 3 inches. You can get heavy rains once in a while... every first of the month, I'd saddle up and head up here on a horse. There used to water all the way here...all the water's gone. But this is back in about [19]50, up to about [19]56."

Sonny Keakealani, Alan Greenwell and Hannah Springer discussed how there was a lot more rain in past historic times then today. They talked about the change in the terrain, from the mountain-tops to the lower portions of the *ahupua`a*. According to Alan, "before in the summertime, the areas down below were swamp. A place like *Mālokalo* had rain all the time."

Mr. Lee came across at least three springs between his camp at what is now Mauna Kea State Park, and the top of Mauna Kea. He believes that he can locate the lower one fairly easily, but the upper ones would involve a lot of search by hiking:

"We walked around the entire mountain [Mauna Kea]...about 3 ½ days. There were cabins we stayed in. We'd take water. No water sources on mauka side of Mauna Kea. Hawaiians would have had to take their water. There's a couple of places, in the Pohakuloa area, there's 3 springs up there...those springs have constant water in them...not too much...springs dried up after the drought, after 1984. [This was after he retired]. One spring is located at about 10,000 feet; another at about 8,500 feet; and the last at about 7,000 feet elevation. Up Mauna Kea, maybe 15000 feet, is Lake Waiau. That lake never dried up, the time I worked at Pohakuloa."

### *Stone Platform*

A stone platform was described by Mr. Lee, as being located in an area known as Kalakaneonui:

"Kalakaneonui – one place on Mauna Kea, if you can, go up road to Mauna Kea, before Hale Pohaku, travel maybe 23 miles and alongside the road, they have a place like a platform. Not too big. Maybe 8 x 10 feet. Turn right about ½ mile before Hale Pohaku subcamp. You can see the rocks have been set there. I figure must be older people who must have used it."

Mr. Lee was fairly certain that this was not a *heiau* but he thinks it was built by older [ancient] Hawaiians. He never saw anyone visit it during his eighteen years working at PTA. Sonny Kaniho recalls seeing stone structures while growing up near the Hu`umula Sheep Station:

“there’s a, uh, a number of stones in an area of like the grave- graveyard like...and they got like a rock pile, you know...had plenty. But now, you know, everybody think that’s just a rock pile.”

More recently, two platform/shrine structures have been built in the general vicinity of Mauna Kea. According to Kimo Pihano of the Mauna Kea Observatory Visitor’s Center, a shrine was constructed by him in 1998 so people could make offerings. A second shrine, built by the Hawaiian Nation, is at *Pu`u Huhululu*.

### *Trails*

There are numerous trails within PTA (see Fig. 8, back cover). Most of are identifiable in sections or by sections. A few of these sections are fairly long and complete. Figure 11 is a recent aerial photograph showing a trails leading out of the PTA area towards Kohala-Waimea. The photograph was shown to several informants during their interview sessions in the hopes that someone may recognize of the trail and/or area. However, since there are no outstanding landmarks in the photograph that distinguish the area from similar terrain elsewhere in this portion of PTA, identification of the trail was not possible.

En route to *Ahu a `Umi* (July 24, 2001), via Donkey Mill Road (on the southwestern slopes of Hualālai), at least two trails were passed. The first of these was Kaukahōkū (Figs. 8a and 8b), also known as the Kaukūkū Trail, and is outside the project area. The second was the Judd Trail (Fig. 6) with very close proximity to the project area. The Kaukahōkū was a working trail, used during the ranching era. These working trails



**Figure 11. Aerial Photograph Identifying Trail in the Western Corner of PTA**  
(Courtesy of M. Frasier, PTA Staff Archaeologist, 2002).

appear to have been maintained by the ranchers. Over the next thirty minutes, the group recalled the uses and purpose of these trails:

“the trail’s name differs because today, most of these names are not pronounced the way its supposed to be. It’s all cut short. When we would say Kaukūkū, the old man Billy Paris said, What? [chuckling] It’s Kaukahōkū” (Frank Silva).

“its called the Au’kahūkū Trail” (Sonny Keakealani).

“the trail [used] to go from one house to another...to cross between ranches” (Frank Silva).

“It was for the working man to get back and forth. Cattle were taken on this trail. Old trails went across the hills...it was easier than going up and down the hillside...often on horseback” (Alan Greenwell).

“the trail extends from Kaumalumu and goes out to Allen Wall’s place, Kaukahōkū Paddock” (Sonny Keakealani).

“when my ancestors who ranched, they would use the trail. Same thing when you look at the Judd Trail. In that time, when Judd was commissioned to build the trail, there was still this thing about land divisions and place names” (Hannah Springer).

“daddy used to share with me before he said when they made the trail they would go and sleep, they don’t make the trail at one time. It was all cut short. They wouldn’t go way out there and try go on top and then go home, no they would try find something...It’s easier to cut across, where can see more, then to cut a trail up the way we came. I work Kapapala and other areas, and look for areas that are suitable for making/building trails” (Sonny Keakealani).

“The trails provided an accessway and a safe passage...Like for these guys if they’re traveling on horseback between ranches to help out or whatever, to visit or whatever they were doing. You couldn’t just go riding anywhere through here, you’d end up in a puka or something. You’d stay on the trail, the trail is here for that purpose” (Ku’ulani Nobriga-Auld).

Sonny also described the Pu’u ‘Ō’ō Trail, which went towards Waimea and was used to transport/drive cattle. When asked if ‘there were other names for these trails or have the same names been passed on from family to family’, Sonny replied:

“the name always stayed. We only heard our parents talk about it. I never did travel but then my dad talked about it...he used to tell me grandpa Mahone used to go from Kurtistown, yeah. But he used to walk across Pu’ala come out to ‘Umi, and then to Ona’a, and then down to ferry’s from here.”

Mel Kalahiki Sr. showed some of the trails he knew growing up as a child in the Pu’ukohlā area:

“...[this] is area had the Mana trail [pointing towards the Saddle area]. It went to Waimea, and there we were able to go all the way across to Hilo. There was a trail that went along the ocean around the whole island. That was the King’s Trail. Or else you went Waimea, and down by canoe. You could walk or go by canoe. We used to bring charcoal over here and put ‘em on the boats. We used to go to get charcoal.”

In response to how he would travel to Hilo from Pu’ukoholā, Mel said:

“I used to go to Hilo, with my grandfather in about [19]30, 35. He died in [19]41. So we used to go on Hamakua Road but not on the trail. But I went up on the trail. But of course, I worked for the commission [Hawaiian Home Lands], so most of the lands, I’ve walked over here [pointing to the map and area of PTA closest to Waimea]. I was on the commission for over 8 years, so I kind of knew the trail”.

Mel added that all the trails were connected. The gaps exist because "some of the owners try to cut off others from having that access. When a new owner came through, they shut off access."

*Uses of Ahu a `Umi (Historic Period)*

The field trip to *Ahu a `Umi* included eight informants, all who had previously visited the *heiau*. Frank Silva and Sonny Keakealani had both retired from working for the Bishop Estate (Kamehameha Schools) lands through which we were driving. The Greenwells, Jean and her nephews Dickie and Allen – knew the area intimately. The Greenwell brothers worked on their family ranch until recently and they still make use of the family cabin - *Hale Lā`a,u* - which is a short distance to the east of the *heiau*. According to Sonny Keakealani:

"it [Ahu a `Umi] was sort of a resting area. When my father and them come, they would rest up here. They would climb over to the other side [towards Waimea]. There's been all kinds of stories. I've been up here only when they take away those Kawila sticks...it was sort of like an intersection, with Judd Trail, and continues on down to Kailua. We just come holoholo [walk or ride]...with us [men], we just come up on horse but the family...we need to drive em up."

According to Frank Silva:

"you hear so many stories [about Ahu a `Umi], but over the years, I think nobody wrote about them. There's so many stories but over the years, nobody talk about it. We used to bring the wife and kids up here. Once a month, we'd come up. We'd bring them up in jeeps."

When asked if any of them had ever seen another *heiau* or similar structure in the PTA/Saddle area, only Sonny commented:

"no but when you get up past the ridge and down to our side [Kona], you see more things. This *heiau* is the only one up here that's like this."

In the late 1800s, *Ahu a 'Umi* served as a goat pen. According to Jean Greenwell:

“the goat runners, they kind of made, they took a couple of the piles and made it into a V shape and they used the inside of the heiau to hold the goats. This was in Dr. Trousseau’s time... Yes, 1870s... Well, what they did was, they just drove ‘em in there and they’d knock ‘em on the heads. And I imagine the rocks [walls of the heiau] were a little higher then.”

Sonny Keakealani added:

“Had too much goats those days. Just like I told you guys about down Kiholo used to make ‘em go down and they push up right into the lagoon and they go in the canoe and they just hit it on the head with the mallet.”

In its current physical condition, its easy to visualize the structural changes to the *heiau* from its use as a goat pen.

### *Hunting Grounds*

One of the traditional uses of the PTA area is for bird and big game hunting. Bird hunting is allowed seasonally and more information can be obtained via telephone to the hunter hotline. Hunting of sheep and goat also takes place within and around PTA. According to Sonny Keakealani:

“at the intersection of Hualālai and Mauna Kea, we’d ride up and hunt in the area. We’d camp out for a while. We’d saddle up and just ride. Now there’s fences and gates to block people out.”

This intersection that Sonny refers to, a rather large area, would have included much of the PTA area. The hunting that takes place today seems to be similar to game hunting in the earlier part of this century. It is still seen as a family tradition, with the younger generation accompanying and learning from their parents and grandparents. Ku'ulani Nobriga-Auld, along with her husband and boys, still hunt in the area that they grew up in (and much of what we drove through en route to *Ahu a 'Umi*). Oral histories recently completed with families living in the Hawaiian Homestead subdivision of the

Lakeland area of Waimea, reveal the importance of big-game (primarily pig) hunting for boys. Photographs of prize hunts were a common sight in many of these households. There are organizations that teach youngsters proper hunting skills such as the use of bow and arrow. There are also competitions that encourage hunting and hunting skills. Whether hunting for sport or food, it's a tradition that's well alive in the Kona-Waimea-Kohala area of Hawai'i Island.

Hunting, both within PTA and in the general saddle region, is a traditional cultural practice and a continued traditional use of these lands. Given the traditional and contemporary significance of hunting to Hawaiians, it is an important cultural landscape. As defined in the recently completed Environmental Impact Assessment for the Stryker Brigade's use of PTA lands, the project area is an 'Area of Traditional Importance'. "These [ATI] specific types of landscapes have not been formally evaluated within SBCT [Stryker Brigade Combat Team] project areas...Considered as ATI's, these are landscapes that have been identified and that may contain culturally significant natural resources or human-made resources that may have been used to cultivate these landscapes" (Tetra Tech, Inc. 2004:3-73).

As introduced in Section 2.1, place names and their associated lore often tell of the significance a property/place has for its cultural inhabitants. The next section looks briefly at the significance of place names and what these tell of the traditional significance of an area.

#### 4.2.2 The Cultural Landscape: Sites without Physical Markers

In the preceding section, ATI is briefly discussed as an appropriate category for defining places that have demonstrated their value and use as a important Hawaiian resource. These ATI are part of the cultural landscape. But a cultural landscape allows for a broader view and explanation of what is traditionally meaningful. It often includes areas and places that are traditionally meaningful because they form a part of the language and cultural lore of the people.

“...geographical landscapes is more than a valuable resource for exploring local conceptions of the surrounding material universe. It may, in addition, be useful for interpreting forms of social action that regularly occur within that universe. For landscapes are always available to their seasoned inhabitants in more than material terms. Landscapes are available in symbolic terms as well, and so, chiefly through the manifold agencies of speech, they can be ‘detached’ from their fixed spatial moorings and transformed into instruments of thought and vehicles of purposive behavior” (Basso 1996:75).

Oral traditions and oral histories have been a very important part of Hawaiian culture; they existed long before the written histories. Written accounts exist from the 1700s (and possibly late 1600s). Chants, myths and legends make up the bulk of what is known about the Hawai'i of yesteryear. Rarely is an archaeological report completed without reference to writers such as David Malo, John Papa I'i, Samuel Kamakau, E.S. Craighill and Elizabeth Handy, Mary Kawena Pukui, et al., all of whom have written these histories in various forms. Oral traditions and histories are significant cultural properties of Hawaiians; they form an important category of traditional property that has no physical markers. There are places, such as Moanalua Historic Landmark, that have been nominated to the National Register based solely on their rich traditional oral histories (Prasad 2004:24). Such places have had the good fortune to have their oral history recorded from several of its last inhabitants – they also tended to have been continuously occupied. Some of the legends and stories that tell of the cultural and traditional significance of the PTA area were presented earlier in Section 3.3.1.

The meaning and application of a place name also offers insight into the value of an area as a TCP; they can tell what purpose and use an area had (or continues to have) for its occupants or visitors. For Hawaiians, place names are as important as the oral transmission of cultural information; rare is the name/place that is not associated with a story. Names and oral history are two very important components for understanding the traditional value of the PTA area...particularly in light of the fact that the area has not been in continued use for over 50 years. In the absence of use, it's the name and traditions that give traditional meaning to a place.

Pōhakuloa is literally translated as the “long stone”. Pōhakuloa is found in Boundary Commission testimonies from the 1870s ((Kumu Pono Associates 1999:D27). An early twentieth century account tells that Pōhakuloa was a deity who was the guardian of *Ka-wai-kapu-o-Kane* (the sacred water of Kane) at Waiiau, up on Mauna Kea. The name Pōhakuloa is applied to a land area, gulch, and water source situated on the slopes of Mauna Kea and making up a portion of the saddle between Mauna Kea and Mauna Loa.

Along with Pōhakuloa, other significant place names in the saddle region include the following translations (see Appendix F for a more extensive list of place names in the immediate vicinity of PTA):

Mauna Kea = White mountain

Mauna Loa = Long mountain

Pu`u Pōhakuloa = Long stone hill

Hualālai = Fruit that hides others from view

Pohaku-a-Kane = Stone made by Kane

Ka-lua-ka-ko`i = Cave (pit) for making adzes

Waiiau = Water current or Swirling water

Ka`ohe = The Bamboo

(Source: Theodore Kelsey, David Malo and Mary Kawena Pukui, in Kumu Pono Associates 1997, and Hammatt and Shideler 1991)

The names Pōhakuloa, Mauna Kea, Mauna Loa, describe how each of these physical spaces was associated/identified by Native Hawaiians. The fact that landscapes can be symbolic lends to the possibility of defining them as TCPs. The value arises not from the “spatial moorings” as Basso so adequately describes, but rather from the symbolic value the landscape represents. Another notable factor about the PTA area is the topography and terrain that it occupies; this too plays a significant role in how Native Hawaiians gave meaning to their traditional places. This is briefly discussed in the following section.

#### 4.2.2.1 Traditional/Religious Land Designations within PTA

Throughout Hawai'i, traditional boundaries demarcate appropriate use for specific types of land areas. These boundaries are based on both physical characteristics, and religious beliefs. Four of the traditional land designations that can be applied at PTA are:

- wao* - general term for inland region
- wao akua* - a distant mountain region, believed inhabited only by spirits (*akua*)
- wao nahele* - inland forest region
- wao kanaka* - an inland region where people may live or occasionally frequent, usually considered below the *wao akua*

Pukui et al. define *wao kanaka* as "locality and street, upper Nuuanu, Honolulu, named for inland inhabited regions (*wao kanaka*), below the uninhabited *wao akua*" (1989:74). The *wao akua* is a region peopled by gods and spirits and consists of lands within and above the cloud line (Maly 1997). Hawaiian *kūpuna* often reference these areas in their descriptions. According to Keone Nunes:

"when people used to go the *wao akua*, often times they would offer chants prayers before going inside. And if you gathered anything from those areas, often times you had chants and prayers said before the gathering took place. *Wao akua* area may change because maybe the *wao kanaka* goes more inland. You might have a place that's only *wao kanaka* and *wao akua* or you might have a place that only has *wao kanaka* and *wao nahele*. So its not a real solid delineation" (Nunes pers. comm. 2001).

While these delineations may not have been obvious to outsiders, they were well known to the occupants of the land. At least two *kūpuna* made references to these land designation terms during the oral histories completed for this survey.

The manner in which the *wao* land designations were used, and the consistency with which they were applied to areas bearing similar physical features and religious meaning, indicates the significance of addressing them in discussions of traditional

cultural properties and cultural landscapes. *Wao* land use designations existed in prehistoric and historic times. For some Hawaiians, they still exist. The *wao* designations also indicate that certain land areas were sacred (*wao akua*), and restricted to access and human use. In discussions about lands at PTA, especially the summit area of Mauna Kea, the spiritual associations are the most prominent. In other words, the traditional uses and acknowledgement of the area are intrinsically tied to its being *wao akua*.

#### 4.3 Previously Used/Abandoned TCPs in PTA Lands

TCPs of a tangible nature can retain their cultural significance even when no longer in use. However, the TCPs at PTA and the saddle region in general, may have been abandoned for a long period. Although centrally situated and having served as a major crossroads to points north, south, east and west, the saddle region/PTA area is a harsh environment. It is not an environment that welcomes one to remain permanently (even though there are some permanent sources of water, food, and shelter). With the coastal region being far more habitable, and without population pressure to seek out marginal areas, economical uses of the saddle area remained marginal. The saddle region/PTA area is best defined by specific activities and/or specific features for which it was/is known and used.

In his report on prehistoric settlement in upland Hawai'i, using known archaeological dates, Streck discusses why use of the saddle region may have become important:

"Potential exploitation of avian, and other as yet unidentified regionally occurring natural resources, species in the saddle may have started by the AD 700's. Because of the long distance from traditional population centers along the island shorelines, the rough terrain, inclement weather, and inadaptability of traditional Hawaiian subsistence technologies to the saddle, all resource procurers would have had to carry most of their foodstuffs as well as other items necessary for lengthy stays in the area...the resources, particularly bird, which were being procured were considered as valuable items worthy of this relatively great labor investment...It is conceivable that major nesting areas near the islands' shorelines had been disturbed quite early (prior to AD 1000). Major nesting areas during most of Hawaiian prehistory would therefore have been

situated in areas with slight human impact, presumably like that found in the saddle region” (Streck 1992:9).

Streck also discusses the possible reasons for the “relatively abrupt decrease in apparent intensity of cultural use of the saddle lava tube sites around AD 1500 and in the 1600s” as indication of “either social demand and pressure for the exploitable natural resources of the region had lessened or that there were fewer exploiters in the area” (1992:9). Another reason for decreased use of the saddle area may have resulted from the battles associated with the sons of *‘Umi a Līloa*. Streck adds that “the apparent abrupt lessening in intensity of use for high altitude Hawai‘i Island archaeological sites in the early AD 1600’s may coincide with this battle and resultant changes within traditional Hawaiian social organization...the battle may have been part of a ‘package’ of social processes resulting in the formalization of land tenure systems in the saddle region” (1992:10). While the cause of the battle among Umi’s sons is unclear, there appears to have been a division between the two potential heirs – Keali‘iokāloa’s son Kuka‘ilani and Keawenui a ‘Umi (Cordy 2000:221). The district chiefs supported Keali‘iokāloa’s son, giving their lives in the battle or in executions that followed (ibid). Following his victory, Keawenui a ‘Umi, the reigning king, took steps to consolidate power among the districts. There also appears to be a marked geographical shift in areas of utility or importance, with Hilo, Waipi‘o and Kealakekua Bay playing a greater role. This shift in geographical emphasis continues, with little or no reference to Ahu a ‘Umi, in the succeeding reigns of Umi’s grandsons (c.f. Cordy 2000).

Welch (1993) provides summaries of observations made in several historical documents. According to Welch, the “*ahupua`a* of Ka`ohe may have been of great value prehistorically to the chiefs of Hamakua because of its birds and fine grained basalt, but they did not claim its resources at the time of the Great Mahele in 1848. Ka`ohe was included in the Government lands...The main cultural features noted in the early historic writings are the trails which passed through this region...Of the saddle, Isabella Bird states that there was not a single native dwelling or even a trail across it” (Bird 1875:344 in Welch 1993:27). The first foreign visitor to upland Hawai‘i was Archibald Menzies,

who refers to the saddle area as flat, dreary, and uninhabited (Menzies 1820:165 in Welch 1993:25). McEldowney (1982) found that no traditional historical accounts of activities in the mountain zone above the upland forest were recorded, and there are no direct observations of the use of the Mauna Kea adze quarry (in Welch 1993:25). During the sandalwood trade of the 1800s, collecting from the Pōhakuloa groves was an important economic activity. Sandalwood once grew in the lower margins of Pōhakuloa. According to Mr. Kaniho, only his dad's side and perhaps one more family lived in the general vicinity of the Hu`umu`ula Sheep Station area while he was growing up. The station is one of the closest historic ranching sites to PTA.

Streck's conclusions indicate when the saddle region was more or less abandoned by the 1600s. Welch's summary indicates the possible discontinued interest and/or use of the area by the 1800s. Although oral accounts, such as given by Sonny Keakealani and Sonny Kaniho attest to some use of the area by their forefathers, there is a substantial time gap, archaeologically, between abandonment and establishment of the training area. This has direct influence on the ability to gather information on TCPs and ATIs; it also has direct implications for finding individuals with first-hand knowledge or oral histories of traditional uses of PTA lands. This is discussed further in Section 5.0.

#### 4.4 Present Day Uses of the Saddle Area and PTA Lands

Game hunting is an activity that still takes place in portions of the saddle area and PTA lands. This is one of the few areas remaining in Hawai'i where sheep and goat can be actively hunted. And hunting is often a family activity that has been passed on through the generations. As told by Ku'ulani Nobriga-Auld, her family still hunts in the area. In a recent study of two parcels on the north slope of Mauna Kea - Ka'ohē Lease Area and Pu'u Mali - hunting was identified as the primary land-use activity of the area (Tomonari Tuggle and Paraso 2002).

Going *holoholo*, camping and spending time up in the mountains are still important for some local residents. Alan Greenwell "came out about a month ago,

brought my daughter and a bunch of her friends for her birthday. We stayed at the cabin (Nene Restoration). They pitched tent, then they walked from the house all the way up to *Hale Lā'au*, a distance of 3-4 miles. We came about two weeks before that too". Sonny Keakealani describes how "we just come *holoholo*... at the intersection of Hualālai and Mauna Kea, we'd ride up and hunt in the area. We'd camp out for a while. We'd saddle up and just ride". Frank Silva recalls when "we used to bring the wife and kids up here. Once a month, we'd come up."

Cave spelunking is another activity, though like *holoholo* and camping, it is done with less frequency due to the restricted access to these lands. Frank Silva talked about the caves in the area, the main one known as "bat cave...just the center...it shoots off in a north-south direction. This cave system runs all the way from Hualālai to the other side." He recalls when the caves were used and people traveled through/within them. Ruth Greenwell remembers spelunking in the [same] cave and identifying plants of the area in the early 1950s. She would join a friend [sometimes Violet Hansen] to go on these hikes. That's how she learned much about the names of plants in the area.

Ranching activities appear to still take place but it does not appear to be for cattle (or sheep). Most of the cattle from the area are now gone. Frank Silva recalls when "we used to drive cattle from Honokohau...young cattle, first year heifers. You know we build the tank up here. So we bring about 15 old cows for leaders, take 'em to Pūlehua, rest 'em, early in the morning, right up the honey bee trail, straight up...right behind here [pointing east towards PTA], right across that lava. Show 'em the water troughs. A lot of 'em head back down the hill but a lot of 'em stayed. Then when time for go home, we shut the water off. Then the cows know eh." Along with ranching, vegetable and tree farming are presently occurring along the slopes of Hualālai.

## **5.0 SUMMARY: CULTURAL AND HISTORIC SIGNIFICANCE OF PŌHAKULOA TRAINING AREA**

While substantial efforts were taken to locate and interview individuals with knowledge of TCPs in PTA lands, little success was made in the way of identifying

actual sites. Shortly after the study began, it became apparent that only a handful of elders remained who held the knowledge about TCPs in the area. Added to this has been the death of five elders, including Henry Auwae, with whom interviews were tentatively scheduled or being negotiated. Robert Keakealani, Sonny's father, a man highly revered for his knowledge about this area, had died before the study began. Some of the informants were descendants of families (e.g. Sonny Kaniho) who lived in the PTA area during the earlier part of this century, while others such as Ah Fat Lee, Frank Silva and Sonny Keakealani, had worked these lands for the Territorial Government, or as *paniolos* for Bishop Estate and other ranches in the area. This latter group had much to share about the physical features that served as their landmarks in the PTA/Saddle area. Individuals such as Ruth Greenwell, and her nephews, although not of Hawaiian descent, spent a part of their lives growing up on these lands. They too had intimate knowledge about the area's significant features and sites, and some of the traditional stories associated with these. Their knowledge offers critical information about TCPs in the area.

The efforts to find 'someone with knowledge' may be in vain. If Fornander encountered these problems in 1878, then the 'pool of knowledge' has only lessened in the past 126 years. Sonny Kaniho echoed these same sentiments about not learning from his parents and grandparents "...we was growing up with all those old folks, we ask them questions, they wouldn't give us a good answer. But now, you cannot find anybody."

Traditional activities/uses of the land, such as hunting and trapping of birds have a more recent past. During the visit to *Ahu a Umi Heiau*, Frank Silva and Sonny Keakealani shared their personal experiences and family stories about bird hunting in this part of the island. Frank Silva recalls rescuing birds from branches of *olonā* ... "flying but can't go nowhere. Its stuck on its wings." Hunting, one of the few remaining traditional, cultural, activities, appears to have both a rich past and present.

In brief, information gathered from the oral histories indicates the following traditional land use and land areas (features/sites) in and around PTA:

1. Bird trapping or hunting persisted into the 20<sup>th</sup> century. The birds were not killed but trapped and released after the select feathers were taken. There were no stories or recollections of bird hunting, especially relating to the *ua`u*.
2. There are possible burials in the project area and its vicinities.
3. There are caves throughout the PTA/Saddle area that have not been recorded or revisited.
4. There is a cave system [in reference to bat or pigeon cave] near *Ahu a `Umi* that extends several miles in a north-south direction. At least two people had knowledge about the interior walls collapsing in 1950s.
5. Trails were still used up until the 1940s and 50s; the grandparents of some of the *kūpuna* interviewed were known to cross the island via Umi's Road.
6. There are water holes and springs throughout the PTA and saddle area; some of these appear to have dried up naturally as result of changing weather patterns.
7. Names of places have remained the same yet their pronunciations, and consequently their spelling, have changed over the years.
8. The *Ahu a `Umi* area was used as a resting place before moving onwards in some other direction. There were many stories about events that took place at the site but few to none were ever written/recorded, e.g. the removal of *kauila* (*Alphitonia ponderosa*) sticks from the *heiau* [per S. Keakealani].
9. No other *heiau* like structures have been seen in the Hualālai - Mauna Kea corridor...only *Ahu a `Umi*.
10. At least one *kūpuna* travels to *Ahu a `Umi* twice a year to perform ceremonies [he did not want to discuss the nature of the ceremonies].

The conclusions made by Streck (1992) provide possible reasons for the "lack of or decreased use" of the saddle region by the 1600's. A couple of centuries later (1840s), ranching began in the saddle region. As Welch (1993) suggests, [at this time] bird hunting continued in the higher elevations, however, the extent and intensity of this activity is not known.

One point worth repeating is that when people continuously occupy an area, the sense of history is far stronger...even if a particular activity or practice is not continuously perpetuated, physical presence in a place helps keep memories alive of what "used to happen". When people abandon a place, even if that place only had temporary use, continuity is often lost, as in the sense of a tradition. In fact, it is more difficult to maintain histories of places that have had only "temporary" uses. Temporariness in this instance implies an area, site or feature that's seldom viewed or attended; it does not apply to those temporary but highly significant elements of a culture, e.g. shrine, that have temporary but regular/frequent visits.

Regardless of the temporariness with which this area may have been treated in traditional times, clearly there are features within the natural environment that indicate the importance of the saddle region/PTA area in the Hawaiian belief system. The summit of Mauna Kea is one of the most prominent natural features on the island that shares a rich traditional cultural history. For instance, stories relating to the summit of Mauna Kea as the home place of *Poli`ahu*, the daughter of Kane, are still important in Hawaiian mythology. Because of his prominence as a powerful male god in the Hawaiian religion, Kane plays a central role in Hawaiian culture. Hence, the stories surrounding his existence and his acts will persist in and around the summit area, including PTA.

The context within which the attempts to identify and locate TCPs through oral histories is similar...so are the results. Oral history work at Makua Military Reservation, Schofield Barracks, and Kaumālapa`u Harbor by Social Research Pacific, Inc., has shown that traditional Hawaiian uses of land are less known; post-contact, historic uses of these lands are better known. Except for Kaumālapa`u Harbor, like PTA, the other sites are in military use; access to the area is difficult or restricted. Given this context, the following limitations are inherent in TCP studies completed at these locations:

1. There are very few elders or *kūpuna* left today from whom information about TCPs can be sought. Fewer yet are the number of those who can share some first-

hand experience. This is occurring throughout Hawai'i with the passing of the earlier generation that held and passed on traditional knowledge.

2. The attempts to identify TCPs in areas that have been abandoned, not used or no longer visited by their former inhabitants/occupants/visitors are difficult. There has been a gap, a very lengthy one in some cases, in the perpetuation of the knowledge about a particular place, feature or site.

In closing, this survey has gathered some initial information about the traditional and historic significance of the PTA project area for Native Hawaiians. But it is one of a number of studies showing that oral histories of areas that are no longer in "traditional" use, may not reveal much information about new TCPs. Information gathered can add to knowledge of previously identified TCPs...partly because oral history knowledge of these sites and/or features may have been the basis for their discovery in the first place. This report opens with a line from Abraham Fornander describing how difficult it was to obtain oral histories in the 1800s. In 1958, Violet Hansen described the difficulty of locating Site 5000 that was a well-used cave shelter but with no trails leading up to it. In 1998, Langlas completed a TCP study along the Saddle Road with one of the last remaining *kūpuna* from the area, "Papa" Henry Auwae. According to Langlas, "a considerable attempt was made to locate additional informants with knowledge of Native Hawaiian sites in the project area, without success" (Langlas 1998:134). Echoing Fornander's observations, is Sonny Kaniho, who in 2003 tells of the lack of information that he gathered from his own parents and grandparents. Mr. Kaniho was not doing research yet he is in essence describing the loss of traditional cultural knowledge.

Traditional and historic sites and general areas of traditional importance may still be discovered within Pōhakuloa Training Area since they certainly exist. However, these are more likely to be inadvertently discovered during archaeological studies than through people's recollections.

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**APPENDIX A**

List of Individuals Interviewed/Contacted for Planning Level Oral History Survey of  
TCPs at Pōhakuloa Training Area, Hawai'i

### Formal (*kūpuna*/elder) Interviews:

1. Jean Greenwell, Kona Historical Society
2. Richard "Dickie" Greenwell
3. Alan Greenwell
4. Frank Silva
5. Robert "Sonny" Keākealani
6. Ku'ulei Keākealani
7. Ku'ulani Nobriga-Auld
8. Hannah Springer, OHA Trustee
9. Ruby McDonald, Office of Hawaiian Affairs, Kona
10. William "Papa" Akau, Royal Order of Kamehameha
11. Mel Kalahiki Sr.
12. Eli Nahulu, Kamehameha Schools
13. Rob Pacheco
14. Sam Ka`a`ai
15. John Lake
16. G. Ululani Sherlock, OHA -- East Hawai'i Liaison
17. Kai Markel, Hawaii Island Burial Council
18. Johnny Lum Ho
19. Clayton Bertleman
20. Clem "Sonny" Kaniho
21. Kanu`o Ka `aina , Waimea Charter School Principal
22. Larry Kimura
23. Kahalelaukoa "Koa" Ell, Mauna Kea Observatory
24. Kimo Pihano, Maka`ainana O Mauna Kea "Moku of Keawe"
25. Kikuhi Kanahela, Volcanoes National Park *Kūpuna* meeting
26. Keola, Volcanoes National Park
27. *Kūpuna* (5) of the Volcanoes National Park
28. William Bonk
29. Dale Fergerstrom (and Judy)
30. Ah Fat Lee
31. Laka Morton

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### Informal Interviews:

32. Holly McEldowney
33. William Godby/Morgan Frasier
34. Laura Schuster, Volcanoes National Park
35. Ross Cordy, State Historic Preservation Division
36. Pat McCoy, State Historic Preservation Division
37. Paul Rosendahl, PHRI
38. Rodney Oshiro, Na Ala Hele Hilo Office
39. Kirk Cottrell, Na Ala Hele, Honolulu

40. Mauna Roy
41. Frank Cachola
42. Mabel Tolentino, Waimea Civic Club
43. Kino Kahananui
44. Emil Wolfgran\*
45. William (and Marie) Solomon (Kolomana)
46. Danny Kawai`aea
47. Lanikila Brandt
48. Momi Lum\*
49. Kaniaala Akaka, Mauna Lani Bay Cultural Resources Officer
50. Ku`u Kahalau
51. Norman Pi`ianaia
52. Steve Bess
53. Leroy Lindsey
54. Mick Castillo, U.S. Fish and Wildlife
55. Ed Brody
56. Moana Rowland, Na Ala Hele
57. Pat Bacon
58. Chuck Langlas\*
59. Kent Warshauer\*
60. Scott Hendeson
61. Bill Stormont (bird hunting at *Ahu a Moa*; goat/sheep hunting)
62. Ron Bachman, Division of Forestry and Wildlife, Hilo
63. John Giffin -           “           “           “

\* [repeat] attempts to contact were unsuccessful.

**APPENDIX B**

Personal Release of Interview Records

Title of Project: **Oral History Survey, Pōhakuloa Training Area, Hawai'i**

Purpose of Survey:

- 1) You are being asked to share your personal insights and remembrances of Traditional Cultural Properties (TCPs) at PTA. Your recollections and knowledge will help to identify these sites/features at the training area.
- 2) The information you provide will be recorded, transcribed, and presented to the U.S. Army Corps of Engineers, and may be made available to the Department of Land and Natural Resource – State Historic Preservation Division. You will be sent a copy of your transcription upon request. Any information you would like to add or delete will be noted at this time.

Benefits: This information will help us determine what types of traditional (Native Hawaiian) land uses took place at Pōhakuloa Training Area. It is knowledge that is not readily available or perhaps known to others.

Confidentiality: The information sought is based on your personal knowledge and insights about this period of history. Use of names for quotations, paraphrasing, and support of other participant information will greatly benefit this study.

Liability: Your signature and consent to participate in this study assures you will not hold the interviewers liable.

Participation: Your participation in this study is voluntary (You can withdraw consent and stop participating if you wish). Your signature acknowledges that you have read the information stated and willingly sign this consent form. Your signature also acknowledges that you have received on this date signed, a copy of this document containing one (1) page.

Participant name (printed) \_\_\_\_\_

Participant signature \_\_\_\_\_ Date \_\_\_\_\_

Interviewer's signature \_\_\_\_\_

Contact Name and phone number for Questions: Keone Nunes (Oahu), 668-1295/384-6656; Kepa Maly (Hilo), 981-0196; Usha K. Prasad (Oahu), 247-3933/349-6682.

If consent given for taped interview, transcript made from recording: Yes \_\_\_ No \_\_\_  
Transcript made from expanded notes of unrecorded interview (if consent given only for written interview): Yes \_\_\_ No \_\_\_

Note: a copy of this consent release form will be given to you, the U.S. Army Garrison, and the Army Corps of Engineers, Ft. Shafter.

**APPENDIX C**

Kanuha's Description of *Ahu-a-Umi* (1853)  
by Kepa Maly, 2001

In 1865, the Hawaiian newspaper "Ke Au 'Oko'a" published an article titled "Na Kaaō a Kekahi Elemakule o Hawaii" (The Stories of an Elderly Hawaiian Gentleman) (May 8, 15, & 22, 1865). The accounts were collected by Jules Remy, a French man who came to Hawai'i in 1851. While introducing the article, readers are told that Remy dwelt in Hawai'i, for about three years, during which time, he became quite proficient in the Hawaiian language. While here, Remy traveled around the islands documenting the sites and events which he witnessed, and recording histories that were relayed to him. His narratives, written in French, reached Hawai'i and were translated into Hawaiian by young Alexander at Punahou (Ke Au 'Oko'a, Mei 8, 1865).

"Na Kaaō a Kekahi Elemakule Hawaii" was collected by Remy in March 1853, when he visited Ho'ōpūloa, South Kona. Upon landing, Remy records that he was warmly greeted by the people on the shore, and among the many people gathered, he observed an elderly gentleman. He was "stout and broad-chested, and on the account of his age, his hair was reddish gray."

Remy learned that the old man was Kanuha<sup>1</sup>, a man of chiefly descent, born before the time that Alapa'i-nui died, in 1752 (Ke Au 'Oko'a, Mei 8, 1865). Remy notes that Kanuha was nearly 116 years old, and in good health. Because of his advanced age, he spoke with authority of ancient customs and history of the Hawaiian people, that few, if any other, people were able to (Ke Au 'Oko'a, Mei 8, 1865).

Among the traditions which Kanuha told Remy, was an account of the ascent of 'Umi to the position of the king of the island of Hawai'i. In the account Kanuha describes the history behind the construction of the famed heiau (temple) Ahu-a-'Umi, and the construction of three other heiau, one heiau on Mauna Loa and two on Mauna Kea. It is noted here, that in his own work, Abraham Fornander (1973), acknowledged the age and authority of Kanuha, but he also found inconsistencies in the genealogical relationship of individuals mentioned by Kanuha (Fornander 1973:99-101). In particular, Remy reports that Kanuha conveyed to him that 'Umi went to war with Keli'iokaloa, a chief of Kona. Historical accounts by native writers and Fornander record that Keli'iokaloa was the son of 'Umi, and that he became king of Kona for a time, following his father's death (Fornander 1973:99-101). It should be considered here, that this historical inconstancy may actually be attributed to Remy's own hand, rather than the narratives of Kanuha.

Regardless of the possible genealogical differences, one of the unique qualities of the account is that it provides us with otherwise unrecorded documentation regarding construction and placement of heiau in the high mountainous region of Hawai'i. The following narratives, with excerpts of the original Hawaiian, and translations of the accounts (translated by Maly) are taken from

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<sup>1</sup> Kanuha is found in several historical accounts recorded by Kamakau (1961) and Fornander (1973). One of the historical events in which Kanuha participated with Kame'eiamoku mā in the capture of the vessel Fair American, in 1790, at Ka'ūpūlehu (Kamakau 1961:147)

Remy's recording of Kanuha's story in 1853, and published in Ke Au 'Oko'a on May 22, 1865:

Umi ruled in place of Hakau, and his friends Koi and Omaokamau dwelt with him. Piimaiwaa, Umi's war leader dwelt in Hilo. With Umi, there was also his trusted companion Pakaa, and his priest Lono. At this time, Umi ruled the eastern side of Hawai'i, while on the western side, his relative Keliokaloa, ruled and dwelt at Kailua... In the time that he dwelt in Kailua, Keliokaloa was known as an evil chief, he cut down the coconut trees and desecrated the cultivated fields. It was because of these evil deeds that Umi made preparations to go to war against him. Umi marched to battle, joined by his famous warrior, Piimaiwaa, and his companions Koi and Omaokamau. Also with him were his favorite, Pakaa, and his priest Lono.

The Hawaiian narrative then reads:

*Mawaena o Maunakea a me Hualalai ka hele pualu ana o ua alii nei me kona manao e iho ae i Kailua. Aole nae i kali o Keliokaloa, aka, ua pii nui aku oia me kona poe koa e houka aku ia Umi. Ua halawai na puulu kaua a i elua maluna o kekahi wahi papu i hoopuni ia e na mauna ekolu, a i kapaia hoi ke Ahu a Umi. Kaua mai o Laepuni ma (he mau kanaka makaainana pili alii ole) ia Umi, a aneane e make o Umi ia laua, lele mai o Piimaiwaa e kokua ia ia, a oia ka mea nana i hooholo ae ka lanakila ma ko Umi aoao. Aohe mau mea nui i hai ia mai, aka, me he mea la, ua make ke alii o Kailua iloko oia kaua ana. Ma keia kaua ana, ua lilo holookoa ia Umi ke Aupuni, a lilo iho oia ke alii ai moku o ka mokupuni o Hawaii. I mea e ili aku ai ka hoomanao ana no ia kaua ua hanauna aku a ia hanauna aku, ua kukulu ae la ia i ke ahua aa, e o ia nei a hiki i keia wa ke ahua a Umi...*

Between Mauna Kea and Hualalai the chief and all his party traveled, with the thought of descending to Kailua. Keliokaloa did not wait though, but instead, traveled with his warriors to meet Umi in battle. The two armies met on a broad open plain, surround by the three mountains, at the place [now] called Ahu a Umi. There, Laepuni and them (people who were unattached to a chief) fought with Umi. Umi was almost killed, but Piimaiwaa leapt in and helped him, it was he that turned the battle in the favor of Umi's side. There is not much else that is said, but, it is known that the chief of Kailua died in the battle. Thus, with this battle, the entire kingdom was gained by Umi, he became the chief that controlled the entire island of Hawaii. So that the battle would be remembered from

generation to generation, he (Umi) built the stone altar, that remains to this day, the altar (ahua) of Umi... (Ke Au Okoa; Mei 22, 1865)

The narrative records that early in 'Umi's life, the priests Nunu and Wawa, had discerned 'Umi's nature, and foretold that his god, Kā'ili, made with a feather from the god Halulu, had empowered him. Indeed, 'Umi was a religious chief, and made many temples for his god:

...Ua kukulu no hoi ia he heiau malalo o Pohaku Hanalei, a ua kapaia o ke ahua o Hanalei; a ma na aoao o Maunakea e hele ala i Hilo, ua kukulu no ia i ke kolu o ka heiau, ma kahi i kapa ia o Puukekee; a ma Mauna Halepohaku malaila ia i kukulu ai i ka ha o na heiau, a malaila no hoi i olelo ia ai ua noho o Umi malaila me kona mau kanaka. Ua olelo ia o Umi he alii noho mauna, no kona aloha i kona poe kanaka, nolaila, ua hoi aku ia i waenakonu o ka mokupuni ilaila kona wahi i noho ai me kona poe kanaka, a na kona makaainana e noho ana ma na kapakai, e lawe mai i ka ai na lakou, mai kela pea, keia pea...

...He (Umi) also built a heiau (temple) below Pohaku Hanalei, it is called the altar of Hanalei; and on the side of Mauna Kea, by where one travels to Hilo, he built the third of his temples, at the place called Puukekee [also written Puu Keekee in historical texts]; and there at Mauna Halepohaku he built the fourth of his temples; there, it is said, Umi dwelt with his many people. It is said that Umi was a chief who dwelt upon the mountain, it was because of his love of his people, that he (Umi) returned and dwelt in the middle of the island [Ahu-a-Umi], that is where he dwelt with his beloved people. His commoners lived along the shores, and they brought food for them (in the uplands), from one side of the island to the other... (Ke Au Okoa; Mei 22, 1865)

## APPENDIX D

### Transcripts of Oral Histories: Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pōhakuoloa Training Area Hawai'i Island, Hawai'i

Transcripts\*in this appendix are from interviews and discussions with the following individuals:

Papa Bill Akau  
Mel Kalahiki Sr.  
Sam Ka`a`ai  
John Lake  
Frank Silva  
Jean Greenwell  
Allen Greenwell  
Dickie Greenwell  
Sonny Keākealani  
Ku`ulei Keākealani  
Ku`ulani Nobriga-Auld  
Hannah Springer  
William Bonk  
Ah Fat Lee  
Sonny Kaniho  
Kimo Pihano  
Kahalelaukoa "Koa" Ell

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\* These transcripts represent 17 of the 31 formal interviews were completed; the remaining 14 did not yield information that needed to be transcribed.

## Bill (Papa) Akau

*Pu'ukoholā Heiau*, Hawai'i Island  
August 17, 2001

(This interview was completed at Pu'ukoholā National Historic Site, in Kawaihae, Hawai'i, during the 2001 Cultural Festival, from August 17 to August 19, 2001)



(Papa Akau on left, greeting a representative, in front of Pu'ukoholā National Park Office, SRPI 2001)

Papa Akau served as King Kamehameha during the 2000 celebration of Pu'ukoholā Heiau. He will serve as King here again today. Papa Akau was born and raised on the island of Hawai'i. He immediately told me that he didn't know much about the PTA area or *Ahu a 'Umi*. He is more familiar with the trails and sites along the coastal region of the island. Many of these, he had used to get to fishing sites. However, he was asked by the Army to come and bless the area immediately mauka (mountain-side) of *Ahu a 'Umi*. This was done at the request of Colonel Texeira, a locally raised boy, who called and asked him to visit the newly identified site. He went to the site via helicopter, and was accompanied by one other kupuna. Colonel Texeira is a locally raised boy and wanted to do things to acknowledge the Hawaiian respect for the site.

Bill said it would have been good to talk to Sonny Keakealani's father, Robert Keakealani. Robert was Bill's uncle, and knew a great deal about the PTA area. He would have been the best authority. I told him that we were accompanied by Sonny, Hannah and Frank Silva during our trip up to *Ahu a 'Umi*...and he said that I found the best people to talk to about that area. He reiterated that this area was not his expertise. He kept mentioning that I needed to talk to people who were of Ka'ūpūlehu (Hannah's home land) because this is their land.

Bill introduced to me to one person [didn't hear his name], who wasn't receptive to talking about his knowledge of the area. Bill thought this individual could have some information to offer about PTA since he had been up to the area on a few site visits. However, other than telling me that he had been up to *Ahu a 'Umi* twice this year alone, he did not want to share any other information. In response to why the visit took place, he said it [trip to the *heiau*] was doing what was needed to be done.



(Ceremony on the makai slopes of Pu'ukoholā, SRPI 2001)

Others that Keone introduced me to were:

Sam Ka'a'a'i, who is from Kaupo on Maui and well known for his teachings of Hawaiian tradition. [he was the second in command on protocol along with John Lake]. "They live the culture over there". He [Sam] was raised by his grandfather over there [Maui] but Sam actually comes from the family of Masiao's, who are really good with their hands. They carve dolphins and such...family is well known for this [quoting Mel Kalahiki Sr.].

John Lake, who was the grandmaster of ceremonies during this weekend, said he couldn't tell me anything about *Ahu a 'Umi* area because he doesn't know much about it. He did refer to someone else...his wife, who is from the Big Island. [I didn't get to meet up with her].

...The remainder of the taping completed on Friday, in preparation for Saturday's ceremony, is of Sam and John giving the protocol instructions and meaning to the Hawaiian audience who were participating.

**Mel Kalahiki Sr.**

***Pu`ukoholā Heiau, Hawai`i Island***

August 17, 2001

(This interview was completed at Pu`ukoholā National Historic Site, in Kawaihae, Hawai`i, during the 2001 Cultural Festival, from August 17 to August 19, 2001)

UP: Tell me about this celebration?

MK: Celebration is in honor of this site. This is the only in Hawai`i where something like this can take place.

UP: why is this heiau so important?

MK: this is where King Kamehameha got the [the word I would like to use] from the "almighty" that came down through the *kahuna*, is that is you build this heiau, it would be the one to unify the islands. If you look at the heiau, it faces that a way (looking northwest...towards Oahu). The island of Hawai`i was already taken when he put this heiau together. So this *heiau* is what was needed to unify the islands, outside, eh?

UP: so this heiau was built specifically for unification.

MK: for unification, yes. That's why its called the temple of state.

UP: I didn't know that was the English translation.

MK: that was the beginning of the nation if you will. Yeah, because he had conquered all the islands and all the wars and everything came to a close. What followed, I don't know if you read books, they called him King Kamehameha the Great. Yeah. He went to battles and everything. When the battles was stopped, he used a spade, he used a ? to cultivate the earth. That's when he showed up Nu`uanu, and he made the water come down Nu`uanu they plant taro, you know, for sustaining his people. That's what made him so great.

UP: what does Pu`ukoholā mean exactly?

MK: it's the back of the whale. The Pu`u is the back of the hill. This place in here, they had whales frolicking in here (pointing down towards the ocean fronting Spencer Beach Park).

UP: and this allowed him to kind of look out towards the other islands, so he could see his rivals coming?

MK: yeah, so he could look out.

UP: so this is all his lands, he claims all of the lands that's in view.

MK: oh yeah, when was that, in 1782, in...1783, is when Kauai surrendered to him. I know people talk about Kauai, but he never conquered Kauai. The King of Kauai had already tasted his wrath out on the ocean. That King was defeated already. And here, this place was so sacred, that when he [Kamehameha] was having it built, his brother was the maker of the *heiau*. The brother went and touched one of the rocks...and the King had that rock taken out and dumped in the middle of the ocean.

UP: I'm learning now the significance of this *heiau*. What can you tell me about *Ahu a 'Umi Heiau*? And 'Umi's time?

MK: that's on Hualālai. *Ahu a 'Umi*, well 'Umi left Waipio Valley, then he went there up to look down at this enemies, you know, down in Kailua side. He was up there, he built one *heiau*. Ah, when we went up there, I had a sense that, like this *heiau* when it was built, and the Hawaiians traveled to the islands, they all was believed in the Supreme Being. They never know about the Trinity. About Jesus Christ. They knew the Supreme Being was one being. And all the other gods were down there, they were more like spirits. And that spirit was endowed onto the *ali'i*.

UP: so the *ali'i* had direct communication with the higher god. Okay. How about 'Umi? Was he an *ali'i* with power.

MK: yeah. 'Umi was in touch with that power too. There's 'Umi's prayer, the chant, of over 500 years ago [showing] that he was in touch.

UP: was he more special than the others, over here?

MK: well, I think special because most every Hawaiian can trace their lineage to 'Umi. That so many marriages. Yeah. There's not too many houses where you can trace one line. But they can make connections to that ['Umi's line].

UP: so he's a good ancestor. I just wondered why the *heiau* was so far remote. Why is it placed in between Hualālai, Mauna Kea and Mauna Loa.

MK: like I said, from there he could look down on everything. He went up there...he look down this cliff and could see his enemy over there.

UP: did he control most of the area?

MK: after he went to battle with them, yeah, then he [controlled]. His *heiau* was put together up there, and I think in fact, it was just put together. It is very different from any other. They call the Koa in the corner. Yeah, its very different. When we went up there, we try for clean up the place...we kind of going back again up there [in reference to Hawaiians].

UP: when you say “we”, whom do you mean?

MK: our group, this group [of *kupūna*]. We went up there and camped at the highest point.

UP: when we went up there, we went with a person from Hilo who's been in there quite a few times for Bishop Estate [in reference to Rob Pacheco of Hawai'i Forest and Trail]. We went up there with the Greenwell Brothers, Francis Silva, Sonny Keakealani...because they worked up there. They went up to show us what they could tell us about the place. Not about the *heiau*, but more about the use of the land up there.

MK: its an amazing place. You can imagine how he [ʻUmi] got up there.

UP: how long, how much time did he spend up there? He didn't live up there right?

MK: well, only after I think the battle. But there's things to survive up there. There's so much things...to make the *mai ole*, the sandalwood, you have all kinds of woods up there.

UP: where would you get water? Where did they get water up there?

MK: I would think that there was a source of water up there. Have to be.

UP: do you think Hualālai was the source? Someone said that on Hualālai was a pond that was a source of water. Do you know if it was?

MK: I never come across the water source. But it would have to be around there somewhere. There was a professor of botany up there, when we went, he stopped and pointed out to a plant that was used for tattooing in Hawaiian times. When we got sick before when I was growing up, we used all kinds of plant things from the bushes, the yard, to get better.

UP: uncle, how old are you now, can I ask?

MK: 76

UP: waa...where were you born, here?

MK: no, I was born in Honolulu. But I stayed here with my grandfather.

UP: you grew up on this side then?

MK: yeah, right below the *heiau* [Pu'ukoholā]. And my grandmother is buried on this side [the area was pointed out to me but its also Mel's wish that it remains undisclosed].

UP: you sort of a Big Island boy then?

MK: yeah, my family on both sides went to the battle of Nu`uanu. My mother's side went to the battle of Nu`uanu (representing Oahu), and my father, his side went to the battle too but representing Kamehameha. Opposite sides.

UP: did they ever talk about it when you were little [in reference to being from "opposite" side of the fence].

MK: nothing was said. Nothing was said but I know on my father's side, that name was wiped out.

UP: what name was it.

MK: *Kalua a li`i*.

UP: you mean the whole line. How did your father survive?

MK: they went changed the name. They didn't like to, well, you the name got inference of a war, yeah, so they change and took on new name...one went to Kalahiki and one went to Kalakou.

UP: what does that signify?

MK: Kalahiki in the sun that's already in place, and the inside is the Kalakou. And the very inside is the North Star. [he's demonstrating how these are depicted in the tattoo on his right arm]. And since our *amakua* was the shark, I have the shark tattoo also. The sharks would come down here [fronting Spencer Beach Park]. We had a grandfather who used to take care of the sharks.

UP: so you live from the generations before you. Did you pass it on?

MK: yeah, I passed it on. When I was living down here, my grandfather only told me things when I asked him to. So I asked him things when I wanted to know. You never ask for things if you cannot handle...if you can't take the heat, you don't want to know about things. You have to be 'capable of handling'. That's what I got after you know something...he [grandfather] told me where the great ali'i was buried. So I grow up knowing, it never bother me, never went to look at that area, but I became responsible when I saw the newspaper ad that one Japanese went and bought that place.

UP: so what do you do, what is your responsibility, when you learn that someone is going to destroy something like that[the one that you were secretly told about].

MK: well, the fact that I the important thing then became my responsibility. Then its my responsibility to do something about it. I was carrying that for a while, and no can sleep. I was at a meeting one night and I said something. She told me that maybe I should go talk to someone about it. 'that knowledge is your mission'.

[map of *Ahu a 'Umi*...I show the map and describe what we're trying to do in the PTA area. The surveyor's map is from the early 1800s. Walking through here, we saw lots of features that may indicate bird-hunting going on in the area].

UP: would you say bird hunting took place in the area (in reference to PTA lands).

MK: the only thing I know is that we had a call, I think it was from a Colonel. It was about a find. It was a cape...the one with the feathers. I think we went up twice. I think they went inside the cave where it was found.

UP: you never went inside

MK: no, I didn't go back on the next trip. But I know they found the *iwi* inside the cave.

UP: there are smaller caves where the *hau* sandals have been found. The caves right in back of Hualālai, when we visited *Ahu a 'Umi*, had plenty of things.

MK: I know there's caves that go from place to place. Interesting, I think this map you cannot see, the Kings knew the Crown Land, I had access to that map (didn't bring up here), and there were slivers and slivers of Crown Land. There were caves in them, there were caves that could take you from Kona to Hilo, and from one island to the next.

UP: were there really caves that could take you from one island to the next.

MK: oh yeah. I know on Oahu, I know get caves, cuz when the lava flow up here, you can smell the lava on Oahu and in Kauai. So it goes under water. You gotta remember that Pele started from the northern most part of the islands – the French Frigate Shoals, the Kauai...it came down the chain.

UP: by the way, whats the name of French Frigate Shoals in Hawaiian?

MK: it's the Hawaiian archipelago. For that reason, that's all the rock than went on.

UP: in the olden days, could you travel from one island to another just by knowing where the caves were.

MK: I believe that was possible. Yeah, because, even in Hana area there area caves that go all the way from Hana up to the mountain. People still walk them except for one portion that was broken.

UP: were caves sacred...could commoners and alii use them or was it only for some people.

MK: I don't know, I think sacred in the sense that, like the one up here in Honokua Gulch...we've, I've been representing the ancestral claims, about that burial issue. [this is

in reference to the Forbes Caves. He claims to be the 'thorn' in the side of everyone. He is clearly the one who made the claims to the collection from the caves. I just don't know if he has the items...I suspect he does. He talked a fair amount about the process of negotiating for the items. According to him, "everything has been repatriated...we thank you" was his response to the federal and state letters that have been sent to this group claiming the collection. I asked if he's making sure someone else will be here to take care of things when he's not here...he said that someone's prepared to take care of things. He's got copies of some original journal that indicate the proper ownership of lands. He wants to pass this on to the children. He's talking about the taking of Crown lands and personal lands of the Kings. According to him, "the water was there" on all these lands. The thing about plantations needing access to water or having little water is not accurate. He has maps that are really detailed maps.]

The remainder of the interview describes what Mel has learned about Nu'uanu Valley (based on old maps and stories)...its land rights, land use and need for proper ceremonies to re-establish the Hawaiian ties in the valley.

.....(Asking him to look again at the map of PTA)

UP: Can you tell me anything about the trail system that they had in the center of the island.

MK: this area had the *Mana* trail. It went to Waimea, and there were able to go all the way across to Hilo. There was a trail that went along the ocean around the whole island. That was the King's Trail. Or else you went Waimea, and down by canoe. You could walk or go by canoe. We used to bring charcoal over here and put em on the boats. We used to go to get charcoal.

UP: If you wanted to go to Hilo, how would you go?

MK: I used to go to Hilo, with my grandfather in about 30, 35. He died in 41. So we used to go on Hamakua Road but not on the trail. But I went up on the trail. But ofcourse, I worked for the commission [Hawaiian Home Lands], so most of the lands, I've walked over here [pointing to the map and area of PTA closest to Waimea]. I was on the commission for over 8 years, so I kind of knew the trail.

UP: so everything was connected then?

MK: yeah

UP: Some of the archaeologists try to fill in the gaps that are found in the trails. Are some of the trails not connected?

MK: well, there are gaps because some of the owners try to cut off others from having that access. When a new owner came through, they shut off access.

UP: so the King's Trail, was that for everyone to use?

MK: oh the hotel, Mauna Kea Hotel, wanted close the trail and my cousin went to court. The hotel wanted to use the beach...and the trail was between the hotel and the beach.

[Mel told me that he was married here at *Pu`ukoholā Heiau* by Sam Ka`a`ai. He followed the high protocol for marriage rites. He said that the protocol can be found in the *molelo*...chants of Hawaiians].

## Fieldtrip to *Ahu a `Umi*

July 24, 2001

(see Appendix E for a more comprehensive transcript, completed by  
Kepa Maly of Kumu Pono Associates)

This oral history recordation is a compilation of the discussions and question/answers provided by the Hawaiian *kūpuna* and friends who traveled to *Ahu a `Umi* for this project. The taped interview includes the voices of the following:

Frank Silva  
Jean Greenwell  
Allen Greenwell  
Dickie Greenwell  
Sonny Keakealani  
Ku'u lei Keakealani  
Ku'ulani Nobriga-Auld  
Hannah Springer

The trip began from Donkey Hill Road, in Keauhou, Kona, Hawai'i. A variety of plants, some which are extremely rare, were identified and located along the trip. (All of the *kūpuna* and friends present on this trip had previously traveled up to *Ahu a `Umi*...some by different routes). Two individuals, Sonny Keakealani and Frank Silva, had worked at this ranch (part of Bishop Estate Lands) all their lives. They had intimate knowledge of the specific area we traveled through. Ku'u lei Keakealani and Ku'ulani Nobriga-Auld represent the younger generation who are trying to learn from their elders. Both women have grown up in this area, and have extensive knowledge about this area of the island. Hannah Springer is also from this area – her family originates from the *ahupua`a* of Kaupulehu (ocean wards from the Saddle area).

The Greenwells, Jean and her two nephews, Dickie and Allen, also know the area intimately. They too have worked on this ranch until recently. But more importantly, they still have a family ranch/cabin that's located further towards PTA from *Ahu a `Umi* (due to poor transport and lack of time, we didn't travel up to their ranch house – *Hale La`au*).

*Aukahuku* Trail...this trail goes in both directions, running north-south, along the ridge of Hualālai. It starts at Kamalumu to Huehue, so the trail goes through most of the lands, through several *ahupua`a* up here. Mr. Silva recalls using the trail to go from one house to another...between ranches. The Greenwells and Kuulei also used this trail. They often went by horseback. "It was for the working man to get back and forth". (Cattle were taken on this trail). Old trails went across the hills...it was easier than going up and down the hillside. Lots of discussion on this trail and others in the area. These people used the trails and are familiar with.

[Sonny K]. "we still down below...this trail goes on the Greenwells, then to ? [missed name], then to another Greenwells".

[Hannah] on the Judd Trail, "when my ancestors who ranched, they would use the trail. Same thing when you look at the Judd Trail. [you know] in that time, when Judd was commissioned to build the trail, there was still this thing about land divisions and place names". These were working trails used in the ranching era...and probably maintained by the ranchers.

[Sonny] "when they would make the trail, they would go and sleep...they don't make the trail all at once. It's easier to cut across, where can see more, then to cut a trail up the way we came. I work Kapapala and other areas, and look for areas that are suitable for making/building trails.

[Hannah on bird hunters] "we're talking about the interior for ranching, but before that...I've read in Kona legends, when they talk about the stories that tells of the flows of Kaupulehu and PuhiaPele, and also they mention Waha Pele, and when they see the fires at Waha Pele, they muse as to whether the bird hunters would 'uwa'u before they would come. [Sonny Keakealani adds in that "it was a sign for us to come let know"]. So there was that coming into the interior of the islands, when we talk about land use and we discuss pig hunting, sheep hunting, goat hunting, I look at the boundary commission and that was before there was pig hunting and goat hunting, but we did hunt in the interior of the island. We were coming for birds, whether for food or feathers, we were talking about earlier. Again you have these trails that were utilized by warriors. You have Umi and the stories of his tactics, need to cruise in the interior of the island then drop down on his adversaries below. And the 'uwa'u hunters, the forest men who would come to *kalai* the trees, and then the ranchers utilizing all of those resources."

[Sonny] "you know this thing about I heard it was taboo in the 1800s Hannah, and I was told that there were only certain people who could go get the birds. They would pluck the feathers for the cape for the *ali'i*. They would pluck from the *i'wi*, the *'elepaio* and *'apapane*, those three...and they've been plucked, remember I was talking about the *olona*...that they drop on the branches like this (demonstrating). They did it with my great uncle, Kai'iwa (spelling?), and then when the *i'wi* or the *'elepaio* land on, then this gluey thing would get stuck on their feet. Then they'd just pluck the feathers and let 'em go. See you don't kill the birds for their feathers. Only certain *ali'i* knew how to do this. [Frank Silva agrees with the releasing of the birds, adding that it would take so many feathers]. Dad used to do it with grandpa Kai'iwa, my grand uncle but we called him grandpa. Grandpa was Kaiwinuinui.

[Frank Silva] On the plant, *olona*...we'd see the birds hanging by the tail, stuck on the wings, flying but can't go nowhere. Its stuck on its wings. Quite a few times. I'd go up on the horse from underneath and let the things go."

[Hannah] Discussing the use of dry and wet forest plants of the area. "I used to visit with the Keakealani family to learn more about the wet land items. Natural and cultural resources are one...we split them but they're one. And we're part of it. When we treat

man at a distance, when we're talking about the ecosystem, we're talking about ourselves. We are part of it".

UP: were there other names for these trails or have the same names been passed on from family to family?

[Sonny] "the name always stayed. We only heard our parents talk about it. I never did travel but then my dad talked about it...he used to tell me grandpa Mahone used to go from Kurtistown (?), yeah. But he used to walk across Puala come out to `Umi, and then to Ona'a, and then down to ferry's from here."

Alan Greenwell, Frank Silva and Ku`ulei describe how they used to travel the trails from Kalenaaina (Keauhou) to other places. The discussion involves everyone who has familiarity with the area. [Kepa shows his maps for the different sites and features in the area. A vast trail system exists in the area. Perhaps the most important thing is listening to the fact that all of these people had intimate knowledge about the trail system in the area, their uses, and the families/resources, etc. that the trails served.]

[Frank Silva] on water sources. "Bet you there's a water hole in the ground someplace (this is en route to *Ahu a `Umi*, while on the mid-upper slopes of Hualālai), cuz before I first of the month, I would saddle up and ride up all the way to *Ahu a `Umi*. I would look for water sources, measure amount of water. And the entire area would be bone dry. No water hole with water. You know Keholo, the pond had disappeared. Right outside Kipuna Gulch, I stay there, and the dog ran off. It came back soak and wet. The two dogs, I hardly been cooling off, when they come back. They found the water. Round here (on top of Hualālai), you get water hole. When you get 4 inches [down there], you get about ½ a inch up here. But then once in a while you get up to 3 inches. You can get heavy rains once in a while."

[Kepa – have you seen changes in the landscape from the time that you first traveled the area? Are these changes seen in the rainfall and things also? Have the patterns of weather changed also?]

[Frank Silva] Before, we used to have rain always...drive cattle from 9 in the morning, soak and wet, rain, rain. Rain, water would be pouring down over there up Hualālai. Rain would be pouring down; Punahou pad would be like a swamp...with ducks. Ducks would come over there. [no more water in it now...A. Greenwell]. You remember when Sonny Wilson would chase the cattle inside the swamps there, pretty bad yet but it'd be worse then going up the hill. It would be muddy."

Sonny, Alan and Hannah add in that there was a lot more rain in the past historic times in comparison to today. Hannah compares the Kona weather pattern to what is seen on Oahu today. The rain is erratic over time. You see less volume; you still get the same weather but less rain.

[Alan Greenwell] “before in the summertime, the areas down below were swamp. A place like Malokalo had rain all the time.”

Sounds from *Apapane* and *I'iwi* abound as we walk around the top of Hualālai. We're on the top of Pu`u Ikaka, Mauna Loa is to the south, Pūlehua (named after the bird catchers would using gummed-up lehua branches in trapping the birds. Frank Silva says that the area is Pu`u Lehua, a lot of guys would say this way because of the hill there. Ruth Greenwell disagrees based on what she's seen in writing about the area. To the bottom right of Moana Loa is Keapuna. The writing of the area's name differs in writings. Pōhakuloa Hill is immediately in front of us. Frank Silva worked this area and could place things like where the 50 gallon water tank was for the cattle he rode up here.

Pu`u Keanui, the site of a state cabin; it's the Nene restoration station. *Ohia Nui* is an area adjacent to Pu`u Keanui. Up towards Moana Loa, there is McCandless lands. Several different families own ranches up here, in addition to Bishop Estate lands, the Greenwells, etc. We're surrounded by, *ohia*, *lehua*, *mamane*. The forest begins to thin out at this altitude. The view is spectacular, looking back towards Kealakekua and Kailua-Kona.

[Frank Silva]. “Every first of the month, I'd saddle up and head up here on a horse. There used to water all the way here..all the water's gone. But this back in about 50, up to about 56. I'd leave sometimes 5 o'clock in the morning. Get my dogs and horses and go. I'd spend the day up here and go back home by 7 or 8 at night. I used to ride all day. Now, too many horse try to make me carry them! Too many accidents with horses today. I can't ride any more.”

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At *Ahu a Umi* ... talking with Alan and Dickie Greenwell, Sonny Keakealani and Frank Silva

[Usha: do you folks remember people coming up to *Ahu a Umi* to use it for specific ceremonies? In your time?]

[Sonny] “it was sort of a resting area. When my father and them come, they would rest up here. They would climb over to the other side (towards Waimea). There's been all kinds of stories. I've been up here only when they take away those Kawila sticks”. [Frank] “your hear so many stories, but over the years, I think nobody wrote about them. there's so many stories but over the years, nobody talk about it”. [Sonny] “it was sort of like an intersection, with Judd Trail, and continues on down to Kailua”.

[Usha: did either of you go up to *Ahu a Umi* much?]

[Sonny] “we just come holoholo”. [Frank] “we used to bring the wife and kids up here. Once a month, we'd come up. We'd bring them up in jeeps”. [Sonny] “with us, we just come up on horse but the family...we need to drive em up”.

## Cindy Freitas

Aloha. I am Cindy Freitas. C-I-N-D-Y, Freitas, F-R-E-I-T-A-S. I'm a culture practitioner from a long line of practitioners. Prior to 1776. The EIS is unacceptable to me for one reason -- for many reasons. I know SHPD had recorded a lot of stuff up there. 1998, the 12 [inaudible] up there. 1986, the habitation of the cave up there. 2015, the carrying stick, which I think is something else that I saw. The cordage of the kaula, which is the coconut fibers and husk. But I think you left out the bones. Our ancestors were smart people who cultivate the land, who grow food to provide for their people. And one thing about the kumulipo, they buried themselves on the land. So there is a lot of missing things in here. I see some. But the main important stuff is the iwi, which I know it's up there. And that's why I'm here today, because they call upon me to come and talk. There is a lot of missing pieces up there, and that's why I feel the EIS is unacceptable. In all due respect to the PTA, I honor you guys in what you do to protect and serve, but I don't think you are serving for the people, especially those of my ancestors who was there way before my time, way before your time, who have done what they had to do. I can say in the provision of 711-1107 HRS of desecration of a sacred place, a burial place, that is what that rule is. HRS 711-1107 is what you are missing in your EIS. Desecration of our land. So in all due respect to you guys, and mahalo for this opportunity, mahalo.

## Ella Friedman

Pōhakuloa is not a place for military training. It has adverse impacts on Hawaiian cultural practices, natural resources, wildlife, and more. The land needs to be preserved, not taken from the people who care for it most. Land and nature has a connection to Hawaiians that many fail to understand. The land is sacred and revered, that belief has been there since the Ancient Hawaiians. Your desecration of Hawai'i must stop.

## Mackenzie Fugett

No need. It is harmful to our native plants, birds and people whose ancestors are buried.

## Keala Fung

I do not support any military training in The Pohakuloa area, The military needs To permanently and completely vacate the area as well as remove any trace of its existence in that area, and restore the space to its natural state before the military occupied that area.

# Len Gambla

Good day,

Thank you for soliciting comments. The document is quite extensive and almost thorough. My comments are less on the merits of the EIS and more on the assumptions that feed into the narrative.

I would like to comment on items that are not in the document rather than address what is in the document. I believe having all of the information and understanding the assumptions is more important than discussing the merit of the information within. You are setting the conditions with a pre-determined outcome and while I can appreciate such an effort, let's look outside the Army box for a minute.

First, three alternatives are mentioned with a fourth as an afterthought... "The Army developed three action alternatives for the Proposed Action..." However, what is missing are alternatives numbered five and greater outside of Hawaii. Clearly those must be under deliberation by the U.S. Army and while not specifically part of this exercise, could have been noted. Otherwise, under-informed individuals might not be aware that further alternatives exist.

Second, perhaps it's the assumption of the 'mission' that needs to be examined. Again, while not the focus of this document, it underpins the planning and the rationale for the three action alternatives. I would assert that refocusing the mission would be a better focus of efforts. I would love to see the Army's assessment of the chances that the U.S. will be invaded in a land war. I would assert it's very low.

Thus, the 'mission' as implied is to help our allies who might get invaded. This goes back to my point about redefining our mission. In short, I would say we focus less on being the world's policeman and more on working with other countries. Look for other less offensive 'action alternatives'.

Without going into a long diatribe, I wholly support ES.8.4 No Action Alternative. The U.S. Army has considerable resources and I am sure with enough effort, a suitable non-Hawaii based alternative can be found -- especially if the underlying 'mission' is reconsidered as we reduce our policeman role around the world.

I understand this might be hard to understand. If your going in philosophy is centered around 'war' it will be hard to understand what I'm saying. However, if your view is not on a mission that focuses on 'war', then the chances are you will be better to see alternatives. Conversely, if my view was only on 'peace' I might not see your point of view. What I am saying is that there is a middle ground.

Set the conditions for this middle ground concept. Then put your considerable resources together and try to see what I am referencing here and provide action alternatives in this vein.

Again thanks,

Len Gambla

## Mary Garcia

The sacred islands of Hawaii have been littered and destroyed for far too long. Why is the military using these lands to train anyway? There's plenty of other sacred lands on the mainland they could choose from. Oh wait, they already did that. So, not only are we taking the ancestral homes from the indigenous peoples of what we call "America" but we're also blowing some of their most sacred sites to smithereens and rendering the earth as good as poison. The selfish greediness of the government would rather destroy the Earth and have a battle of ego by showing larger guns, as opposed to cultivating the land from coast to coast in order to create prosperity and nourishment for its people to thrive and create a better future? Why should we give them permission to play with their deadly toys on the aina that cares for so many? Why should we give them permission to do that to any of the lands that they have stolen from their rightful stewards? Besides, if this lease were to expire without renewal, would they even leave? Would they return the land? Sounds almost impossible. Still, what if we didn't renew it. I think that's a solid idea to take a step in the right direction, to return this land to its rightful guardians.

## Cassandra Giarrusso

Hello, my name is Cassandra Giarrusso, and put quite simply, we need to return as much land to Native Hawaiians as humanly possible, because we as a country, the U.S. government, took this land from Native Hawaiians without asking 70 years ago, and we haven't done anything to help them to give it back to them since, and if we can -- even if a little bit helps. So thank you. Have a nice day. Bye.

## Michelle Glowa

As the daughter of two parents who grew up in military families living for periods of time on the Hawaiian islands, I feel particularly aware of the grave impact militarism has had on the land, culture, and people of Hawai'i. The Pōhakuloa Training Area covers a vast and incredibly culturally important area of land between Mauna Kea and Mauna Loa. As the largest contiguous live-fire range and maneuver training area in Hawai'i, I believe the permit should be denied, which would only reduce the PTA's size by less than 1/6th. The Army has been responsible for damaging sensitive native ecosystems, leaving unexploded ordnance, depleted uranium, and other contaminants, and causing harm to Native Hawaiian cultural sites. In 2018 the State Circuit Court ruled in *Ching v. Case* that the DLNR failed to care for the PTA forsaking inspections over the first nearly 50 years of the lease. Judge Chang upheld Hawaiian land ethics ruling that the state has a duty to "mālama 'āina". The Judge called two DLNR inspection reports "grossly inadequate". It is now the state's responsibility to clean up the land. This does not include extending the permit to the polluter to continue this gross negligence and disrespect for the land. This land should be returned to Native Hawaiians and protected from continued degradation. The DEIR correctly states that even with mitigation "the cumulative impacts on cultural resources has been, and will continue to be, significant". To have a munitions and military training base over archaeological and spiritual sites is antithetical to respecting the sacredness of the land.

## Bridget Goerke

I stand with and support the Native Hawaiians who disagree with how their sacred land is being used for military training. It is their right to the land and the land should be treated properly. Please stop all military trainings at PTA.

# Randy Goff

Oppose.

We must protect our natural resources and native indigenous plants and animals that are under attack all over the world.

Help us save what is left - give the land back to the people of Hawaii for protection of this beautiful state

# Lou Gold

I am very concerned that the EIS be conducted on all the relevant issues and resident concerns.

Please give full consideration to the concerns detailed in the PDF files of the technical comments submitted by Cory Harden and the Sierra Club, which I am uploading with this submission.

Thank you in advance for treating these concerns with utmost attention and seriousness.

Sincerely,

Lou Gold

Sierra Club, Hawai'i Island Group comments on  
Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement  
<https://home.army.mil/hawaii/index.php/ptaeis/project-home>

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf)

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf)

comments due June 7, 2022  
to [ATLR-PTA-EIS@G70.DESIGN](mailto:ATLR-PTA-EIS@G70.DESIGN) or <https://atlrptaeis.commentinput.com/?id=iSY57>  
comments from [333cory@gmail.com](mailto:333cory@gmail.com)

### **GENERAL COMMENTS**

*Both the proposed action and the EIS analysis raise serious concerns.*

*The EIS should explain how the Army can legally own or use the land although the United States controls Hawai'i illegally.*

*Claims that land retention is necessary are not credible, since the military also claimed Kaho'olawe, the Kapūkakī (Red Hill) fuel tanks, and Stykers were necessary.*

*The EIS should describe how the State can meet fiduciary obligations to native Hawaiians and the public to protect the land, if it is retained, since the Army is a bad actor that has left the land in degraded and hazardous condition, at Pōhakuloa and other sites.*

*The EIS should include a plan and commitment to cleaning up debris and toxins before the lease expires.*

*The EIS should explain how military use is allowable in a conservation district.*

*The EIS should explain why the Army sited critical infrastructure on land with a temporary lease.*

*Impacts to native species should be described, as well as impacts from invasive species and the success of past control methods.*

*Cultural resource data is insufficient to support EIS conclusions: archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013, and the sole ethnographic study failed to use Hawaiian language resources. The Cultural Resources Management Program has been hampered by lack of training, technical issues, inadequate facilities, and project delays. There are few specifics on how the Army will remedy the lack of access, which is still a problem after five decades on the lease, and impacts many cultural practices.*

*For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go into the impact area. But personnel went in to check for depleted uranium, and even did construction in the impact area for a new training range*

*Studies and monitoring cited by the EIS for depleted uranium are inadequate.*

*A full analysis of greenhouse gas emissions is needed, but is not even attempted.*

*There is inadequate analysis of noise that can be heard miles away, and of concussions that can affect travelers on Saddle Road.*

*Socioeconomic analysis should include the cost of cleanup of the impact area and the rest of the base after base closure, and the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc.*

*Impacts to traffic and road wear are inadequately addressed for convoys every 2 to 4 weeks, plus trucks for water, fuel, and other supplies.*

*Analysis of fire impacts fails to mention serious concerns about staffing and equipment, and the history of several past fires.*

*Long-term impacts beyond the base's borders are only considered for training, but should also be considered for the environment. Cumulative impact analysis should include a list of all current and former military sites on Hawai'i Island, with their cleanup status. It should also evaluate the impacts of future pumping for the training area from groundwater that has minimal recharge.*

*The preferred alternative should be specified.*

*A legal basis should be given for treating certain comments as "not substantive".*

## **SPECIFIC COMMENTS**

### **Chapter 1 PURPOSE OF AND NEED FOR THE PROPOSED ACTION**

#### **1.3 Purpose and Need**

##### **1.3.3 Need**

The Proposed Action is needed to preserve limited maneuver area, provide austere environment training, enable access between major parcels of U.S. Government-owned land in PTA, retain substantial infrastructure investments, allow for future facility and infrastructure modernization, and maximize use of the impact area in support of USARHAW-coordinated training...

Retention of maneuver area on State-owned land at PTA is important for maneuver, live-fire, and nonlive-fire training, and to accommodate larger than company-sized units for training exercises.

Despite the availability of land at PTA, land suitable for maneuver area is limited. A majority of PTA consists of the impact area and land unsuitable or restricted due to physical constraints. Approximately 54 percent of PTA's unrestricted maneuver area is located on the State-owned land...

Critical facilities (e.g., BAX, ammunition storage locations), utilities (e.g., electricity, potable water, communications), and infrastructure (e.g., roads, firebreaks/fuel breaks) are located on the State-owned land...Federal directives... specify that to carry out military improvements or modernization efforts, a long-term interest (i.e., 25 years) in the land must be acquired. With fewer than 10 years remaining on the lease of State-owned land, these directives limit the Army's ability to invest in improvements at PTA. USARHAW is unable to modernize existing facilities on the State-owned land without a long-term land retention agreement in place...

No other training area in Hawai'i can accommodate collective training at larger than company size. As currently configured, PTA provides the maneuver area, SUA, training features and facilities needed to

meet USARHAW training requirements for Hawai'i-based units. PTA provides the longest distance for indirect-fire weapons (i.e., artillery and mortars) among all training areas within 1,000 miles.

*p. 1-14*

*Give reasons why claims that the military must have this land are credible, given that the military also claimed it could not manage without Kaho'olawe, Kapūkakāi (Red Hill) fuel storage, and Strykers.*

*Explain the rationale for siting "critical facilities" on the State land though there was no guarantee of retaining it after 65 years and a directive prohibiting "improvements or modernization efforts" in the last 25 years of the lease. Was there an intent to create political pressure to allow retention?*

## **1.4 Scope and Content of the EIS**

### **1.4.2 Regulatory Compliance Associated with the Proposed Action**

#### **Hawai'i Administrative Rules Chapter 13-5 Conservation District Rules**

The region including and surrounding PTA was included in the conservation district. The lease for Army use of State-owned land was signed in August 1964, prior to the enactment of HRS Chapter 183C. Per the statute and its enacting rule, HAR Chapter 13-5, Conservation District, lawful use of land prior to October 1, 1964, is considered nonconforming...

Military use is not included as an allowable use for any conservation district subzone. HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources (BLNR). Any request for a permit would follow the EIS process and determination of the land retention estate(s) and method(s)...

*p. 1-17*

*See comments re. 3.2.4.1 Land Tenure; State Land Use Districts.*

## **1.6 Public Participation**

### **1.6.2 Scoping**

For this EIS, comments that help refine the Proposed Action or alternatives; identify specific resource analysis to be conducted in the EIS (e.g., cultural resources, biological resources, hazardous waste); and/or recommend technical data, specific impacts or mitigation measures were considered substantive. Statements considered to not be substantive were general comments with no specific information, such as those that stated preferences for or against the Proposed Action, military, or Army in Hawai'i.

*p. 1-21*

*Cite the legal basis for this refusal to even consider certain comments.*

*If large numbers of commenters strongly support or oppose the Proposed Action, military, or Army in Hawai'i, that is significant. Those comments should be reported in the Final EIS.*

## **2.2 Alternatives Considered**

*p. 2-7*

*The EIS should analyze impacts under ownership, lease, easement, and license for Alternatives 1, 2, and 3, since each form of control over the land entails different levels of oversight and restriction.*

## 2.4 Preferred Alternative

The Preferred Alternative [ownership, lease, easement, or license] will be identified in the Final EIS.

*The Preferred Alternative should be identified and analyzed in the Draft EIS so the public can comment.*

## 3.1 Introduction

### 3.1.4 Analysis Methodology

#### Region of Influence

*For impacts to the environment, the EIS limits consideration to the immediate action. But for impacts to training if the land is not retained, the EIS extends consideration to long-term impacts extending far beyond the borders of the base. Impacts to the environment should receive the same type and level of consideration.*

## 3.2 Land Use

### 3.2.2 Regulatory Framework

*p. 3-6*

*Describe how the State's and DHHL's legal obligations to beneficiaries will be met under each alternative. From Ching v. Case:*

*...“ceded land”...are lands that were held by the civil government or the monarchy of the Hawaiian Kingdom at the time of the 1893 overthrow of the Hawaiian monarchy. See Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254. When the United States annexed Hawai'i by a joint resolution of Congress in 1898, real property that had been classified as government lands or crown lands was ceded to the federal government. Id. Recognizing their special character, the Joint Resolution of Annexation exempted these lands from the general laws of the United States that governed federal land. State ex rel. Kobayashi v. Zimring, 58 Haw. 106, 124, 566 P.2d 725, 736 (1977) (citing Joint Resolution of July 7, 1898, 30 Stat. 750). Instead, the resolution specified that these lands should be held in a “special trust” for the benefit of the people of Hawai'i. Id. When Hawai'i was admitted into the Union as a state in 1959, these ceded lands were transferred back to the newly established state, subject to the trust provisions set forth in section 5(f) of the Admission Act. Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254 (citing Hawaii Admission Act, Pub. L. No. 86–3, 73 Stat. 4, 6 (1959)). Article XII, section 4 was later added to the Hawai'i Constitution to formally recognize these responsibilities, specifying that the land “shall be held by the State as a public trust for native Hawaiians and the general public.” 47 Id. at 586, 837 P.2d at 1254 (quoting Haw. Const. art. XII, § 4). At that same time, the framers and the people of Hawai'i adopted article XI, section 1, which created a public trust consisting of “all public natural resources” to be administered by the State for the benefit of the people. 48 Haw. Const. art. XI, § 1. 47*

*As the State concedes, our case law and the common law of trusts make the State “subject to certain general trust duties, such as a general duty to preserve trust property.” See, e.g., Zimring, 58 Haw. at 121, 566 P.2d at 735 (“Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use.”); Kaho'ohanohano v. State, 114 Hawai'i 302, 325, 162 P.3d 696, 719 (2007) (“[It] is always the duty of a trustee to protect the trust property . . . .” (quoting Brenizer v. Supreme Council, Royal Arcanum, 53 S.E. 835, 838 (N.C. 1906))); In re Estate of Dwight, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) (“A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property.” (citing Bishop v. Pittman, 33 Haw. 647, 654 (Haw. Terr. 1935))); Restatement (Second) of Trusts § 176 (“The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property.”). 49 As trustee, the State must take an active role in preserving trust*

*property and may not passively allow it to fall into ruin. United States v. White Mt. Apache Tribe, 537 U.S. 465, 475 (2003) (“[E]lementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on [the fiduciary’s] watch.”).*

*Ching v. Case decision, August 23, 2019, SCAP-18-0000432, pp. 73 - 76*

*<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>*

### **3.2.4.1 Land Tenure**

#### **Ownership**

Current laws and legal rulings affirm the State-owned land at PTA was legally transferred to the State.  
*p. 3-7*

*How could the land could be legally transferred, when the United States controls Hawai’i illegally?*

*“The Congress... apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination...”*

*Public Law 103-150—Nov. 23, 1993*

*<https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>*

*Cite any laws and court decisions that demonstrate the land was transferred legally from the nation of Hawai’i; and that the Army has a right to lease the land, buy it, or take it by eminent domain.*

#### **State General Lease No. S-3849**

[upon lease expiration] Weapons and shells used in connection with training activities are to be removed to the extent that technical and economic capability exists and provided that expenditure for removal would not exceed the fair market value of the land.

*p. 3-11*

*To demonstrate good faith, the EIS should include a commitment to clean up the land, before the lease expires, to its condition before the lease began, although there are laws and lease provisions that would allow no cleanup. The Army should provide specific details and timeline to clearly insure that clean-up would be complete by the end of the lease.*

#### **State Land Use Districts**

All of PTA was classified as conservation district under the State’s 1961 Land Use Law. Hawai’i conservation district statute and rules, HRS Chapter 183C and HAR Chapter 13-5, were enacted in 1964. Lawful use of land, established prior to October 1, 1964, is considered nonconforming. The statute and rule define nonconforming as “the lawful use of any building, premises or land for any . . . purposes which is the same as and no greater than that established prior to October 1, 1964 . . .” The lease for military use of the approximately 23,000 acres at PTA was signed on August 16, 1964, and is considered nonconforming per HRS Chapter 183C and HAR Chapter 13-5.

*p. 3-12*

Military use is not defined as an allowable use for any conservation district subzone, but HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules.

*p. 3-14*

*Specify how this action will comply with HAR Chapter 13-5, especially 13-5-30 (c):*

*“(c) In evaluating the merits of a proposed land use, the department or board shall apply the following criteria:*

- (1) The proposed land use is consistent with the purpose of the conservation district;*
- (2) The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;*
- (3) The proposed land use complies with provisions and guidelines contained in chapter 205A, HRS, entitled “Coastal Zone Management” where applicable*
- (4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region;*
- (5) The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;*
- (6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;*
- (7) subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and*
- (8) The proposed land use will not be materially detrimental to the public health, safety and welfare.*

*The applicant shall have the burden of demonstrating that a proposed land use is consistent with the above criteria.”*

### **3.3 Biological Resources**

*Analyze impacts on 'ua'u.*

*Analyze extent and impacts of invasive species (goats, fountain grass, Russian thistle, fireweed, etc). Describe success of past control methods.*

### **3.4 Cultural Resources**

#### **3.4.2 Regulatory Framework**

The adverse effects at PTA resulting from ongoing activities on historic properties have been taken into account through the Section 106 consultation process. That process resulted in a 2018 programmatic agreement (PA) to resolve adverse effects...

*p. 3-41*

*See comments re. 3.4.4.3 and 3.4.4.5.*

#### **3.4.3 Region of Influence**

The CIA [Cultural Impact Assessment] prepared for this EIS considered the geographic extent for traditional and customary practices as the region between Mauna Kea, Mauna Loa, and Hualālai, known generally as the Saddle Region.

*p. 3-42*

*Justify the limited geographic area in light of this statement from the Cultural Impact Assessment:*

*Sites of religious and cultural significance are, by their nature, often difficult to define, identify, and map.*

*CIA p. 354*

#### **3.4.4.3 Previous Cultural Resources Studies**

##### **Archaeological Investigations**

Of the approximately 23,000 acres that comprise the State-owned land, approximately 12,050 acres have been subjected to Phase I inventory survey...

*p. 3-45*

**Table 3-6 Archaeological Coverage of State-Owned Land at Pōhakuloa Training Area**

*p. 3-48 [most recent survey is 2013]*

**Ethnographic Studies**

A 2012 ethnographic study was commissioned, completed and accepted by the Army for PTA: “Ethnographic Study of Pohakuloa Training Area and Central Hāmākua District, Island of Hawai‘i, State of Hawai‘i” (McCoy & Orr, 2012). This is the only ethnographic or TCP study commissioned by the Army for study and/or assessment of TCPs within PTA. The study found “a general lack of information in the literature concerning cultural practices and beliefs related to the Saddle Region, when compared to other, more populated areas of Hawaii.” The study did not use any Hawaiian language resources... Since the McCoy and Orr study, no further studies for TCPs have been conducted at PTA by USAG-HI CRM staff or contractors.

*p. 3-49*

*Archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013, and the sole ethnographic study failed to use Hawaiian language resources. Justify how this limited data is sufficient to support EIS conclusions.*

**3.4.4.5 Current Management Efforts**

The Army operates a robust CRM [Cultural Resources Management] Program at PTA...

*p. 3-59*

*Justify “robust” in light of the problems revealed in the Third Annual Report for Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai‘i, Hawai‘i, January 1, 2020 through December 31, 2020.*

*Some training was skipped.*

*...Annual training for RDH [Range Division Headquarters] staff was not conducted during pandemic restrictions but will be conducted in the next reporting period. Report p. 2*

*An educational video was still not completed after three years. Report p. 3*

*It was promised in the Programmatic Agreement:*

*The USAG-Pōhakuloa, with support from U.S. Army Training Support Systems, shall, in consultation with the parties listed in Appendix H, produce a short educational video featuring NHO representatives...Programmatic Agreement, September 25, 2018, D 2 a, p. 18*

*Technical issues derailed a listening session.*

**2. III.D.2.a. Native Hawaiian Listening Session**

*b. A listening session was planned for November 5, 2020 ... Technical complications with Microsoft Teams prevented unregistered participants from logging into the meeting and as such most invitees were unable to participate. Report p. 4*

*Office facilities were inadequate for an extended time.*

*The cultural resources office is not connected to the network so the government staff flex between the isolated program office and a computer on a kitchen counter at Headquarters that is connected to a printer. Report p. 6*

*The entire base, including the impact area, needs to be surveyed, before cultural resources are destroyed by training activities. If the Army does not plan to survey, cite legal authority allowing this.*

*Some native Hawaiians report there are numerous undiscovered caves and archaeological sites in the impact area. For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go there. But they went in to check for depleted uranium, and even did construction in the impact area for a new training range. What criteria are now being used to determine when people can enter?*

### **3.4.6 Environmental Analysis**

#### **3.4.6.1 Alternative 1: Full Retention**

##### **Traditional and Customary Practices**

###### **Summary of Impacts:**

...The overall impact to traditional and customary practices under Alternative 1 would continue to be significant but mitigable through potential mitigation measures. Potential Mitigation Measures: Through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources. Level of Significance: Significant but mitigable.

*p. 3-64*

*Explain why access is still a problem after over five decades on the lease.*

*Supply a history of requests for access, including which requests were granted, and which requests were denied and why.*

*Describe fully how access will be provided.*

*Include this information from the Cultural Impact Assessment:*

*Eleven cultural practices are “adversely impacted by limitation of access”. CIA, Table 25, p. 361*

*“...the acquisition of lands by foreigners, including the U.S. Military, has caused and continues to cause Hawaiians pain and even trauma...the obligation of the state to ensure that these rights [for traditional or customary access] are protected is much more than a legal obligation, as such rights are a necessity of indigenous human life...”*

*CIA, p. 365*

### **3.5 Hazardous and Toxic Materials and Wastes**

#### **3.5.3 Region of Influence**

The ROI for hazardous and toxic materials and wastes is the area on and immediately surrounding the State-owned land.

*p. 3-71*

*The ROI should include areas through which such materials and wastes are transported, and areas where they are disposed of.*

#### **3.5.4 Existing Conditions**

##### **3.5.4.1 Petroleum, Oils, and Lubricants**

During 2017, in support of the ECOP [Environmental Condition of Property], the Army conducted a preliminary screening within areas of concern of the State-owned land. The preliminary screening included soil sampling at FARP 18 that indicated that concentrations of total petroleum hydrocarbons (TPH) as diesel range organics (DRO) and TPH as residual range organics exceeded DOH EALs and/or USEPA Region 9 RSLs and are considered contaminants of concern (COC) that potentially pose an

unacceptable risk to site users. The TPH contamination was attributed to active training where aircraft refueling operations are performed...

*p. 3-74*

#### **Storage Tanks**

During the 2017 sampling effort for the ECOP, the TPH-DRO Exposure Point Concentration (EPC) result sample collected around the AST inside the enclosure fence line exceeded the DOH EALs for Leaching and Groundwater Protection; however, the result was below the DOH EAL for direct exposure and there are no established USEPA preliminary remediation goals for TPH-DRO for either direct exposure scenarios or protection of groundwater. Because direct exposure pathways for groundwater are considered incomplete within the State-owned land, an EPC exceedance of the DOH EALs for protection of groundwater was not considered to pose an unacceptable risk to human health (USACE-POH & USAGHI, 2017b). Based on this result, TPH-DRO is not a COC at the sampled location..

*p. 3-74*

#### **3.5.4.3 Other Contaminated Areas of Concern**

##### **Current Burn Pan Area (South of TA 13)**

During the 2017 ECOP sampling, naphthalene and copper EPC results from soil samples collected in this area exceeded the USEPA RSLs for Risk-Based Soil Screening Level; however, none of these metals are COCs on the basis of this screening level exceedance because the pathway for leaching to groundwater is considered incomplete within the State-owned land (USACE-POH & USAG-HI, 2017b). Additionally, the EPCs for naphthalene and copper are below the DOH EALs for the protection of groundwater.

*p. 3-76*

##### **Former Debris Pile (TA 21)**

During the 2017 ECOP sampling, naphthalene and copper EPC results from soil samples collected in this area exceeded the USEPA RSLs for Risk-Based Soil Screening Level; however, none of these metals are COCs on the basis of this screening level exceedance because the pathway for leaching to groundwater is considered incomplete within the State-owned land (USACE-POH & USAG-HI, 2017b). Additionally, the EPCs for naphthalene and copper are below the DOH EALs for the protection of groundwater. *p. 3-76*

##### **Battle Area Complex V-10 (TA 7/8)**

Samples collected from the BAX Target V-10 area contained concentrations of COCs (antimony, lead, and zirconium) that potentially pose unacceptable risks to site users (USACE-POH & USAG-HI, 2017b). The risk posed by COCs are through a direct exposure pathway and are unlikely to mobilize off-site.

*p. 3-76*

##### **3.5.4.11 Military Munitions and Munitions and Explosives of Concern**

Despite cleanup efforts, erratic bullets and gun components have been found on the TAs, FPs, and ranges.

*p. 3-79*

Soil sampling has not been performed on all the TAs, [training areas] FPs, [firing points] and ranges to determine the presence or absence of MCs. [munitions constituents]

*p. 3-79*

The Former Bazooka Range, including the High Mortar Concentration Area, is on TA 17 and measures approximately 60 acres... In 2015, the site underwent a surface only cleanup action that removed over 1,000 pounds of visible munitions debris. The debris was heavily concentrated within an 11-acre central location (USACE-POH & USAG-HI, 2017a). Subsurface military munitions have not been addressed.

*p. 3-79*

During the construction of the DKI Highway, subsurface investigations identified MEC including mortars. Therefore, there is a potential for MEC to be found anywhere on the State-owned land. If MEC is discovered, the Army immediately responds and deactivates and removes the item...

*p. 3-80*

*Specify what will be done to clean up all these hazardous and toxic materials before the current lease expires.*

*Retention of the land would allow more firing into the impact area. For years, EISs for Pohakuloa have said the impact area will be cleaned up after the base is closed. But we know Kaho'olawe and other former military sites remain in hazardous condition despite similar promises. Will the Army post a bond to ensure cleanup of the impact area?*

#### **3.5.4.12 Radioactive Materials**

*Include and evaluate information from the “Independent Review of Pohakuloa Training Area (PTA): Depleted Uranium from the Davey Crockett Weapon System”, attached.*

*Explain why that review, posted about 2008 on the Army “Depleted Uranium in Hawaii” website (<https://home.army.mil/hawaii/index.php/garrison/dpw/du>), has now disappeared from the website.*

*Include and evaluate information from Cory Harden’s May 28, 2013 e-mail to Gary Gill, attached.*

*Address the concerns raised in comments on this EIS by Mike Reimer, a retired geologist who has been communicating his concerns about DU to the Army and Nuclear Regulatory Commission for years. For example, he states that the one test sample for 133,000 acres is grossly inadequate, and risks from inhaled DU oxides, that lodge in the lungs and emit radiation directly into body tissues for years, are not even being considered.*

### **3.6 Air Quality and Greenhouse Gases**

#### **3.6.2 Regulatory Framework**

A quantitative, full life-cycle analysis of GHG emissions (i.e., CO<sub>2</sub>, methane, and nitrous oxide emissions from direct Army activities on PTA as well as from indirect activities such as manufacturing and shipping equipment and materiel and troop movements to and from PTA) and their associated social costs has not been performed because there are no tools, methodologies, or data inputs reasonably available to support such calculations for a real estate transaction, such as the Proposed Action.

*p. 3-89*

*Define “reasonably available”.*

*This analysis must be done to give decision-makers full information.*

#### **3.6.3 Region of Influence**

While the effects of climate change are felt worldwide, they differ greatly depending on the region or locality. Therefore, the ROI for the effects of climate change is the island of Hawai‘i.

*p. 3-89*

*Since effects are felt worldwide, the ROI should be worldwide.*

#### **3.6.4 Existing Conditions**

##### **Regional Air Quality**

No monitoring stations are located within PTA, and the nearest air monitoring station is located in Hilo, approximately 25 miles from PTA.

*p. 3-89*

*There should be monitoring stations in or near PTA to assess impacts of military operations.*

## **Climate Change**

No new impacts from GHG emissions would occur, but long-term, minor, direct and indirect, adverse impacts from GHGs would continue from activities within the State-owned land...The continued production of identical levels of GHGs would not meaningfully contribute to the potential impacts of global climate change.

*p. 3-93*

*Evaluate GHG emissions from all actions that will be enabled by retention of the land.*

## **3.7 Noise**

### **3.7.3 Region of Influence**

The ROI extends into surrounding areas on and around PTA that might be affected by aircraft conducting training on PTA or military munitions noise.

*p. 3-101*

*The ROI should include much of the island--residents report hearing explosions as far away as Kurtistown, and having windows rattled in Honoka'a.*

*Concussions should also be analyzed—one resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing.*

## **3.9 Water Resources**

### **3.9.2 Regulatory Framework**

The State-owned land is located above the UIC line indicating that the site overlies a potential drinking water source.

*p. 3-129*

### **3.9.4 Existing Conditions**

#### **3.9.4.1 Groundwater and Watershed**

Carbon-14 age dating conducted on water retrieved from PTA-2 from the regional high-level aquifer that underlies the saddle area yielded an age of 5,000 years. A similar age of 5,000 years was measured in the groundwater pumped from the Waiki'i well to the northwest...

Due to the depth of groundwater beneath the State-owned land and the minimal direct recharge from infiltration of rainfall that falls on the State-owned land, existing impacts to groundwater from training are less than significant. Limited surface water and groundwater pathways on State-owned land pose minor potential impact to soil and groundwater quality (Section 3.5.4).

*p. 3-134*

*A number of EISs for Pōhakuloa have also claimed minor impacts to groundwater because of its depth. At what depth would impacts from training become significant?*

*The proposed action would enable numerous future actions including removing groundwater for Army use. Since there is "minimal direct recharge"—apparently almost none in 5,000 years--would Army removal of water deplete the groundwater used by the Army and Waiki'i Ranch, and (in the future) nearby DHHL lands?*

## **3.10 Socioeconomics**

*p. 3-140*

*Include the cost of cleanup of the impact area and the rest of the base after the base is closed. For reference include the cost of cleanup on Koho'olawe—which is not even completely cleaned up.*

*Calculate the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc.*

### **3.11 Environmental Justice**

#### **3.11.3 Region of Influence**

*p. 3-151*

*Analyze impacts to people driving by, hunting, or visiting Mauna Kea Park, and also to people living miles away, who are affected by cultural impacts, as well as by noise and concussions from weapons firing, explosions, aircraft, etc.*

#### **Air Quality and Greenhouse Gases**

*...air quality impacts would not adversely affect any populations...*

*p. 3-152*

*Greenhouse gases generated by military activity affect everyone on Earth through climate change.*

### **3.12 Transportation and Traffic**

*Since 2012, media releases to the public about convoy transport between PTA and Kawaihae Harbor have varied from 11 to 25 releases per year..*

*p. 3-169*

**Summary of Impacts:** *Alternative 1 would result in no new impacts on PTA and regional transportation systems and traffic; however, continued long-term, minor, adverse impacts on PTA and regional transportation systems and traffic would occur due to ongoing activities within the State-owned land.*

**Potential Mitigation Measures:** *None recommended.*

**Level of Significance:** *Less than significant.*

*p. 3-175*

*Provide the criteria and rationale for deciding impacts are less than significant despite a convoy every 2 to 4 weeks.*

*Analyze impacts from vehicles supplying water, fuel, food, equipment, and other supplies.*

*Calculate the cost to the County and State from wear and tear on roads.*

*A resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing several years ago. Evaluate military hazards to people using various vehicles on Saddle Road, and propose mitigation.*

*Include this information in the EIS--*

*<https://www.staradvertiser.com/2017/05/15/breaking-news/u-s-soldier-killed-in-training-incident-on-big-island/>*

*U.S. soldier killed in training incident on Big Island*

*By Star-Advertiser Staff and Associated Press May 15, 2017*

*A 36-year-old U.S. soldier has died during a training incident on Hawaii island.*

*Army Major John Landry says two soldiers were inside a military truck and were hauling equipment to a dock. He says one soldier died and a second soldier was injured and released from the hospital.*

*Both soldiers had been assigned to the 25th Infantry Division on Oahu. Big Island police say the incident happened in North Kona about 7:30 a.m. Sunday as a 20-year-old man was towing heavy machinery on a military tractor-trailer on Daniel K. Inouye Highway. The man lost control while turning left at the three-way intersection with Route 190 and the tractor-trailer struck the southbound guardrail on Route 190 before overturning into a culvert, police say. The front seat passenger was taken to Kona Community Hospital where he died at 12:35 p.m. Sunday. The driver was taken to North Hawaii Community Hospital. An autopsy has been ordered to determine the older man's exact cause of death...*

### **3.15 Utilities**

#### **3.15.4 Existing Conditions**

##### **Potable Water**

Water is regularly trucked 40 miles via 5,000-gallon tanker trucks...

##### **Fire Protection Water**

The dip tanks are refilled via 5,000-gallon water tankers...

*p. 3-194 to 3-195*

*Evaluate impacts for safety, traffic, and road wear.*

##### **Liquid Fuel**

The PTA fueling station includes gasoline, diesel, and Jet A fuel.. *p. 3-196*

*Evaluate impacts for safety, traffic, and road wear from transporting fuel.*

#### **3.16.4 Existing Conditions**

##### **Wildland Fire Management**

*p. 3-205*

*How will climate change affect fire frequency and intensity, and what steps will the Army take to deal with this?*

*Include information on inadequate staffing and equipment:*

<https://www.hawaiinewsnow.com/2022/05/12/federal-firefighters-pohakuloa-battle-army-over-safety-retaliation-complaints/>

*“ ‘We have minimal trucks available, we’re very undermanned...’ [union President Kaanapu Jaccobson] says shoddy vehicles and equipment have been ignored for years.”*

*Include information on these fires—causes, impacts, prevention measures taken in response:*

<https://www.bigislandvideonews.com/2021/08/11/10-acre-wildland-fire-reported-in-keamuku-maneuver-area/>

*...10-Acre Wildland Fire Reported In Keamuku Maneuver Area...*

<https://www.bigislandvideonews.com/2021/07/15/pohakuloa-fire-engine-catches-fire-on-highway/>

*...A Pōhakuloa Training Area fire engine caught fire on the Daniel K. Inouye Highway on Wednesday morning...*

*July 17, 2021 fire and 2018 wildland fire (also discussed in DEIS pp. 3-32 to 3-33)*

[https://www.nmfwa.org/uploads/1/0/2/2/102279086/technical\\_session\\_2019\\_03\\_03\\_3.pdf](https://www.nmfwa.org/uploads/1/0/2/2/102279086/technical_session_2019_03_03_3.pdf)

*Fire, Flora, and Feral Species: Lessons from Hawaii  
2 Case Studies of Wildfire at PTA...*

*November 2012 188-ha footprint... July 2018 585-ha footprint*

<https://www.hawaiiwildfire.org/news-center/tag/Hawaii+Island%3A+Pohakuloa>  
*February 1, 2017...Keamuku Fire Burns 770 Acres - Two Miles From Waikii Ranch*

[https://www.army.mil/article/44823/pta\\_fire\\_crews\\_control\\_flames](https://www.army.mil/article/44823/pta_fire_crews_control_flames)  
*...September 7, 2010...The wildfire at the U.S. Army Garrison-Hawaii's Pohakuloa Training Area, which began at approximately 9:30 a.m., Aug. 22, about a quarter mile east of PTA's main gate by Mauna Kea State Park, is 80-percent extinguished and has burned an estimated 1,386 acres, as of Sept. 1.*

### **4.3 Past, Present, and Reasonably Foreseeable Future Actions**

#### **4.3.1 List of Projects**

*p. 4-3*

*Include a list of all current and former military sites on Hawai'i Island.*

*For each former site, state whether it is cleaned up, or where is it in the cleanup process and when cleanup will be completed.*

*How many private properties cannot be evaluated for cleanup because owners refuse?*

*Is it still legal if a person selling property does NOT reveal that cleanup for unexploded ordnance has occurred on the property?*

*How much time and effort is the Army putting into lobbying for cleanup money, vs. time spent trying to get money for new projects?*

## **Chapter 5 OTHER REQUIRED CONSIDERATIONS**

### **5.2 Incomplete Information**

#### **5.2.2 Lease Compliance Actions**

*Explain how the State can fulfil its legal obligations to beneficiaries (see comments re. 3.2.2) if it allows the Army to retain the land, knowing that the Army is a bad actor which has violated terms of the lease for years by leaving discarded and hazardous materials on the land at Pohakuloa and other sites.*

*Review State law, past DLNR decisions, contested case decisions, and court decisions re. renewal of State leases for lessees who have not fulfilled obligations in their lease agreements, and/or have been bad actors when using non-lease lands.*

*Describe how well the Army has complied with lease requirements to avoid damage and pollution and to clean up waste. Describe steps that have been taken to clean up the area and comply with the 2019 Supreme Court decision, including any formal inspection, monitoring, and reporting process conducted by Department of Land and Natural Resources. Include future plans and timelines. Include a copy of the lease, lease amendment, and court decision, or a link to access them.*

*What is the impact of past and proposed Army activities on the public trust obligations of the state? The State of Hawai'i has responsibilities as a Trustee of the lands at issue, including fiduciary responsibilities to the beneficiaries, identified in the law as Native Hawaiians and the General Public.*

*Do the environmental impacts of the State of Hawai'i continuing to lease the trust lands to the Army benefit the beneficiaries, or is the documented degradation of the leased lands a violation of the fiduciary responsibilities? (See Ching v Case SCAP-18-0000432)*

*What is the fair market value of the land the Army is currently using? Has the State of Hawaii carried out its trust obligations to the beneficiaries when the lease fee is \$1 for the entire 65 years? If the land is rendered useless and dangerous as a result of Army activity, does that reduce the fair market value, and is the State of Hawai'i complicit in this degradation of the benefits of the trust?*

*The Pōhakuloa lease calls for cleanup:*

*Conditions from State General Lease S-3849 dated August 17, 1964 between State of Hawai'i (Lessor) and U.S.A.*

*#9: ...the Government shall make every reasonable effort...to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.*

*#14: ...the Government [USA] hereby agrees that, commensurate with training activities, it will take reasonable action to...remove or bury all trash, garbage and other waste materials resulting from Government use of the said premises.*

*But the Army did not clean up:*

***Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 30 - 34***

***<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>***

*Cultural monitors spent "extensive time" at the leased PTA land and observed military debris on the ground, including UXO and "spent shell casings, scattered across" the land. The concerns of the cultural monitors were documented in a number of federal reports. For example, the United States prepared a November 2010 report entitled "Final Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawai'i Island, Hawai'i" that included a recommendation from cultural monitors that "[t]he Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash are everywhere." (Emphasis omitted.) The report also stated that the cultural monitors voiced the following: "Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process." ...*

*These concerns were reiterated four years later in a second, similarly titled report. This report contained observations from cultural monitors who stated that "[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape." The report noted the cultural monitors feared that if the litter continued to remain on the land, "the land will be rendered unusable forever--one eighth of our island will become unavailable for use by any of our future generations." The cultural monitors therefore "strongly recommend[ed] the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas." (Emphasis in report.)*

*Additionally, a March 2015 draft report stated that, based on a 2014 inspection by the DLNR and the Army, a bazooka range contained on the leased PTA land was “heavily contaminated on the surface with material potentially presenting an explosive hazard [] and munition debris [].” A subsequent inspection of the bazooka range by military explosive ordnance disposal units found mortars, bazooka rounds, and white phosphorous on the land. The Army determined that the debris found at the bazooka range “coupled with the accessibility to the public make for the potential for significant danger to public health and welfare.”*

*The State’s awareness of the potential contamination of the leased PTA land was also demonstrated by a March 2013 letter from the Acting Hawaii Branch Manager for the DLNR to the State Lands Assistant Administrator. The Branch Manager recommended that “PTA should sweep the lands North of the saddle road for UXO and remove any UXO found at their expense to make the area safe for the public.”*

*The military has also been a bad actor at other sites.*

***Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 31 - 32***

***<https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf>***

*...the court found that the previous Chair of the DLNR, William Aila, Jr., was aware of the United States’ failure to clean up other sites in the state such as Kaho’olawe, Mākua, and the Waikāne Valley, and the court imputed this knowledge to the State in this case. The court noted that a website maintained by the State contained a history of the island of Kaho’olawe that explained that the United States Navy did not clear all UXO from 25 percent of the surface of the island. Additionally the court found that the United States’ failure to properly clean the Mākua area was... documented in the federal court decisions in Makua v. Rumsfeld, 163 F. Supp. 2d 1202 (D. Haw. 2001), Mākua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mākua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).*

***###***

**From:** Cory (Martha) Harden [REDACTED]  
**Sent:** Tuesday, May 28, 2013 9:28 AM  
**To:** 'Gary.Gill@doh.hawaii.gov'  
**Subject:** comments on draft depleted uranium fact sheet

*Please acknowledge receipt  
Attachment is identical*

Hello Gary Gill,

Thank you for your work on a Hawai'i DU Fact Sheet. Enclosed is "CONCERNS ABOUT DEPLETED URANIUM (DU) IN HAWAII", which I hope will be helpful.

To summarize concerns, I quote Marshall Blann, PhD, consultant at Los Alamos and Lawrence Livermore National Laboratories:

"Many...papers find, in in-vivo experiments, that Uranium isotopes can cross the blood-brain and placental barriers, concentrate in heart, muscle, brain, lung tissue, ovaries, testes, bone and lymph nodes...

As the biological effects of radiation have been investigated more extensively, 'safe' exposure levels have been steadily revised downwards...

..the Pohakuloa area is used for bombing practice, using two-ton dummy bombs. If a bomb were to impact a DU casing, it could cause the pyrophoric DU to ignite, sending a plume of uranium oxide hundreds of feet high in the resulting convection current...

...the radioactive uranium oxide plume would...disperse, not uniformly around the county, but would rain fine oxide particles preferentially in the community winning that day's radiation lottery. ...The probability may be low, but the consequences may be high.

..detectors on the ground would not detect them. [alpha particles]"

*[editorial by Blann, West Hawai'i Today, 9-6-09]*

I would add these concerns: DU that was never accounted for, questionable air monitoring, unauthorized Army activities with DU, Army proposals to avoid Nuclear Regulatory Commission (NRC) oversight, apparent misstatements in Army DU documents, and possible Army DU contractor bias.

Thank you for considering this information.

aloha,

[REDACTED]

CONCERNS ABOUT DEPLETED URANIUM (DU) IN HAWAI'I  
for Gary Gill, Deputy Director, Hawai'i State Department of Health  
May 28, 2013

compiled by [REDACTED]

(see end for profiles on people who were quoted frequently)

**The Army didn't know, or didn't tell, about DU in Hawai'i, then was "outed" by citizens.**

[the Army has been] "repeatedly denying depleted uranium use here, most recently in the March 2005 draft environmental impact statement for Makua and at a public hearing for the Stryker brigade EIS in 2004." [Schofield uranium find prompts calls for probe, Honolulu Advertiser, 1-6-06]

"Schofield Barracks, Hawaii--In August 2005, 15 tail assemblies from spotting rounds made of D-38 uranium alloy, also called depleted uranium (DU), were recovered..." [1-5-06 media release by U.S. Army Hawai'i]

"The Army statement was issued several hours after a DMZ Hawai'i/Aloha 'Aina news conference announcing the e-mail findings [revealing the Army had discovered DU]..." [Schofield uranium find prompts calls for probe, Honolulu Advertiser, 1-6-06]

**The Army planned and conducted unauthorized activities in DU areas.**

"The Corps [Army Corps of Engineers] had planned to begin the \$80 million [Schofield] construction project with a controlled burn at the range. Instead, NRC staff warned the Corps that it risked sanctions if it proceeded because it has no license to possess, decommission or transport radioactive depleted uranium at Schofield ... the Army conducted an unauthorized cleanup of soil contaminated by depleted uranium at Schofield in 2008...[NRC attorney Brett Klukan told Honolulu Weekly] that the NRC had advised the Army that areas with depleted uranium should not be disturbed." [Stryker brigade snag, Honolulu Weekly, 11-3-10]

"...it appears that the scope of activities actually conducted at Schofield Barracks in support of BAX construction, including soil removal and testing, prior to the January 13, 2010 oral argument may be far broader than that described by counsel for the Army at the oral argument." [letter to Army Col. Gregory Baldwin from Keith McConnell of NRC, 11-4-11]

"...NRC staff raised concerns regarding the Army's legal authority to perform construction activities at the Schofield Barracks installation, Army statements made during oral arguments before the Atomic Safety and Licensing Board (ASLB) regarding the U.S. Army's possession-only license application at the Pohakuloa Training Area and Schofield Barracks, and Cabrera's legal authority to perform work for the USACE at the Schofield and Pohakuloa installations..." [letter to Dr. Cherry of the Army from Keith McConnell of NRC, 11-24-10, ML103160174]

**Sweeping Army proposals for less oversight were rejected by the Nuclear Regulatory Commission (NRC).** [quotes from Staff Assessment enclosure in memorandum from Dominick Orlando of NRC to Andrew Persinko of NRC, 12-27-12, ML12354A165, bold and indentations added]

The Army **claimed the spotting rounds did not require a license**, based on a RESRAD "computer model code designed to estimate radiation doses and risks".

NRC disagreed, saying RESRAD "does not attempt to simulate the environmental conditions present during ground disturbing activities such as a fire or use of high impact explosives and therefore is not relevant to the requirements for air monitoring." [pp. 1-2]

“The Army is requesting that NRC **not require environmental radiation monitoring plans.**

The NRC staff has determined that...some environmental monitoring is necessary.” [p. 3]

“The Army requests that staff **not require monitoring** when personnel or equipment exits the Battle Area Complex (BAX) Radiation Control Areas (RCAs) after training exercises because the Army did not detect contamination on personnel during BAX construction and because the Garrison does not have the equipment or personnel to support monitoring.

The Army did not provide data supporting their statement that they did not detect contamination on personnel or equipment during BAX construction...[NRC] staff does not agree with this request.” [p. 3]

“The Army requests **relief from environmental monitoring at all DU ranges.**

Because each site will entail different environmental conditions, the [NRC] staff cannot determine *a priori* if environmental radiation monitoring plans will be necessary...[NRC] staff does not agree...” [p. 3]

“The Army requests that all changes made to the requirements for installations named in the license be applicable to any newly identified installations...

[NRC] **conclusions** regarding the type of information necessary to support an amendment to include the unidentified installation on the license **cannot be drawn a priori**...[NRC] staff does not agree...” [pp. 3-4]

“**The Army states that [their directive]... does not prohibit firing high explosive rounds into areas containing DU.**

**This statement appears to be inconsistent** with previous statements made by Army staff since 2010...[NRC decided] If the Army were to implement air monitoring adequate to detect airborne depleted uranium during ground disturbing activities, including firing high explosive ordnance into the RCAs, the license condition could be revised.” [p. 5]

“The Army requests [revision to]...the license condition [that] applies to site decommissioning and activities that would require the ground to be disturbed with the intent to release the site or portion of the site for unrestricted use and remove it from the RCA...

In the past **the Army has performed decommissioning activities at HI sites** and determined that the areas are suitable for release for unrestricted use. The license condition, in conjunction with conditions 22-24, are necessary to ensure the Army complies with ...NRC’s decommissioning regulations...the [NRC] staff does not agree with this revision.” [p. 5]

“The Army requests that the NRC delete the requirement to inform NRC of intended decommissioning at its HI installations...

in the past **the Army has performed decommissioning activities at HI sites** and determined that the areas are suitable for release for unrestricted use. The license condition, in conjunction with conditions 21-24, is necessary to ensure that the Army complies with the requirements of 10 CFR 40.42.” [pp. 5-6]

“The Army requests that the requirement to perform **continuous air monitoring be deleted**...

[but] the Army’s burn data had large uncertainties...[and] RESRAD does not attempt to simulate the environmental conditions present during ground disturbing activities such as a fire or use of high impact explosives...the [NRC] staff does not agree with this requested revision.” [p. 6]

“The study the Army provided to support the license application concludes that there was plant uptake of DU.

NRC staff believes that was an inaccurate conclusion because the **data collection was compromised** by mixing the plant ash with soil beneath the plant that contained oxidation products...The only Army studies that have shown plant uptake have been in the plants that absorbed the DU from contaminated surface waters. Therefore, the [NRC] staff does not agree with this revision.” [p. 7]

**Concerns were raised about air monitoring methods.**

“A contractor performed air sampling for a year at PTA from February 2009 to March 2010. From the limited description of the procedure (page 34) it appears standard equipment was used for the air sample collection. Although the type of filter and its pore diameter are not mentioned, and the studies appear to be diligent within some imposed limitations, it is noted that the analysis of the filters was for uranium as a portion of the total suspended particulate collected, and not DU. Consequently, it is unknown how much of the total uranium was DU. Further, without knowing the pore diameter of the filter, it is not known how much respirable particulates, including DU are revealed by this monitoring. It is believed the tables used for health guidelines are only for natural uranium...” [comments on the September 10, 2012 “Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU)” by Reimer, 10-22-12]

“My review of the sampling methods used, especially airborne collections, indicate that the methodology was one that would not find DU at the probably anticipated concentration levels.” [e-mail from Reimer to Dominick Orlando of NRC, 7-13-12]

“First Ask Dr Morrow what did he find versus background control areas in Hawaii. Ask Dr Morrow point blank if his levels exceed or not the IOM health threshold cited by the Army in their appendix. Trick question – no health levels could be set! Ask if the EPA and WHO data specifically cover aerosolized DU dust from weaponry – there are big qualitative differences here.” [9-3-10 e-mail from Pang]

“I felt that the contractor for the Army, Jim Morrow, was extremely knowledgeable about DU and sampling methods. He is limited by the specifications of the contract...” [e-mail from Reimer to Harden, 10-27-09, 5:05 PM]

“...DOH tries to make a survey more sensitive by only considering fancy machinery--they do not seem to appreciate or understand that increased sampling number and sites also makes the survey more sensitive--especially when the target is not homogenous in place and time.” [e-mail from Pang to Jim Albertini, 9-22-09]

**The Army’s DU contractor appears biased.**

***Cabrera Services, which did studies and operations on Hawai’i DU, calls findings of little radiation risk, in Hawai’i and elsewhere, “successes”.***

*Excerpts from a Cabrera brochure—*

Continued to establish **evidence of NO DCSR** [Davy Crockett spotting rounds] **at Makua** and narrowed down the likely **impacted areas at PTA from 2500+ acres to under 500 acres**

Performed Human Health Risk Assessment for SB (Schofield) BAX Construction Area **finding no appreciable risks exist at site...**

Negotiated with NRC and State of Kansas to **dispose of 97% of soil as non-radioactive...**

**Negotiated approval for non-rad disposal** of over 5,000 cubic yards...

CABRERA performed radiological/chemical characterization and developed a risk assessment model to quantify radiological and chemical risk, **justifying no further action ...**

Achieved no further action at LCAAP range, avoiding potential impact to munitions production...

CABRERA has similar successes at other DoD penetrator sites...

*[Davy Crockett Spotter Rounds,*

*<http://www.cabreraservices.com/media/DCSR%20Program%20Summary.pdf>, bold in original]*

### **Concerns have been raised about Army documents on DU.**

- **Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU), September 10, 2012**

#### ***DU may migrate much farther than the Army claims.***

“There is a generic claim that DU, with a high physical density, cannot be transported more than 100 m. This is an example of misinformation. Transportation distances depend in large part on the size of the material. Generally, larger dust particles have rapid settling velocities but aerosol sizes are influenced by factors other than gravity to determine transportation distances. Even so, dusts from deserts are blown thousands of kilometers before deposition (R.B. Husar et al., 2001, JGR-ATM. 106 (D16): 18317-18330).” *[comments by Reimer, 10-22-12]*

- **Environmental Radiation Monitoring Plan for Pohakuloa Training Area, submitted to NRC, prepared by U.S. Army Corps of Engineers for Army, February 3, 2012**

#### ***The plan may contradict previous Army statements that fires could NOT generate tiny DU particles.***

“In order to produce particles with an activity median aerodynamic diameter (AMAD) less than 5 µm, M101 rounds must be physically acted upon, impacted or heated to temperatures over uranium’s melting point of 700-1,000 degrees Celsius (Army Environmental Policy Institute (AEPI), 1995). **The type of activities that could potentially produce DU particles in the 5-µm AMAD range** are: 1) use of heavy equipment on former M101 ranges could, through mechanical grinding of M101 rounds; 2) kinetic impacts between munitions and M101 rounds; and 3) **incidental range fires or prescribed burns** by range personnel to control vegetation.” *[ Plan, p. 15, bold added]*

“Under certain circumstances and at very high temperatures, **DU can aerosolize**. Research by military and non-military agencies confirm that **this does not occur during brush fires.**” *[2007 Army Information Booklet/ Depleted Uranium (DU) in Hawaii, p. 5, bold added]*

#### ***Only about 1,000 of the 51,000 acres of the Pohakuloa impact area were closely surveyed.***

“Aerial gamma surveys and gamma walkover surveys (GWS) surveys [sic] were performed over a total of 936 and 50 acres, respectively.” *[Plan, p. 6]*

#### ***DU may settle in “hot spots”--not be evenly distributed. (see next section)***

“The 299 pounds of DU was assumed to be evenly distributed over an area of 10,000 square meters to a depth of 0.457 meters (18 inches).” *[Plan, p. 12]*

- **Final Pohakuloa Training Area Firing Range Baseline Human Health Risk Assessment for Residual Depleted Uranium, submitted to Army by Cabrera Services, June 2010**

***DU may settle in “hot spots”--not be evenly distributed***

“To estimate the dosage workers in the area might encounter, the starting point [in Army reports on Hawai’i DU] was a radioactivity density obtained by dividing the estimated total amount of DU used in the training/firing area, by the area of the range to get the radiation per unit area. Sounds mathematically obvious, but let us (at least my fellow ancient mariners) think back to the cold war days of atmospheric testing of nuclear weapons in the upper atmosphere. With the assumption that the total radiation produced was divided by the surface area of the earth, it might have been estimated that the fallout would be at ‘safe’ levels. Unfortunately for this mathematical construct, many folk bought Geiger counters and checked around their neighborhoods, thousands of miles from ‘atmosphere zero’. The meters would give an occasional ‘beep’, then the detector would pass over a tiny speck of ash and the speaker would go crazy, the needle would ‘peg out’ at maximum radiation level for the meter. The radiation had not spread uniformly according to the assumption, but fell out in tiny highly toxic pieces of ash, fluctuations from a safe average. The dangers of this potentially lethal fallout were recognized (after citizen groups called it the attention of their governments), and in a cold war these feuding governments signed a treaty banning further atmospheric testing...”  
*[comments by Blann; final draft published in West Hawai’i Today about 10-8-10]*

***There is no “safe” level of radiation.***

“The present industrial standard to my own experience, is ‘ALARA’, an acronym for ‘As Little As Reasonably Attainable’. This is because in the past, the published ‘safe’ doses were adjusted downward by huge factors (e.g. to 1/3 last values), and it was finally realized that there is no ‘safe’ level. Each bit of exposure increases risk of biological damage. And workers on the range (and possibly citizens outside) are subject not to average levels, but the fluctuations along their daily path.

Because all labs in which I worked would immediately clean up any ‘spill’- i.e. uncontained spread of radioactive sources, the recommendation to ‘leave in place’ the contamination at the range comes as a surprise. It will not be practical to recover it all, but an action in between, coupled with procedures to mitigate spreading outside the range seems prudent.” *[comments by Blann; final draft published in West Hawai’i Today about 10-8-10]*

[the BHHRA]”...ignores U.S. Environmental Protection Agency’s pronouncement that any exposure to ionizing radiation linearly increases risk.” *[9-4-10 Commentary by Michael Reimer in West Hawai’i Today]*

***DU increases in radiation over time.***

“DU, unlike other radioactive materials that have decreasing radiation over time, DU actually increases in radiation, small but detectable. ..”*[9-18-10 e-mail from Michael Reimer]*

***DU may contain other isotopes.***

“... if uranium is processed from spent fuel rods, because nothing can be absolutely pure, it retains some of the fuel rod isotopes... Uranium -236 is a good indicator of fuel rod processing and should be looked for when doing analyses. In fact, the spotting round fragments should [sic] be analyzed to answer this question.” *[9-18-10 e-mail from Michael Reimer]*

“I further challenge someone to prove there are no other transuranic radio elements in the DU alloy, such as neptunium, plutonium, or for that matter even other isotopes of uranium...” *[9-4-10 Commentary by Reimer in West Hawai’i Today]*

[Jim Morrow, contractor for the Army] “felt frustrated that the Army would not analyze one of the DU fragments to see if it contained transuranics and what the DU ratios were.” [9-3-10 e-mail from Mike Reimer]

**Other concerns...**

“...the recently released Baseline Human Health Risk Assessment from depleted uranium on the Big Island is, at best, an estimate using scant empirical isotopic data to substantiate its conclusions... The risk assessment is the conclusion of a single model approach and there are numerous models that could have been used in determining risk. I take issue with the...claim that DU has 40 percent less radioactivity than natural uranium...It is misleading and technically wrong.... I challenge anyone to tell me in good conscience that the DU remaining at PTA from the Davy Crockett tests in the 1960s has 40 percent the radioactivity of natural uranium. ... consideration of alternate expression of risk should be discussed and included... It ignores the emerging science that DU and its alloys or oxides in lesser quantities than natural uranium may indeed elevate risk from exposure. It ignores the fact that 40-plus years of bombing may have created aerosols capable of rebound or resuspension and be transported many miles anytime there is renewed disturbance of the surface.” [9-4-10 Commentary by Michael Reimer in *West Hawai'i Today*]

“They mention oxides but did not enter their factors of insolubility into the risk equation. They need to be weighted regarding their comparatively slow (50 fold) clearance from the body due to aqueous insolubility.” [9-4-10 e-mail from Lorrin Pang]

The report is “ignoring the form of Uranium as an oxide” [9-1-10 e-mail from Mike Reimer]

Jim Morrow “is measuring total uranium, not DU. So of course his risks show 10,000 times less based on U exposure. He must then ASSUME U and DU are the same and that has not been proven.” [9-1-10 e-mail from Mike Reimer]

- **Final Technical Memorandum for Pohakuloa Training Area (PTA) Aerial Surveys, prepared for Army by Cabrera Services, July 24, 2009**

**Over 2,000 spotting rounds may have been fired at Pohakuloa, based on three lines of evidence: old training manuals, the number of pistons found, and the Archive Search Report.**

**Manuals:**

“U.S. Army Colonel Killian...said the types of exercises conducted at PTA (Pohakuloa Training Area) would require the firing of at least 2,050...spotting rounds.” [Depleted Uranium at Pohakuloa, *West Hawai'i Today*, 2-4-09]

“**Killian** ...if you go through the training manuals of the era...it would require more than 714 rounds over an 8 year period of time to qualify the requisite amount of crews...”

**Councilmember Hoffmann** Is there any possible support for a figure of 2,000 spotting rounds at PTA?

**Killian** If you, if you do the math, if you extrapolate the math with the, the contemporary training manuals I think you'd come up with number of 2, 050.”

[from Harden's transcript of the official DVD of Hawai'i County Council Public Works & Intergovernmental Relations Committee meeting, 2-3-09]

**Pistons:**

“An environmental consultant [Peter Strauss, hired by Sierra Club] estimated there may be as many as 2,000 depleted uranium rounds at Pohakuloa Training Area...The consultant's analysis

was based on an Army report estimating that between 120 and 400 firing pistons are scattered around impact ranges at PTA... Each piston would have fired up to five of the DU rounds, for a total of between 600 and 2,000 rounds fired, Strauss said." *[Sierra Club consultant disputes Army's DU tally, Hawai'i Tribune-Herald, 8-26-08]*

**Archive Search Report**

"Total rounds verified shipped from Oahu from Lake City Ordnance Plant were 714 rounds... It is highly probable that additional stocks of the Cartridge, 20 mm Spotting M101 were order [sic] from one of the Ordnance Depots (Letterkenny or Pueblo) during the six active years of the Davy Crockett Weapon System in Hawaii." *[ASR p. 41]*

**Thorough surveys were impossible.**

"The Army acknowledged in its license application that rough terrain and hazards presented by unexploded ordnance made it impossible to conduct a thorough survey for DU at Pohakuloa and Schofield." *[Waste not, Honolulu Weekly, 10-17-12]*

"...the overflights are using equipment to detect very low energy gamma rays from the decay of the material. They have stated that to detect a spotting round, it must be at the surface and to detect fragments one-third the size of the spotting round, they can be buried no deeper than 2-4 inches." *[e-mail from Reimer to Harden, 12-18-09]*

**Instead of 2,000 spotting rounds, only a few rounds and fragments were found. Cabrera speculated the missing rounds had been cleaned up.**

"...the team located a Davy Crockett SRB..." *[Final Technical Memorandum, Depleted Uranium Scoping Investigation, Makua...Pohakuloa...Schofield...prepared for Army by Cabrera Services, p. 4-3]*

"Ground based GWS [Gamma Walkover Survey] located and identified 2 DU metal fragments, one essentially intact spotter round body with no tail fin assembly...and one aluminum tail fin [sic] with some DU spotter round body still attached. ... The number of DU spotter round bodies, aluminum fin assemblies and DU fragments are much fewer than would be expected given the total number of pistons which were identified. This fact, and in comparison to the number of DU fragments and portions of the Davy Crockett spotter rounds found at Schofield Barracks, suggests that some type of range clearance may have occurred at PTA." *[Memorandum pp. 5-1 to 5-2, indentations added]*

**But there are other possibilities.**

"...the "ENVIRONMENTAL RADIATION MONITORING PLAN FOR DEPLETED URANIUM AND BERYLLIUM AREAS, YUMA PROVING GROUND" (Ebinger and Hanson, Los Alamos Report LA-UR-94-1838, May 11, 1994) prepared for the U.S. Army Test and Evaluation command [notes]...fired rounds have the propensity of skipping across the surface, like a thrown stone skipping across water, ending up at distances much greater than the calculated range of the munitions.

...as the firing ranges searched for DU have been used for training with explosive ordnance and vehicular traffic after DU was used, the DU may have been highly distributed as aerosols from the decades of continued explosions and grinding under tires and tracks of vehicles. Now continued use of these areas will only result in the continuous airborne resuspension of the material." *[e-mail from Reimer to Dominick Orlando of NRC, 7-11-12]*

"[perhaps] ...the searches were conducted in areas that were not primary target areas." *[e-mail from Reimer to Harden, 7-8-12]*

“...Fort Benning range personnel recently found a Davy Crockett piston on a range that previously was not an area of interest to the research team.” [Robert Cherry of the Army speaking at a November 16, 2010 meeting with the Nuclear Regulatory Commission (NRC), from meeting transcript, pp. 34-35]

*Aerial searchers looked for highly visible back/ rear plate assemblies as markers for old spotting round areas.*

“The components of the Davy Crockett system particularly back plate assemblies and windscreens have a very distinct coloring as seen in photos 4-4 and 4-5 [actually 4-9 and 4-10] and are readily observable from the air.” [Memorandum, pp. 4-26 to 4-27]

*But the Davy Crockett could be fired from a truck. [[Archive Search Report On the Use of Cartridge, 20mm Spotting M101 for Davy Crockett Light Weapon M28, Schofield Barracks and Associated Training Areas, Islands of Oahu and Hawai'i, Army Corps of Engineers, May 2007, p. 3-11]*

*This might leave back/ rear plate assemblies on the truck instead of on the ground. Hawai'i had 14 trucks for the Davy Crockett. [ ASR p. C-291]*

*Hazardous disposal practices were used during the spotting round era.*

“...until the late 1960s, ocean dumping was one of the ways chemical agents and munitions were routinely disposed of since World War I. The other means were **open-pit burning and land burial...**” [Honolulu Star-Bulletin, 11-9-05, bold added]

*The spotting rounds might have been treated as scrap, since a 1961 study recommended*

“that all spotting rounds be left in the impact area and that the impact area not be considered a radiation area. This suggestion was favorably considered by the...Atomic Energy Laboratory [of the Atomic Energy Commission] [Uranium Alloys for Critical Ordnance Components, Watertown Arsenal Labs, 23 Oct 1961, p. 3; ASR p. 5-26 and p. C-120]

*A memo describes how scrap from range clearance (not DU, not from Pohakuloa) was dumped into a crater in 1962--*

“The 6<sup>th</sup> Ordnance Detachment (ED) conducted range clearance in the Lalamilo Farm Lot, near Kamuela, Hawaii, during 19 February 1962 through 2 March 1962. Recovered were 800+ items of which 333 were destroyed by demolition and the remaining items were classified as scrap. With permission received from the Base Camp Commander, this scrap was dumped into a crater in the artillery impact area at Pohakuloa.” [Appendix C-20, NARA College Park, Maryland (CP), Report for HQ, United States Army, Hawaii, APO 957 entitled Staff Office Report, Office of the Ordnance Officer, January-March 1962, dated spring 1962, RG 550, Records of the United States Army, Pacific, Entry 17, U.S. Army Hawaii 1959-1963, Box 10, CP-121406-003, in ASR, p. C-296]

**Contrary to the Technical Memorandum, DU seems to be present, and in the dangerous oxidized form, and mobile.**

“The report makes a comment that from the soil sampling done at PTA, there is no evidence that DU is present. This is based upon isotopic analysis of uranium and that the signature is not consistent with that of DU.

Insufficient information is provided to state that conclusion and the data provided do, in fact support the alternative conclusion. The results of a 2007 soil analysis is presented in Table 2-1 and the location of the nine samples are referenced to Table 2-3. There is no table 2-3 but the locations do appear on Figure 2-2. Table 2-1 lists the activity for uranium isotopes. The soil samples were collected in areas where sediment had or may have collected from past

runoff or erosion. That seems to indicate it could be a time integrated sample with several or multiple sources along the lines of flow contributing to the sediment accumulation. The text on page 2-3 states "None of the results indicate uranium depletion, where the 234-U activity concentration is significantly lower than the 238-U activity concentration."

Although it might be useful to define "significantly lower," the amount as presented by the IAEA in a question and answer information sheet should suffice to indicate this magnitude. [http://www.iaea.org/NewsCenter/Features/DU/du\\_qaa.shtml](http://www.iaea.org/NewsCenter/Features/DU/du_qaa.shtml)

The activity ratio of natural uranium 234/238 is 1, suggesting secular equilibrium. The activity ratio of depleted uranium 234/238 is 1:5.5, a lower value, and up to the reader to determine degree of significance.

Of the 9 samples listed in Table 4-1, three have activities of 234-U below that of 238-U. Sample 4011 is 25 percent lower. A reasonable challenge to the "no DU" statement can be made based on the analytical results and the method of sample collecting. As the sample could be integrated over time and derived from several locations, it is very likely a mixture of natural and DU contaminated soils. Thus, DU is not only present but it is mobile!

...The report states (page 2-3) "The visual and scanning surveys identified no distinct surface areas with yellow, oxidized DU metal fragments." Yet the figure Photo 4-1 (page 4-7) clearly shows a partial metal DU fragment of a spotting round with yellow coloration on its surface. Later (page 4-8), the report states that only very minor oxidation is present, but again the subjective characterization is open to interpretation. Regardless, there is oxidation present and the oxidized form is readily converted to aerosols and thus available for migration.

*[e-mail from Reimer to Harden, 10-27-09 6:08 PM]*

[Army] "reports on airborne U concentration state they follow the WHO guidelines on soluble uranium...DU and DU oxides are not soluble (have a low solubility). I think WHO groups the two anyhow. Also, ASTDR (agency for toxic substances and disease registry) looks at chronic exposures and uses soluble uranium as a guide. When entrained in your body, the soluble U has a more rapid clearance time and is considered less of a health risk." *[e-mail from Reimer to Harden, 9-25-09]*

***Helicopter searches may have failed to find DU because rotor wash blew it away.***

"This report primarily summarizes on an air mapping of the Pahakuloa Training Area to search for DU, and oxides of Uranium which may have resulted from DU on the range. I would like to analyze the sensitivity/adequacy of the methods used. Before getting to those calculations, I would make comments on the technique used, and on the data for alpha spectrometry presented in the report.

"Data collection:

A set of 4 NaI detectors were used under a helicopter flying at 3-4 meters altitude. It was noted on p 4-15 of the report that flight restrictions were required " due to the presence of lightweight debris (plywood, aluminum scrap, aluminum target, and munitions debris) which could become airborne due to helicopter rotor wash. Volcanic dust limited the minimum altitude in places throughout the range". It seems reasonable to assume that the Uranium oxide dust, a contaminant critical to measure, would likewise be blown away by the same rotor wash before it could be measured." *[comments by Blann, 7-24-09]*

***The soil sample analysis method may have been inappropriate.***

"Alpha spectrometric results:

Table 4-1 gives results for soil sample analyses by alpha spectrometry, on p. 4-1 " by a NELAP accredited laboratory using method ATSM-D3972."

I assume that this meant to be "ASTM-D3972", which is a protocol for testing water samples for U. Water samples differ from soil samples, especially if trace alpha emitters are the focus. The protocol cited is not valid. How was a weightless sample obtained for the alpha spectroscopy?

The soil sample would have to be completely dissolved. Before running through an anion exchange column to get the U fraction, how was the bulk of silicon etc. removed? If by precipitation, then likely trace radioactivities were co-precipitated and lost to the sample. My point is, that there is a lot of chemistry to be done before being able to do meaningful alpha spectrometry on a soil sample; citing an inapplicable protocol leaves me with no confidence in the table presented. "Trust me" is not an acceptable basis for a scientific report." [comments by Blann, 7-24-09]

***Aerial survey methodology may have been inappropriate.***

"Results of aerial survey:

Is the methodology appropriate to the task? In flyover radiation counting, 4- 4 liter volume TI activated NaI detectors were used to gather gamma spectra, looking for 766 and 1001 keV photons emitted by <sup>234m</sup>Pa decay. To evaluate sensitivity, we need to know the branching ratios for the gammas observed, the photopeak efficiencies of the crystals for those gamma energies, and the detector solid angle. The 1001 keV gamma has a branching ratio (abundance per decay) of just 0.8% (0.008) [NIM in Physics Research, A424(1999)425-443], and the 766.36 keV gamma has a branch of 0.294, with a transition at 781.37 (0.00778 branch) which would be non-resolvable from the 766 using the NaI crystals of this measurement. I do note a discrepancy in branching ratio for the 1001. KeV photon with a branch of 0.837 in the Nuclear Data Table result, vs. the 0.0083 of the published research paper. The latter result seems accepted in other works- but this point needs further scrutiny. If the published paper cited is correct, Cabrera was seeking a phantom." [comments by Blann, 7-24-09]

***Blann recommended a "more sensitive assay of ground radiation".***

"Solid angles: The altitudes cited were of 3-4 meters height. NaI detectors are usually right circular cylinders with PM tube mounted at the top of the cylinder with suitable reflector/light pipe. Resolution is poor for these detectors (e.g. vs. (HP)Ge), and the photoefficiency for the 2 gammas of interest is not cited- a guess might be around 0.4 (40%). Lacking the data on detector geometry, we might generously assume a cubic 4 liter crystal, so that one face would be 252cm<sup>2</sup>. At 3 meters height, the area of a sphere would be 1.13x10<sup>6</sup> cm<sup>2</sup> ( 1.13 million square centimeters), so the solid angle of one NaI detector would be 2.2\*10<sup>-4</sup>. At 4 meters altitude the solid angle would be reduced to 1.25\*10<sup>-4</sup>.

Count rates required for detection: The report states that the detector system travelled at 2-3 m/sec, with counts being taken at 1 second intervals. My own guess is that a minimum of 50 counts of either gamma would be required to resolve the appearance of a possible peak rising above the Compton scatter plus cosmic ray background. Trying to concentrate analyses of these gammas on just ' regions of interest', without a proper unfolding of photo/Compton responses, beginning at the highest energies and working down, or by simultaneous least square fitting, is to my opinion asking for questionable results.

If the solid angle is 2.2\*10<sup>-4</sup>, the BR( branching ratio) is 0.294, and the photopeak efficiency of the detector is 0.4, the number of dps necessary averaged over the 2-3 meters travelled, will be (50 counts detected)/[(0.4 photopeak efficiency)\*(0.00022solid angle)\*(BR=0.26 or 0.008)]= 1.7\*10<sup>6</sup> or 5.5\*10<sup>7</sup> Pa<sup>234</sup> dps. Since there is transient equilibrium with <sup>238</sup>U, <sup>234</sup>Th and <sup>234</sup>Pa- and <sup>234</sup>U, the actual dps implied will be triple these numbers. If the altitude during sampling were 4 m, these numbers would all be approximately doubled due to reduced solid angle. I have not divided by 4 due to use of 4 detectors, because I believe that each will require the 50 counts to be able to separate peak from background. If better detail had been given in the report, this point could be based more on fact than experience. From this exercise I deduce that the gamma ray measurements would only yield positive detector response if the average ground radiation levels were 4.5 milliCuries for the 1001 keV gamma, or nearer 0.15 milliCuries for the 766 keV gamma.

These levels are the noise levels below which I believe definite, reliable 'signals' would not be received by the apparatus used. The gear apparently had no anti-coincidence shielding, nor was discussion given of any attenuation between 'sample' and detector. I do not feel that this lower level of radiation gives confidence in the safety of the facility for personnel working there, nor does it address the question of possible migration of oxides offsite over the past 40 years. A more sensitive assay of ground radiation should be undertaken." [comments by Blann, 7-24-09]

- **Final Technical Memorandum, Depleted Uranium Scoping Investigation, Makua...Pohakuloa...Schofield...prepared for Army by Cabrera Services, April 2008**

***Difficult, dangerous conditions prevented a thorough search at Makua.***

"...the vegetation was very dense, and the aerial survey was limited to ravines and dry stream beds. No pistons were spotted during the aerial survey of MMR. Physical entry to range areas was precluded by safety concerns... No DU fragments were identified at MMR." [Memorandum p. 4-1]

***Some identical text appears in reports for different sites.***

"...the final technical report reads the same of PTA as it does for Makua." [e-mail from Reimer to Harden, 10-1-09]

***Identical photos—with different labels—appear in reports for different sites.***

"In the Makua technical memorandum, the text refers to figures 4-4 and 4-5 showing oxidized parts of DU spotter rounds. Both photographs are labeled photo 4-5. The same two photos appear in the PTA final technical memorandum labeled as 4-9 and 4-10 but are not referenced in the text as far as I noticed. One might reasonably ask if these parts are from Makua or PTA or are they simply staged photos for illustrative purposes?" [e-mail from Reimer to Harden, 10-1-09]

- **Final Characterization Report, Schofield Barracks Davy Crockett Impact Area, April 2008**

***Again, difficult, dangerous conditions prevented a thorough search.***

"Due to the steep slopes and safety considerations, a GWS (Gamma Walkover Survey) was not performed of the ravines." [Report p. 3-5]

- **Final Technical Memorandum, Schofield Barracks Firing Range, Monitoring of Air Quality During Burning of Vegetation, by Cabrera Services for the Army, April 2008**

***NRC criticized the study.***

"...the Army's burn data had large uncertainties..." [Staff Assessment enclosure in memorandum from Dominick Orlando of NRC to Andrew Persinko of NRC, 12-27-12, ML12354A165]

***Surface scrapes of ash, soil, twigs and sticks were substituted for ash samples.***

"The sampling design for collecting ash samples was to place vegetation in a foil tray during the burn and collect ash from the tray following the burn. However, activities of the Army personnel during the prescribed burns and high winds potentially affecting the ash or the foil trays made this approach impractical. Therefore, ash samples consisted of surface scrapes that included a mixture of soil and ash..." [Memorandum p. 2-3]

"...surface scrapes were used to collect ash samples, although some surface soil and solid material (e.g. twigs, sticks) were included in the samples. The wind continually stirred up the ash making it difficult to collect ash samples." [Memorandum p. 3-4]

"I am truly unimpressed at the care in some sample monitoring at Schofield...when the wind was too strong to collect the filters for aerosol determination, some brushings from the soil were used instead for analysis." *[commentary by Reimer, West Hawai'i Today, 9-4-10]*

***One air sampler failed.***

"...eight air samplers were deployed around the test burn area...Following the test burn it was found that the air sampler for filter 1050 had shut down during the test burn. ...Air filter 1050 was analyzed to provide qualitative information on the presence of DU." *[Memorandum p. 3-4]*

***Some post-burn samples were collected away from pre-burn sample sites.***

"...three of the locations where pre-burn soil and vegetation samples were collected had not been burned. ... Five ash samples were collected from locations where sufficient amounts of ash were present for sampling, but not corresponding to the soil and vegetation sample locations selected prior to the burn." *[Memorandum p. 3-4]*

***Pang says the study shows DU contamination and numbers were too small for analysis.***

*[the Memorandum]* "...uses U 238: U 234 ratios and clearly shows the targeted burn site was highly contaminated with DU. ...For air sampling the numbers are too small for statistical analysis..." *[e-mail from Pang to Harden about May 2008]*

- **Army Information Booklet/ Depleted Uranium (DU) in Hawaii, 2007**

***There are contradictory statements about the size of DU remnants.***

"...the uranium primarily exists as large metal fragments..." *[Booklet p. 5]*

"Most DU found in the Schofield impact area is in the form of flecks and grains.." *[Booklet p. 5]*

"DU fragments have been observed throughout SBIA [Schofield Barracks Impact Area] as discrete metal fragments and as fine particulate matter." *[Schofield Characterization, p. vi]*

***The Army did not do monitoring as promised.***

*The booklet says*

"The Army will...continue to monitor these ranges to determine whether migration occurs." *[Booklet p. 6]*

*Later I wrote to Col. Killian*

"Was there any monitoring for airborne DU or other radioactivity during or after impacts from several 2,000-pound bombs dropped on October 23, 2007?" *[letter from Harden to Killian probably in 2008]*

*He wrote back*

"The Army did not monitor these events." *[letter from Killian to Harden, 4-15-08]*

**Concerns were raised about a civilian report.**

***Waiki'i Ranch DU Report July 2008***

*Including: Report on Uranium Isotope Analysis, done for Waiki'i Ranch by Prof. Randall Parrish, NERC Isotope Geosciences Laboratory, British Geological Survey*

***DU was found at the detection limit of the technique, so the actual measurement could range from zero to twice the measured value.***

"The value of this quantity we measured in your sample was  $5 \times 10^{-7}$ , in other words this measurement is just at our detection limit." *[Report on Uranium Isotope Analysis, done for Waikīi Ranch by Parrish]*

"The analysis showed a uranium ratio suggestive of DU but at a concentration that was close to the lower detection limit of the technique, resulting in a "trace within a trace", but it was still there!" *[comments on the September 10, 2012 "Army Response to US Nuclear Regulatory Commission (NRC) Proposed License Conditions for Davy Crockett M101 Spotting Round Depleted Uranium (DU)" by Reimer, 10-22-12]*

"Initially the army argued that since the uncertainty of the measurement was plus or minus 1% and 1% was found perhaps the real value could be zero—and so they declared that none was detected. It was pointed out that it could have equally been 2%—and they stopped making this claim. ..." *[e-mail from Pang to Harden, 5-23-10]*

"I also agree that a measurement with an uncertainty that is as large as the measured value itself could range from zero to twice the measure value." *[e-mail from Allen, 7-20-09]*

"If he [Parrish] is going to say that the reading is 1% DU with a measurement error of 1% then it might really be 2%...can one do a back calculation to see if even at 1% of the U being DU is that compatible with the amount of DC [Davy Crockett] weapons that they report used?" *[e-mail from Pang, 7-19-08, 8:19 AM]*

***Particle size was not measured, though smaller particles are more hazardous.***

"I will assume that all the DU would be the oxide form in fine dust without the self-shielding vs larger chunks of natural uranium...oxidized forms persist in the body for decades..." *[e-mail from Pang to Harden, 5-23-10]*

"Unfortunately, the method used to analyze the sample does not measure particle size...This parameter is important for reasons Dr. Pang mentioned. Yes the smaller particles will travel farther downwind and pose more of a health risk...A question to consider is does dust with 7 ppb (or 14 ppb) DU fall within the acceptable range of exposure to DU?...oxidized forms [of U] are more dangerous. The rate of oxidation will depend on particle size." *[e-mail from Allen, 7-20-09]*

"..they should take electron microscope pictures of the uranium found in Hawai'i to see if it had been fired. Uranium burns at 3000 to 6000 degrees Centigrade (at ambient temperature due to friction) and creates the serious biohazard metal fumes and nano-particles." *[e-mail from Bertell, 7-16-09]*

"...the health risk and relevance must take into account the size and chemical (oxide) composition—versus the background U...does not the ratio of DU/ U change versus distance from target site?" *[e-mail from Pang, 7-19-08, 11:44 AM]*

***There was only one sample.***

"Dr. Pang is correct that a single sample does not provide statistical data..." *[e-mail from Allen, 7-20-09]*

"Suppose the wind variation and the on ground DU distribution made aggregate dust sampling non-homogenous, just as a person's blood glucose level changed from hour to hour. Now suppose that you tried to determine if a person was diabetic from a single sample—worse yet if an entire population's diagnosis of diabetes depended on that single sample." *[e-mail from Pang, 3-11-09]*

"It is hard to do statistics with a sample of one..." [e-mail from Pang, 7-19-08, 8:19 AM]

**DU from spotting rounds may ignite spontaneously.**

"...depleted uranium was ultimately selected [for munitions] because of its...pyrophoricity (spontaneous combustion upon exposure to air)." [NRC Fact Sheet, License Application for Depleted Uranium at U.S. Army Sites, August 2009]

"Uranium, especially in concentrated fine grained form, is pyrophoric at ambient temperatures..." [Comments of Depleted Uranium Information by Bertell, 12-18-07]

"Chemically, DU is identical to "normal" uranium...At room temperature, humidity can promote the oxidation of uranium. When uranium is fragmented in chips, powder, and turnings, the metal becomes pyrophoric, spontaneously ignites in air." [DU Technical Brief, EPA 402-R-06-011, Dec. 2006, p. 20]

**Wildfires and controlled burns may disperse DU.**

[a study] "...concludes that fires in forests where depleted uranium is present can cause the DU to be carried in the air...only small amounts of depleted uranium are dispersed by fires. The study said the dispersal of DU can happen whether the fire is a wildfire or a controlled-burn conducted for forest management." [Depleted uranium at JPG [Jefferson Proving Ground] on meeting agenda for tonight, Madison Courier, 7-18-06]

"The Cerro Grande [nuclear research facility area] fire did contribute a higher [radiation] dose to the public than the Viveash [area with no human-made nuclear material] fire...both doses wer 1/10,000<sup>th</sup> the federal radionuclide NESHAP [acronym not defined] limit..." [Volkerding, Comparison of the radiological dose form the Cerro Grande fire to a nautral wildfire, environment International, 29 (2003) pp. 987-993]

**Animals may carry radioactivity out of RCAs (Radiation Control Areas).**

At Hanford nuclear reservation in Washington state, rabbits, mice, wasps, flies, and gnats have become contaminated. In 2009, 33 contaminated animals or animal materials (such as droppings) were reported on the site.

**A new water well is not being checked for DU.**

Dr. Cherry of the Army said they will do their best to check for DU in exploratory water wells planned for Pohakuloa—but project manager Don Thomas says he's not doing that. [my notes from 7-12-12 Army/ NRC meeting; my correspondence with Thomas about 2012]

.....  
**Profiles**

**Stephen Allen** PhD, assistant professor of chemistry, Hawai'i Pacific University

**Rosalie Bertell** member of International Physicians for Humanitarian Medicine, laureate of United Nations Environmental Programme Global 500 Roll of Honor

**Marshall Blann** PhD, consultant at Los Alamos and Lawrence Livermore National Laboratories, Physics Directorate at Livermore, professor at University of Rochester

**Lorin Pang** former Army doctor, consultant to the World Health Organization, head of Maui Department of Health (but speaking on DU as a private citizen)

**Michael Reimer** PhD in geology, 25 years at U.S. Geological Survey working on radiation in the natural environment, National Academy of Science postdoctoral fellowship at the National Institute for Science and Technology, research professor at Colorado School of Mines

## Maria Gomez

To choose to go forth with the military action of the United States in Pōhakauloa is to paint the military, and all its members, as pure and blatant Terrorists. The nation is at a turning point right now, when young people all over are growing up, learning, watching. They will not turn a blind eye to the crimes you commit. Remember that as you go forward.

To continue the usage of any part of Hawaii for military exercises is to desecrate the honor and thousand-year history of its people. Dishonor and brutality of the destruction of sacred land is something that no person can truly come back from. If you, who hears this, is a person of religion or spirit, I must ask, will you be forgiven? What use does your God have in the cruelty of the terrible and violent rape of these sacred lands? These are the acts of a devil, plain and pure. And if you are not a person of religion or spirit, will you live freely? Will the shame of these heinous acts not crawl at you in your last moments? Will you be able to truly forget the words I write here, forewarning you of the indignation, the shame, you will feel at the savage actions you may yet commit?

The tremendous environmental impact is felt not by you, nor your peers, but by the people of Hawaii. Would you want your home destroyed? Would you leave your people without even a land to live on? Would you rip and tear at the earth of your home, careless of the needs of your children to live, all for some foolish military exercise? What, I ask, is the merit in continuing the fraught legacy of those who bombed Kaho'olawe? The military's actions there were horrific. The restoration will take generations and will yet never truly replicate the glory of that proud place. We call the men who took that land from us scum now.

What do you stand for that is more important than the history, culture, livelihood, and love of the Kānaka Maoli, the People of Hawaii? What will your children remember you for? What are you saying, not just to the People of Hawaii, but to all the people of the United States, when your bombs are shattering the fragile stone that Hawaiians have walked on for centuries, or when they pollute the water that children have laughed and played in for a thousand years? That nothing is off limits to the military? That you are to be feared and hated? Your bombs will destroy not just the legacy of Hawaii, but your own as well.



PROVIDE US bonifide Land deed. P.1  
Bonifide minister to Minerals Rights claim Filed  
"Bureau of conveyances"

5-17-22

STATE of Hawaii (ownes)

NO LAND!! = A corporation

Subsidiy of United STATES

Corporation owes NO LAND

IN HAWAII = TERRITORY =

Hawaiic Monarch Constitution

" all land Keeped in perpetually (Forever)

for heirs & sucesors .

Fraud & theft to claim to OWN

another Persons Property .

to: MR Michael Donnelly

All will be held accountable:

all DEFECTIVE contracts after 1959 EVIDENCE FOR world courts:

U.S CODE violations: INTERNATIONAL LAW.

Provide / your DEED - (ceded of Annex 17)  
> genealogical <sup>land</sup> CLAIM - (STOLEN LAND cannot)  
STATE ← FED Govt owns no land - B.C.  
"STATE of the foreign U.S. citizen <sup>foreign</sup> don't own LAND -  
"STATE OWNED LAND" Tramly

Public Notice Star ADVERTIZER By VA Authority  
BODIES, Govt corporations

Repedely Publicizes FALSE + INACURATE  
Information - Propaganda: & Fraudulent land CLAIM

STATE OF HAWAII subsidy = REGISTERED  
"1959 DISTRICT of Columbia Foreign  
Corporation." a corporation Registered  
IN THE U.S TERRITORY (met + Bounds) LAT LONG  
Jurisdiction 12 mile off U.S mainland

STATE OF HI owns NO LAND in  
HAWAII - THERE is NO Bonifide  
Land deed. <sup>ONLY loses of</sup> LESS THAN LEASE  
ALL LAND in TERRITORY  
<sup>US SOIL</sup>

ALLUDIAL TITLE REGISTERED WITH  
MATHEW HOAPII - HAWAIIAN Kingdom  
minister, Probate trust perpetual  
Land title. Bonifide. and recorded  
IN THE BUREAU OF CONVEYANCES

and title guaranteed: ALL RIGHTS  
& Authority belong to Heir +  
Successor with vessel + seal of  
Bonifide land trust. Pure Jurisdiction

All other Land claims by STATE AGENTS +  
OFFICERS of a corporation are  
Defective, NOT pure OR Bonifide  
<sup>+ contracts are</sup>

All Authorities are needed by  
Bonifide sovereign Right + Jurisdiction  
OF mineral rights (12 miles ocean, air, land).

Pay For managed use of LAND (LCA PERM) <sup>LOC</sup> NOT <sup>NOT A</sup> BY SR.

All contracts after JAN 17-1893

are defective + fraudulent = <sup>Propaganda</sup> treason <sup>Acts of</sup> jurisdiction

in THE H Arch Territory Jurisdiction (Treason - war crime) will be addressed in International (Law) world <sup>of Nations</sup>

\* courts' <sup>All crimes by STATE + Federal</sup> Agents of the Federal govt + STATE - Land omission

will be held accountable. (for these

crimes) <sup>Systematic corruption +</sup> Corporations cannot own land <sup>(in legal rights)</sup> IN

"IT Zone" Hawaii Jurisdiction: Aodial title

STATE of the corporation District of Columbia - are in violation of all

\* U.S. FEDERAL codes & code art 28, Sect 3002 - Line 15 ext.

Treaty of Peace & friendship

All ITZ commerc laws violated

All foreign Illegal <sup>U.S</sup> citizenship <sup>NATIONAL</sup> (VOTERS)

THE DIRECTOR: Public Affairs STATE OF HI

Department of Defense, Maj (RET)

JEFF Hickman et 608 441-7000

TO: Mr Michael Donnelly (PTA)

\* Need to clean up Pohakeloa: contract Defective

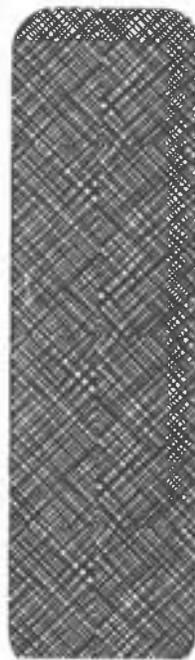
Bonifide -> Indegenous NATURAL all rights reserved

perpetual Land title trust + heir + succ

genealogical Land ties, only.

Hawaiian Kingdom  
World Post

HONOLULU HI 967  
20 MAY 2022 PM 1 L



96801-34444



## Jody Green

Aloha and thank you for the opportunity to comment on the use of Pohakuloa Training Area by the military. The only reasonable option is The No Action Alternative (no retention of State-owned land after lease expiration). Hawaii has been used by the military for too long and our environment has suffered dangerous impacts as a result of it. Now is the time to cut back the use of our precious lands by the major polluters who have flagrantly disregarded the health of Hawaii's population, and the sacredness of lands to the Hawaiian people. The military needs to clean up Pohakuloa and stop destroying our a'ina. The damage the military is creating is unacceptable, and needs to stop immediately before more of our lands are permanently damaged. The ones who have to pay for clean up of the water and the damaged lands always falls on the taxpayers. This is wasteful and makes the price of using our state for practicing war games far too costly. Stop the use of Hawaii's precious and sacred spaces by the military, clean up the a'ina and return the land back to Hawaii. Mahalo.

# Patricia Greene

Aloha and I am one of the 38 Kupuna that were Arrested on MAUNAKEA on Wednesday July 17th 2019.

My Father ( Robert Joe Albert) was 17 and in the ARMY Stationed at Schofield, Pohakuloa, and Punalu'u (Green Valley).  
From Pearl Harbor Attack.

I am 71 and ENOUGH Is ENOUGH STOP THE DESTRUCTION OF OUR NATIVE LANDS WE CONTROLLED FOR 1,000 YEARS.

STOP POISONING OUR AQUIFER NOW !

My Father Warned me of RED HILL years ago.

STOP TEARING OUR LANDS INTO SHREDS BY HIGHLY TOXIC CHEMICALS. The Disrespect must CEASE NOW !!!

GO SOMEWHERE ELSE AND TEAR UP THEIR LANDS & SEE THAT IT IS NOT TOLERATED.

HAWAIIANS HAVE NOTHING

HAWAIIANS HAVE NOTHING

HAWAIIANS HAVE NOTHING

OUR HOMELANDS, ILLEGALLY S T O L E N  
BY AMERICA.

We Were an INDEPENDENTLY RECOGNIZED NATION BY OVER 60 OTHER NATIONS !  
WE WERE 800,000 PEOPLES IN 1800.

THE ILLEGAL OCCUPATION BY AMERICA STARTED THE GENOCIDE OF THE HAWAIIAN NATION AND NOW A MERE 30,000 of US ARE

LEFT. The GENOCIDE DID WHAT THEY WANTED AND REDUCED US TO ALMOST NOTHING AND EVERYONE OF US ARE POOR or BARELY ABLE TO SURVIVE SINCE THIS IS A DESTINATION FOR ONLY THE ARMY, THE TOURISTS AND HUNDREDS OF MILLIONAIRE INVESTORS.

We Get N O T H I N G.

My GRANDMOTHER BORN 1908 Was a Large Landholder due to Her FAMILY'S POSITION & AMERICA STOLE ALL OF IT BECAUSE THEY COULD SHE WAS ONLY A CHILD ❖

## Robert Gregory

Dear Senators Aloha to you and although you are from NY and this article that follows is about Hawai'i, I believe the concerns are important to all americans - the US military has trashed the once pristine island of Hawai'i - Big Island. The island has not only been trashed, it is dangerous to all who live there, visit, or come in contact - given the humongous quantity and the quality of the poisons, toxins, heavy metals, depleted uranium, and unknown materials that certainly influence health of the environment and of creatures near and far as the winds, water, time spread these chemicals - such a sad situation for the world. I call on you to affirm that the US military, which has caused this problem, now must be forced to clean up the mess - and/or get appropriate agencies at federal and state levels, to clean this up for the military has shown little interest and no ability in cleaning, preventing problems, or even minimizing the harm from this situation. Please read the comments by Jim Albertini and please do something positive while you are in Washington - clean up the mess, remove the military presence from Hawai'i, prevent the military from renewing a ridiculous lease that was forced on the people and negates anything resembling "fair", and return the island to some state of sanity whereby health and safety of people and unique plants and unique creatures and land and the ocean will be protected. The military is incapable of doing this on its own, so it is up to politicians with the interest of all people, with the interests of future generations, with the interests of the environment, to act. While you are at it, you might consider the impact of the US military on other locales, throughout the entire world, where US bases operate. They too, are not improving the environment, or even preserving the environment - trashing and destroying is what the military is about and that is very very sad. Mahalo - bob g

**From:** Robert Gregory [REDACTED]  
**Sent:** Monday, April 18, 2022 8:42 PM  
**To:** Kirsten E. Gillibrand; senator@schumer.senate.gov  
**Cc:** Common Cause New York; unahq@unausa.org; Win Without War; ADDICTED To WAR; Democratic Headquarters; Republican party; Honolulu Civil Beat; G70 - ATR PTA EIS  
**Subject:** Fwd: [Malu Aina Peace Ohana] Merrie Monarch parade and Pohakuloa lease

Dear Senators

Aloha to you and although you are from NY and this article that follows is about Hawai'i, I believe the concerns are important to all americans - the US military has trashed the once pristine island of Hawai'i - Big Island. The island has not only been trashed, it is dangerous to all who live there, visit, or come in contact - given the humongous quantity and the quality of the poisons, toxins, heavy metals, depleted uranium, and unknown materials that certainly influence health of the environment and of creatures near and far as the winds, water, time spread these chemicals - such a sad situation for the world. I call on you to affirm that the US military, which has caused this problem, now must be forced to clean up the mess - and/or get appropriate agencies at federal and state levels, to clean this up for the military has shown little interest and no ability in cleaning, preventing problems, or even minimizing the harm from this situation. Please read the comments by Jim Albertini and please do something positive while you are in Washington - clean up the mess, remove the military presence from Hawai'i, prevent the military from renewing a ridiculous lease that was forced on the people and negates anything resembling "fair", and return the island to some state of sanity whereby health and safety of people and unique plants and unique creatures and land and the ocean will be protected. The military is incapable of doing this on its own, so it is up to politicians with the interest of all people, with the interests of future generations, with the interests of the environment, to act. While you are at it, you might consider the impact of the US military on other locales, throughout the entire world, where US bases operate. They too, are not improving the environment, or even preserving the environment - trashing and destroying is what the military is about and that is very very sad.

Mahalo - bob g

----- Forwarded message -----

**From:** 'Jim Albertini' via Malu Aina Peace Ohana [REDACTED]  
**Date:** Tue, Apr 19, 2022 at 3:46 PM  
**Subject:** [Malu Aina Peace Ohana] Merrie Monarch parade and Pohakuloa lease  
**To:** [REDACTED]

**MARCH  
FOR  
ALOHA  
'ĀINA**



**SATURDAY, 4/23/22**

**9 a.m.**

**KING KAMEHAMEHA STA**

*Let's March in Solidarity*

*For Aloha 'Āina*

*In the Merrie Monarch Parade*

# No Trust Army!

The US military has turned Hawai'i Island into a massive Toxic Waste Dump, including Depleted Uranium (DU) radiation contamination. It's called the 133,000-acre Pohakuloa Training Area (PTA), or more accurately – The Pohakuloa Toxic Area. The area, in the center of the island has been bombed and abused by all branches of the US military for more than 70 years. Everyone on the island lives down hill, down wind, and down stream from this PTA toxic stew located at 6500 feet elevation.

Now the military is trying to get a renewal of a (\$1 total for 65 years) lease from the State of Hawai'i for 23,000 acres to continue polluting and desecrating the 'aina and adding to the toxic stew. Bombing the 'aina is the ultimate desecration.

Say NO to any Army lease renewal. Call for -- Stopping all bombing and live-fire munitions at PTA. Millions of live-rounds are fired annually at PTA. Call for -- A comprehensive independent assessment of the toxic military mess at PTA -- Clean Up of the existing military mess and guaranteed federal funding to do the job right, not only on the leased lands but all 133,000-acres of PTA, most of which was simply seized through presidential or governor's executive orders. Return the lands to the rightful owners – the Kanaka Maoli Hawaiian people.

## Things You can do:

1. Join the Aloha 'Aina Marching Unit in The Hilo Merrie Monarch Parade. Meet 9 AM Saturday, April 23, 2022, near the Kamehameha Statue. Dress in Green, Mauna attire, and bring your pu or pu 'ohe, positive message of aloha aina signs, and participate in a unified expression of Kapu Aloha and Aloha 'Aina. We will follow all PARADE GUIDELINES and any COVID protocols.
2. Attend and testify at one of two public meetings to voice opposition to any lease renewal of lands at Pohakuloa. The meetings are Monday, April 25 at 'Imiloa Astronomy Center 600 'Imiloa Place, Hilo, and Tuesday, April 26 at Waimea District Park Ala Ohia Road, Waimea, HI. Both meetings are 6-8 PM or as long as testimony is being given.

3. 1) ONLINE: <https://home.army.mil/hawaii/index.php/ptaeis/project-home> (CLICK "Submit a Comment" Block) 2) E-MAIL: [ATLR-PTA-EIS@g70.design](mailto:ATLR-PTA-EIS@g70.design) 3) PHONE: (808) 470-8884 (April 25-26, 2022 only during the public meetings) 4) U.S. POSTAL SERVICE: ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444 5)

4. Link to all documents for the Draft EIS for PTA can be found here:

<https://home.army.mil/hawaii/index.php/ptaeis/documents> Link to Draft EIS Volume I: [https://files.hawaii.gov/dbedt/erp/Doc Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf](https://files.hawaii.gov/dbedt/erp/Doc%20Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf) Link to Draft EIS Volume II: [https://files.hawaii.gov/dbedt/erp/Doc Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf](https://files.hawaii.gov/dbedt/erp/Doc%20Library/2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-II.pdf)

# Aloha 'Aina! – Stop Bombing Pohakuloa!

## Military: Clean Up Your Mess! Return Stolen Lands!

## End Illegal Occupation of Hawai'i!

1. Mourn all victims of violence. 2. Reject violence & war as solutions. 3. Defend civil liberties.
4. Oppose all discrimination, anti-Islamic, anti-Semitic, anti-Hawaiian, anti-Black, anti-Asian, etc.
5. Seek peace through peaceful means and work for justice in Hawai'i and around the world.

Malu 'Aina Center for Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown), Hawai'i 96760

Phone (808) 966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org) to receive our posts.

For more information <http://www.malu-aina.org/>

April 22, 2022, Hilo Peace Vigil leaflet – week 1073– Fridays 3:30-5PM downtown Post Office

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

--  
You received this message because you are subscribed to the Google Groups "Malu Aina Peace Ohana" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [big-island-peace+unsubscribe@googlegroups.com](mailto:big-island-peace+unsubscribe@googlegroups.com).

To view this discussion on the web visit <https://groups.google.com/d/msgid/big-island-peace/6ea21cbe-b775-ede9-21a7-0c633dda077c%40malu-aina.org>.

--

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Robert F. Kennedy  
Capetown, June 6th 1966

Pacific still means peace,

bob gregory

## Robert Gregory

Dear Gentle people Aloha - and thank you for the opportunity to address serious issues. Seems to me, as a visitor to Hawai'i in the past and hopefully in the future, the dangers of the residue of military activities on Big Island are many. Not only lead and maybe PFAS and unknown toxic substances, but radiation from the use of depleted uranium constitute a clear and present danger to the visitors, and certainly to those who reside on Big Island. Winds and water have a way of moving particles, especially radioactive particles, far from where they lodge after military exercises. Such particles tend to drift down, and then given bio-accumulation, will increase in intensity and risk. Visitors such as me in the past, are not warned of the risks and dangers of such radioactivity. At the least, given that any real clean up is likely impossible at this time, the visitors and the local people should be given full and accurate information about the dangers, risks, and possible cancers or other illnesses that may result. I for one would like to see a plan for clean-up, both now and in the long term, including cost benefit analyses for the life of the people and their descendents resident on the island. Studies of the damage to plants and animals, and the sea creatures, would and should be mandatory. It seems a waste to defend an island by destroying it and the life that was doing so well in history. Sincerely and mahalo, bob g -- "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Robert F. Kennedy Capetown, June 6th 1966 Pacific still means peace, bob gregory

**From:** Robert Gregory [REDACTED]  
**Sent:** Sunday, May 22, 2022 11:08 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Honolulu Civil Beat; senator@schumer.senate.gov; info@gohawaii.com; info@hvcb.org  
**Subject:** Pohakuloa - EIS

Dear Gentle people

Aloha - and thank you for the opportunity to address serious issues. Seems to me, as a visitor to Hawai'i in the past and hopefully in the future, the dangers of the residue of military activities on Big Island are many. Not only lead and maybe PFAS and unknown toxic substances, but radiation from the use of depleted uranium constitute a clear and present danger to the visitors, and certainly to those who reside on Big Island. Winds and water have a way of moving particles, especially radioactive particles, far from where they lodge after military exercises. Such particles tend to drift down, and then given bio-accumulation, will increase in intensity and risk. Visitors such as me in the past, are not warned of the risks and dangers of such radioactivity. At the least, given that any real clean up is likely impossible at this time, the visitors and the local people should be given full and accurate information about the dangers, risks, and possible cancers or other illnesses that may result.

I for one would like to see a plan for clean-up, both now and in the long term, including cost benefit analyses for the life of the people and their descendents resident on the island. Studies of the damage to plants and animals, and the sea creatures, would and should be mandatory. It seems a waste to defend an island by destroying it and the life that was doing so well in history.

Sincerely and mahalo,

bob g

--

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Robert F. Kennedy  
Capetown, June 6th 1966

Pacific still means peace,

bob gregory

## Michael Guritz

The low rate at which we are being compensated for this land is repulsive. Going rate for this land should be in the millions of dollars a year and I believe that Big Island county deserves millions to fix the damage of years of bombing, damaged roads from the giant convoys and environmental damage. If we can spend millions for bases in Kuwait and Germany, our citizens out towns out people deserve the same.

comments from Cory Harden [REDACTED]

re. Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement  
<https://home.army.mil/hawaii/index.php/ptaeis/project-home>  
for meeting Monday, April 25, 2022, 6 – 8 PM, 'Imiloa

The military needs to seriously consider moving training from Pōhakuloa to a less sensitive area. Pōhakuloa hosts 50 at-risk species and has tremendous cultural significance.

The military already operates on thousands of acres of land, and hundreds of square miles of ocean and airspace, around Hawai'i. Regardless, they have plans to greatly expand Pōhakuloa and other operations.

They say they can't manage without Pōhakuloa. But they said the same about Kaho'olawe and Kapūkakī (Red Hill).

They also say they can't manage without the State land, since it hosts vital facilities for electricity, drinking water, communications, and roads. But they built all that knowing the lease would expire in 2029.

The military has not lived up to its lease obligations on the State land. They failed to clean up unexploded ordnance, junk cars, an old tank, shell casings, white phosphorous, and rubbish. There have been three fires in the past seven years. Only about half of the needed archaeological surveys have been done. No surveys have been done for nine years. And they claim they have not found even one traditional cultural property at Pōhakuloa.

They have also been negligent elsewhere. At Waikoloa, unexploded ordnance has not been cleared for decades. On Kaho'olawe, one out of every four surface acres has not been cleared of unexploded ordnance. At Kapūkakī, the military claims the water is now safe, but people returning to their homes report continued problems.

The military complains that Congress does not give them money for cleanup, or protection of environmental and cultural resources. But do they lobby as hard for that as they do for new land and new weapons?

Congress and many business people see the military as good for the economy. But the water contamination at Kapūkakī means O'ahu may have to ration water, and some new construction may need to be put on hold. And the cost of eventual cleanup for military toxins and unexploded ordnance statewide is astronomical.

Despite all these concerns, the military hesitated to allow public testimony at this meeting, and says it will not consider "non-substantive" comments such as general objections to the military. But if scores of people say they've had enough, it's time to listen.

questions from Cory Harden

re. Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement  
<https://home.army.mil/hawaii/index.php/ptaeis/project-home>  
for meeting Monday, April 25, 2022, 6 – 8 PM, 'Imiloa

- 1 - What cleanup has been done on the State land since the court decision?
- 2 - Will the State land be completely cleaned up before the lease expires?
- 3 - What is the Army's preferred option for retaining the State land? And the likely option?
- 4 - What approvals will be needed from DHHL?
  - 3.2.4.1 Land Tenure Ownership**

At this time, the U.S. Government's best information as to ownership of the TMK parcels comprising the State-owned land is as follows, from west to east: TMKs (3) 7-1- 004:007, (3) 4-4-015:008, and (3) 4-4-016:005 are owned by the State; the two easternmost TMKs, (3) 3- 8-001:013 and (3) 3-8-001:022, are owned by the State and managed and administered by the Department of Hawaiian Home Lands (DHHL) (Figure 3-1). These two easternmost parcels are referred to as "DHHL-administered" in this EIS. The TMKs do not correlate with the boundaries of the TAs or Parcels A, B, and C. A boundary survey is currently underway for State-owned land at PTA to validate the precise boundaries, including the DHHL-administered land. p. 3-9
- 5 - Describe progress and plans for providing potable water from a well.
- 6 - Since the ground water does not recharge, how long would such a well be useful?
  - 3.9.4.1 Groundwater and Watershed**

The old age of the "fossil" high-level groundwater encountered at PTA and to the northwest at Waiki'i Ranch support the hypothesis that minimal direct recharge occurs to these aquifers from infiltration of rainfall that falls on these lands.... p. 3-134
- 7 - Where is the land eyed for "East Land Acquisition"? Describe progress on this.  
**Past, Present, and Reasonably Foreseeable Future Actions p. 4-4**
- 8 - People in Hāmākua report hearing explosions that also rattle their windows. Noisy jets and helicopters sometimes fly over Hilo. What is being done to reduce noise?
- 9 - A resident reported he was once almost blown off his motorcycle on Saddle Road by the concussion from weapons firing. What is being done to eliminate such hazards?
- 10 - Is it correct that waste from the cleanup after biological and chemical tests at Waiākea were put into the Pōhakuloa dump years ago?
- 11 - What would justify nonconforming use for military operations in the conservation district?
  - 1.4.2 Regulatory Compliance Associated with the Proposed Action**  
**Hawai'i Administrative Rules Chapter 13-5 Conservation District Rules**

The region including and surrounding PTA was included in the conservation district. The lease for Army use of State-owned land was signed in August 1964, prior to the enactment of HRS

Chapter 183C. Per the statute and its enacting rule, HAR Chapter 13-5, Conservation District, lawful use of land prior to October 1, 1964, is considered nonconforming... Military use is not included as an allowable use for any conservation district subzone. HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources (BLNR). Any request for a permit would follow the EIS process and determination of the land retention estate(s) and method(s)... p. 1-17

### 3.2.4.1 Land Tenure

#### State Land Use Districts

All of PTA was classified as conservation district under the State's 1961 Land Use Law. Hawai'i conservation district statute and rules, HRS Chapter 183C and HAR Chapter 13-5, were enacted in 1964. Lawful use of land, established prior to October 1, 1964, is considered nonconforming. The statute and rule define nonconforming as "the lawful use of any building, premises or land for any . . . purposes which is the same as and no greater than that established prior to October 1, 1964 . . ." The lease for military use of the approximately 23,000 acres at PTA was signed on August 16, 1964, and is considered nonconforming per HRS Chapter 183C and HAR Chapter 13-5.

p. 3-12

Military use is not defined as an allowable use for any conservation district subzone, but HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules.

p. 3-14

12 - Could Pōhakuloa be closed by a presidential executive order?

13 - Describe how training would be accomplished if Pōhakuloa closed.

means losing critical facilities

## Cory Harden

Cory Harden. C-O-R-Y and H-A-R-D-E-N. The military needs to seriously consider moving training from Pohakuloa to a less sensitive area. Pohakuloa hosts 50 at-risk species and it has tremendous cultural significance. The military already operates on thousands of acres of land and hundreds of square miles of ocean and air space around Hawai'i. And regardless, they have plans to greatly expand Pohakuloa and other operations. You folks are saying you cannot manage without Pohakuloa, but the military said the same thing about Kaho'olawe and about Kapukaki, Red Hill, and they are going to manage without them. You are also saying you can't manage without the state land, since they built vital facilities there for electricity, drinking water, communications and roads. But the military knew that the lease was going to expire in 2029, so why did they put all that stuff there? The military has not lived up to its lease obligations on the state land. They failed to clean up unexploded ordinance, junk cars, an old tank, shell casings, white phosphorus and rubbish. There have been three fires in the past seven years. Only about half of the needed archeological surveys have been done. No surveys have been done for nine years, and they claim they have not found even one traditional cultural property at Pohakuloa. They say this with straight face. The military has been negligent elsewhere. At Waikoloa unexploded ordinance has been not been cleared for decades. Kaho'olawe, one out of every four surface areas have not been cleared of unexploited ordnance. Kapukaki, the military claims the water is now safe, but people returning to their homes are reporting problems. The depleted uranium hazard at Pohakuloa is not well-addressed. I followed it closely for I think eight years, reviewing things, conference calls, including a hearing with the Nuclear Regulatory Commission talking to experts. It's not well-addressed. The military complains Congress does not give the money for cleanup or protection of environmental and cultural resources. But do they lobby as hard for that as they do for their new land and new weapons? Congress and many business people see the military as good for the economy, but the water contamination at Kapukaki means O'ahu may have to ration water and some new construction may be may need to be put on hold. The cost of eventual cleanup from that basis, from all the military toxins and unexploded ordnance, if the base ever closes, is just astronomical. Also, increased military presence in the state means increased crime, including increased sex trafficking and higher housing costs. Despite all these concerns, the military says it's not going to consider nonsubstantive comments like general objections, but if you have scores of people objecting that is something you need to listen to. Thank you.

## Kye Harford

I do not approve of the army's goal to retain these lands.

I strongly believe the American military has no place for Hawai'i. Not only they trash the lands, but they lack respect for the people that lives here and the 'āina.

Being at the Mauna Kea State Park and looking over to the PTA last month was shocking. A helicopter was hovering and there were large booming sounds. The next thing I saw was bullets being fired towards the ground. I grew up on Uchinaa (Okinawa) where the US military occupies large areas of the islands, and lived with aircrafts fly over us everyday and night, but have never actually seen bullets being fired.

Again, it is wrongful for the army to continue to retain these lands.

## Suzanne Hart

I am in support of maintaining the lease at Pohakuloa. I believe having the military base is an asset as they provide assistance in times of disaster. It is also important to provide our military with training grounds that provide a variety of conditions.

However, it would be lovely if Waikoloa Road could be widened to two lanes going uphill between Highways 11 and 190 as military traffic presents a significant hazard due to very slow-moving convoys, as well as causes very heavy damage to asphalt roadway. The military could also work on control of goats, pigs and sheep, all of which present traffic and environmental hazards.

## Jazerick Hata

Let it be known that I Jazerick Hata a student at UH Manoa, who's family served in WWII and who has strong ties to the Hawaiian community is torn and ashamed by the actions conducted by the US Army:

The US Army has repeatedly showed the local and native communities complete disregard towards the environment and Hawaiian culture. Within the training areas multiple endangered species can be found (honohono, 'kio'ele, etc.) and while they remain endangered they are continually threatened by the armies actions. Whenever you have live fire training it destroys the land around it, an example of this is the navy's action on Kahoolawe which was systematically bombed to the point the island was stripped from vegetation. It is feared by many in the community that the actions of the Army have become to great and their actions have lead to generational damage to these sacred sites.

It is critically important for future security that the Army shut this training area down and return the land to the state of Hawai'i. The relationship between the US Army and the Hawaiian community is more strained then ever, and at a time when unity is critically important this issue will last generations.

You cannot undo the past, but the strongest and best advice to give it to start healing the now. Give back Puhakuloa.

## Kevin Hedlund

I am in full support of PTA lease remaining as is due to the fact they have acted responsibly regarding the environment and cultural sites as well as improving the habitat of endangered species. If history is any indication of the ability of the activists acting responsibly regarding protecting the environment one need only look at what happen during the TMT protests. I hope the PTA continues and the leaders not be swayed by the minority. PTA is good for the island.

# Pua Heimuli

I do not approve of the army's goal to retain these 23,000 acres of state-leased lands.

The Pōhakuloa region is home to many endemic, indigenous, and endangered plant and animal species. Any mitigation efforts by the Army will not be enough to make up for the impact it has and will have on the landscape.

# Malia Heimuli

To whom it may concern, I am opposed to any military occupancy and activity in the Pohakuloa area of Hawaii Island. I urge the State of Hawaii and the U.S. Military to immediately stop the desecration of these lands and protect the cultural and natural resources found there. Malama pono,  
Malia Heimuli

## Devin Helton

Remove US military from occupied Hawaiian lands. Native plant and animal species are being devastated by the use of these lands for military purposes.

Neal Herbert

I totally support the EIS and the continued lease at PTA.

# Jackie Hester

To whom it may concern:

I fully support having the Pohakuloa Training Area and any and all activities they see fit in order to retain readiness! If they wanted to train in my backyard, I would feel the same. A strong military protects US all!

GO ARMY!!! HOOAH 🇺🇸🇺🇸🇺🇸🇺🇸🇺🇸 Yes for the new lease! Bombs away! Lock and load! 🇺🇸

Sign me, A Waikoloa Village Resident Jacqueline Hester 🇺🇸 An American 🇺🇸 Patriot

Sent from my iPhone

## Linnea Heu

It is misleading and untrue to say that desecration and destruction of cultural sites is "mitigable through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, to provide access to promote and protect cultural beliefs, practices, and resources," (pg 3-63). Consultation and access alone are not enough to mitigate this cultural damage. Continued destruction and disruption of culturally significant sites cannot be remedied without first ceasing the destructive actions and restoring access, which will only be done under the "No Action Alternative."

Additionally, in Table 3-24 (Potential Environmental Impacts), this EIS notes ". However, the increased risk of wildfire posed by Alternatives 1-3, have the potential to impact surrounding native shrubland and forest (managed by the State of Hawai*◆*i) including habitat for the endangered Palila (*Loxioides bailleui*). Under the "No Action Alternative", while there will be a reduction in firefighting support, there will also be a decreased number of wildfires (pg 3-205 notes an average of 37 wildfires a year between 2012-2017, 60% of which were caused by military activities).

Finally, in 2019, in Clarence Ching and Mary Maxine Kahauleli vs. Susanne Case (Chairperson of BLNR), the Hawai*◆*i Supreme Court found that the State of Hawai*◆*i has a duty to inspect and monitor the lands leased to PTA. Testimony in this case referenced observations of "a range of debris left over from military exercises, including munitions and UXO, stationary targets, junk cars, an old tank, crudely built rock shelters, and other miscellaneous military rubbish." This is evidence that without constant and direct oversight from the State of Hawai*◆*i, the military at PMhakuloa are either incapable or unwilling to be responsible tenants and stewards of the land leased to them.

## Zahz HewLen

Option 4, allow the lease to end and deoccupy Pōhakuloa. Military occupation is a threat to Hawai'i people, native species, and our culture.

## DJ High

Aloha,

My name is DJ and although I am not Hawaiian I strongly believe that the US military should not occupy this space. The area of Pohakuloa is sacred for cultural and environmental purposes. By continuing to occupy and desecrate this land the United States military is continuing to do great harm to the people in the land of Hawai'i.

As a newcomer to these islands it is not my place to talk about the cultural history and trauma that the military has done but as a teacher in Hawaii schools for nearly 10 years it is my obligation to teach students about the actions and impacts of those actions all around us. In my last role I was a life science teacher and spent a great deal of time learning about native ecosystems and birds and other species that occupy those spaces. Our students have less and less opportunity with each day to see and love these spaces and the illegal occupation and practices of the military are exponentially decreasing the ability for Hawaiian students to connect to this place. A place that their ancestors knew so intimately. These places should be protected and preserved, not bombed and destroyed causing irreparable damage for generations. I strongly encourage the United States military to end their illegal occupation in these cultural and environmentally sacred spaces.

## Rebecca Hill

Hi, my name is Rebecca Hill. I'm calling regarding the Pohakuloa Training Camp. This training camp has significant adverse impacts on Hawaiian culture, practices and resources, and this should be stopped at all costs. Again, I oppose the training camp in Pohakuloa, and, yeah, that's it. Thanks so much. Bye.

## Selina Ho

I am writing to express deep opposition to the proposed retention of up to approximately 23,000 acres of state-owned land to support continued military training at Pōhakuloa Training Area (PTA) on the island of Hawai‘i and strongly support the fourth no-action alternative. We must cease the desecration of Pōhakuloa and treat the land and the indigenous Hawaiian people and cultures with the respect and honor they deserve.

**From:** Selina Ho [REDACTED]  
**Sent:** Wednesday, April 27, 2022 8:18 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Public Comment on Draft EIS for Pōhakuloa Training Area

I am writing to express deep opposition to the proposed retention of up to approximately 23,000 acres of state-owned land to support continued military training at Pōhakuloa Training Area (PTA) on the island of Hawai'i and strongly support the fourth no-action alternative. We must cease the desecration of Pōhakuloa and treat the land and the indigenous Hawaiian people and cultures with the respect and honor they deserve.

## Craig Hodges

Hawaii requires authors of cultural impact assessments to disclose their personal bias. I cannot find this in the Cultural Impact Assessment despite the authors demonstrating a very definitive point of view. The lack of transparency calls the entire document into question.

Do we need Honua Consulting logo on every page? If your going to remind me of the author on every page, put the bias disclosure on every page too.

## Emily Holmberg

Due to the disappearance of native bird species (‘i‘iwi, ‘alalā, ‘ua‘u, ‘elepaio, palila, and nēnē) from Pōhakuloa as a direct result of military occupation of the area, there is no way in good conscious that the U.S. military should be allowed to continue to use this ‘āina for their own gain. Pōhakuloa must be de-occupied and returned to Hawaiian hands.

## Gabrielle Holt

I am writing to express my strong opposition to the army's renewal of their lease of 23,000 acres of ceded lands on Hawai'i Island (hereafter known as Pōhakuloa). As a resident & Native Hawaiian, I cannot support this renewal. I must express my profound concern regarding the continued cultural, environmental, and societal harm caused by the military's mismanagement, broken promises, and destructive use of our most precious resources.

First, I am gravely concerned about the use of depleted uranium in live-fire training on these acres. Dr. Lorrin Pang's statement regarding the dangers of aerosolized depleted uranium is illustrative of how destructive continued training on these lands will be for the future of Hawai'i. Not only will this aerosolized depleted uranium be distributed throughout the air, it will settle back onto the land, threatening the groundwater beneath Pohakuloa. Groundwater that was, in fact, confirmed to be present by a 2015 study conducted by the Army and the University of Hawai'i. These groundwater resources are constitutionally protected Public Trust resources that are held in trust by the State for the benefit of present and future generations. Kaho'olawe's groundwater was already destroyed by Military impact; O'ahu's aquifers continue to be threatened by the presence of fuel tanks put in place by the Navy. Must Hawai'i island also suffer the same consequences? The specter of further irreparable harm to Hawai'i's constitutionally protected Public Trust resources weighs heavily against the approval of the Pohakuloa lease. Indeed, the Hawai'i Supreme Court has held that "the state has both the authority and duty to preserve the rights of present and future generations in waters of the state." In light of the recent and continuing egregious mishandling of the Red Hill/Kapūkākā water crisis, the military has lost all credibility and cannot be trusted to properly mitigate the known (and unknown) impacts that continued training at Pohakuloa will cause. The State must fulfill its duty under the Public Trust doctrine and reject the renewal of the Pohakuloa lease.

Second, the army's previous lease agreement of 23,000 acres for 65 years for the sum of \$1.00 is astonishing from a fiscal perspective. Considering the fact that 46,255 Kanaka Maoli remain on the Hawaiian Homelands Waiting List, the exploitation and destruction of such a large area of land for such insignificant benefit constitutes a wildly irresponsible use of ceded lands. The \$0.015 per year that the Department of Defense paid for the use of this land is so laughable as to be disrespectful. I urge the state of Hawai'i and the Department of Defense to reconsider this agreement from a monetary standpoint.

Third, the Army has demonstrated that it cannot or will not comply with the bare minimum mitigation and remediation obligations that were required under the original agreement. In 2019, the Hawai'i Supreme Court ruled that the state has not fulfilled its responsibility in ensuring the military is being a respectful steward of this land. Part of the Army's agreement stated that the Army must "make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise." Yet - according to the highest court in the state, this has not been done. How, in good conscience, can the lease be renewed when the current agreement is not being respected?

Finally, Pōhakuloa is known to contain a number of cultural and archeological resources that have

never been properly cataloged, examined, or maintained. The United Nations Declaration of the Rights of Indigenous People states in Article 12 that "Indigenous people have the right to...maintain, protect, and have access in privacy to their religious and cultural sites..." These rights are similarly protected by state law. The renewal of this lease on this land will prevent Kanaka Maoli from doing just this and further risk the destruction of priceless cultural artifacts and history. And for what, a penny and irreparable water pollution?

The history of the use of this land and its consequences have demonstrated a severe lack of forethought and respect for Hawai'i's 'āina and people. I want the children that I educate today to live in a Hawai'i that is not only the same Hawai'i I knew, but a better one. A clean Hawai'i calls for better management and stewardship that the Military is not capable of providing.

# William Hoohuli

Name: William A. Hoohuli

Date: June 7, 2022

SUBJECT: Army Training Land Retention at Pohakuloa Training Area Draft Environmental Impact Statement, Island of Hawaii, Hawaii TMKs: (3) 4-4-015:008, (3) 4- 4-016:005, (3) 7"004:007, (3) 3-8-001:013 & (3) 3-8-001:022

Public Response to Draft EIS Proposal 2022

I, want to thank the U.S. Army for letting me as a private civilian response to the Army Training Land Retention at Pohakuloa Training Area Draft Environmental Impact Statement (EIS), Island of Hawaii. I want to add my thoughts and opinions to the Army's public review.

My understanding is the 132,000 acres that are leased (a 65-year lease expires on August 16, 2029). The Army proposes to retain up to 23,000 acres of State-owned land in support of continued military training. Right now, with so much uncertainty in the world, we cannot trust our adversaries but we can strengthen our forces in the event of a national threat.

Since this is a real estate action that continues with ongoing military training use of the grounds/land. I can say from what I see, that the Pohakuloa terrain with hills and gullies is a great training ground. This area encompasses all seasonal training for the military. This area has some treacherous terrain with unpredictable weather conditions and sometimes snow. The retained land of 23,000 acres of rigorous training for the Army is a great need and benefit to the United States.

2.1.2 - Battle Area Complex pg.2-5

The proposal requests to retain land for ongoing training but the land will be used for ball ammunition and rockets are not on state-owned land that uses live-fire exercises. So, this is on federal land by executive order? if so, this land will be part of 132,000 acres that will expire the lease in 2029.

Aviation: I do see the need for required Aircraft training locations within the State-owned land including the FARPs, drop zone, landing zones, and Cooper Air Strip.

Ammunition Management: I am glad to see safety first even with our training troops. Ammunition storage and Operations.

3.2.2

Land-use planning in the Army is guided by AR 405-10, Acquisition of Real Property and Interests Therein. This regulation sets forth the responsibilities, authority, policy, and procedures for the acquisition of real property and interests by the Army for military purposes.

To me, these are important factors I was looking for. The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. Section 1451), as amended, The Sikes Act (16 U.S.C. Section 670a-670o), as amended, Hawai'i has a unique system of classifying and managing lands in which both state and county agencies hold distinct responsibilities. HRS Chapter 205, State Land Use Law, was adopted in 1961 and established a framework of land use management and regulation in which all lands in the State are classified into one of four land use districts. Section 5.3.2 and Section 3.2.4.1

Here are some important things that were on my mind and listed just to let you know how this may impact the community. Alternative 1 – long-term, minor, adverse impacts on water resources due to ongoing ground disturbance within the State-owned land retained pg. 3-139 and 3-140.

This has me a little worried. I have read through this portion and copied this section because of the vulnerability to contamination. Although, your research and study show low in other areas this portion specifically may cause some concerns and need to be tested periodically. The State Water

Code, HRS Chapter 174, The SDWB administers these programs through Underground Injection Control (UIC) and groundwater protection. The State-owned land is located above the UIC line indicating that the site overlies a potential drinking water source, the groundwater contains less than 250 milligrams per liter of chloride; the uniqueness is "irreplaceable"; and the vulnerability to contamination is classified as "High," due to the classification of both aquifers as unconfined (Mink & Lau, 1993) as stated in the proposal.

One more thought that came to mind aside from this proposal. I want to address that Makua and Schofield are equally important and designed for specific uses for the readiness of our troops. Since these two bases have been upkept and periodically maintained over the years. The military has a big responsibility to continue to ensure the same air quality, hazardous materials, waste, public health, and safety for the private citizens of Hawaii.

Pohakuloa will be an ideal location for training our troops to face biological and environmental national threats.

Willie

Name: William A. Hoohuli

Date: June 7, 2022

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One more thought that came to mind aside from this proposal. I want to address that Makua and Schofield are equally important and designed for specific uses for the readiness of our troops. Since these two bases have been upkept and periodically maintained over the years. The military has a big responsibility to continue to ensure the same air quality, hazardous materials, waste, public health, and safety for the private citizens of Hawaii.

Pohakuloa will be an ideal location for training our troops to face biological and environmental national threats.

Willie

## Misty Houchens

As a teacher of Pacific Island children, including many from the Marshall Islands, of which the US military have poisoned their homelands with nuclear testing and are refusing clean up their mess. I think the continued use should be contingent on the clean up and removal of the nuclear waste in the Marshalls. If they don't take care of their messes from the past, they won't take care of their messes in the future. The US Navy is currently poisoning the waters of Oahu, is Hawaii Island next?

The US army should do what's right or pono and find an area on the mainland that has already been destroyed and build a training base there. No kuleana and malama no lease renewal.

Mahalo

## Bailee Houle

You need to go. You are not welcome here. Enough is enough. Use this money and time to help the earth and humans instead of continuous destruction to the island. You have all proven yourselves to be immoral, untrustworthy, greedy, and truly do not care about the harm you bring to people and the planet. It's repulsive. Men need to step down in general - clearly you're all doing an absolutely horrendous job. Like it's 2022 you Neanderthals. Grow up. Get a life. Go do something productive with your time here on earth. I do not support any occupation of hawaiian land for us government and military use. I don't think anyone who has a brain supports the government or military in general at this point. We don't want you. Go grow some food or something useful or helpful. This ain't it.

## Annelise Houston

Our military is a major polluter on our Earth and always has been. Our tiny islands cannot sustain them any longer and they need to leave this precious island of Hawaii. With live volcanos, 10 of the 14 climates zones and surrounded by our ocean full of life that the runoff from the continued poisons are killing. Our reefs, coral and fish are dying from toxic waste, poisons, etc. being sprayed, bombed and put in our soils... enough is enough! Don not let this continue with your no vote.  
Thank-you, Annelise Houston

Allan Hyatt

Having trained at this site while stationed in Hawaii, I found it very valuable.

# Kilihea Inaba

Mahalo for the extensive EIS that provides a framework to understanding the potential adverse effects as well as benefits that that Alternatives 1, 2, 3 and No Alternative have on the land, resources, and people. Sections of the Environmental Analysis-

1) Land Use 2) Biological Resources 3) Cultural Resources 4) Hazardous and Toxic Materials and Wastes 5) Air Quality and Greenhouse Gases 6) Noise 7) Geology, Topography, and Soils 8) Water Resources 9) Socioeconomics 10) Transportation and Traffic 11) Airspace 12) Electromagnetic Spectrum 13) Utilities 14) Human Health and Safety 15) Protection of Children

## 3.11.6.1 Alternative 1: Full Retention

CONCERNS: - In regards to Water Resources, the EIS references Mink & Lau 1993 for the Aquifer Codes created that list Anaehoomalu and Waimea aquifer systems as “high-level, unconfined, dike-impounded aquifers.” In this classification scheme, both these aquifers are listed as “high” in their vulnerability to contamination as they are both unconfined. Though it states the salinity of groundwater is “fresh,” this study was done nearly 30 years ago and should not be used in this EIS to support the supposed low impact PTA has on these aquifers. A new and updated study should be completed to show that since 1993 there has not been any contamination of the aquifers.

- The EIS states that approximately 11,920 acres have not been surveyed. In regards to both surveyed and unsurveyed lands, what people or kupuna have you spoke and/ or sat with to learn about what Ka’ohe was used for by ancient Hawaiians? You should also note that the EIS states that thirty-one surveys have been completed and “primarily have been generated from regulatory compliance needs” associated with development in the region; yet kanaka are the ones who should be consulted with. o “Within TA 22, Site 23694 is situated within the ‘C’ (Charlie) lava tube cave system,.. A subsequent site visit by PTA CRM staff in 2003 documented iwi kupuna at Site 23694 along with an artifact scatter containing lithic debitage, water-worn stones, and gourd fragments. A circular-shaped hearth containing charcoal, ash, and bird bone was also noted near one of the cave entrances.” This is only one reference to a historical and cultural finding. Need I not say that there are more sites in this Ka’ohe Mauka region that have either been identified and not recognized in this EIS or have not yet been identified at all.

These are only two out of the fourteen sections that I am speaking to. - “Adverse impacts related to land use, cultural resources, and transportation and traffic would disproportionately affect low-income and minority populations, including Native Hawaiians. The respective resource sections, however, indicated that the impacts would be minor or mitigated, and there was no indication that the impacts would be harmful to the health or environment of the environmental justice populations...” - The EIS then states that this would have a “Less than significant” impact and does not have any potential mitigation measures recommended. Within the fine print of each of these sections, the reader can gather that there are a multitude of adverse impacts that would continue as a result of Alternative 1: Full Retention

No Action Alternative -

“Summary of Impacts: Under the No Action Alternative, none of the resources that were analyzed would result in a significant impact on environmental justice.” It is evident that continuing to use the state-“owned” land by the U.S. Military displaces and again “disproportionately affects low-income and minority populations, including Native Hawaiians.”

Questions: 1) How do any Alternatives other than No Action Alternative benefit the people of Hawaii island, culturally, physically, spiritually, economically? 2) As the DLNR is fully aware of

the harmful impact that PTA has had, what would the U.S. Army do differently (than has not been done already) to mitigate the adverse effects caused? The EIS references management measures to care for the land. Has any of that been done since 2008 when Hawaii County Council voted on a resolution 639-08 to have the army stop all live-fire at PTA and clean up the DU present. What has been done in regards to this?

Thank you for your time in this matter, Kilihea Inaba

**From:** Kilihea Inaba [REDACTED]  
**Sent:** Tuesday, April 26, 2022 3:49 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa Comments  
**Attachments:** [PTA.docx](#)

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#### Sections of the Environmental Analysis-

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- 10) Transportation and Traffic
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#### 3.11.6.1

#### **Alternative 1: Full Retention**

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- The EIS states that approximately 11,920 acres have not been surveyed. In regards to both surveyed and unsurveyed lands, what people or kupuna have you spoke and/ or sat with to learn about what Ka’ohe was used for by ancient Hawaiians? You should also note that the EIS states that thirty-one surveys have been completed and “primarily have been generated from regulatory compliance needs” associated with development in the region; yet kanaka are the ones who should be consulted with.
  - o “Within TA 22, Site 23694 is situated within the ‘C’ (Charlie) lava tube cave system,.. A subsequent site visit by PTA CRM staff in 2003 documented iwi kupuna at Site 23694 along with an artifact scatter containing lithic debitage, water-worn stones,

and gourd fragments. A circular-shaped hearth containing charcoal, ash, and bird bone was also noted near one of the cave entrances.” This is only one reference to a historical and cultural finding. Need I not say that there are more sites in this Ka’ohe Mauka region that have either been identified and not recognized in this EIS or have not yet been identified at all.

These are only two out of the fourteen sections that I am speaking to.

- “Adverse impacts related to land use, cultural resources, and transportation and traffic would disproportionately affect low-income and minority populations, including Native Hawaiians. The respective resource sections, however, indicated that the impacts would be minor or mitigated, and there was no indication that the impacts would be harmful to the health or environment of the environmental justice populations...”
- The EIS then states that this would have a “Less than significant” impact and does not have any potential mitigation measures recommended. Within the fine print of each of these sections, the reader can gather that there are a multitude of adverse impacts that would continue as a result of Alternative 1: Full Retention

### **No Action Alternative**

- “Summary of Impacts: Under the No Action Alternative, none of the resources that were analyzed would result in a significant impact on environmental justice.”

It is evident that continuing to use the state-“owned” land by the U.S. Military displaces and again “disproportionately affects low-income and minority populations, including Native Hawaiians.”

Questions:

- 1) How do any Alternatives other than No Action Alternative benefit the people of Hawaii island, culturally, physically, spiritually, economically?
- 2) As the DLNR is fully aware of the harmful impact that PTA has had, what would the U.S. Army do differently (than has not been done already) to mitigate the adverse effects caused? The EIS references management measures to care for the land. Has any of that been done since 2008 when Hawaii County Council voted on a resolution 639-08 to have the army stop all live-fire at PTA and clean up the DU present. What has been done in regards to this?

Thank you for your time in this matter,

Kilihea Inaba

## Kilihea Inaba

(Shantee Brown reading testimony from Kilihea Inaba)...Mahalo for the EIS and some of her concerns for 3.11.6.1, alternative and full retention. In regards to water resources, the EIS references Mink and Lauer 1993 for the aquifer codes created that list 'Anaeho'omalua and Waimea aquifer systems as high level, and combined they compounded aquifers. In this classification scheme, both these aquifers are listed as high in their vulnerability to contamination as they are both unconfined. Though it states the salinity of ground water is fresh, this study was done nearly 30 years ago and should not be used in this EIS to support the supposed low impact ETA has on these aquifers. A new and updated study should be completed to show that since 1993 there has not been any contamination of the aquifers. Her second point is that the EIS states that approximately 11,920 acres have not been surveyed. In regards to both surveyed and unsurveyed lands, what people or kupuna have you spoke and/or sat with to learn about what kahohe was used for by ancient Hawaiians. You should also note that the EIS states that 31 surveys have been completed, and primarily have been generated from regulatory compliance means, associated with development in the region. Yet kanaka are the ones who should be consulted with. Within TA22-23694 is situated within the sea lava tube cave system, a subsquiscient -- sorry. I can't read -- site visit by TCACRN staff in 2003 documented EV kupuna site 23694, along with an (indiscernible) scattered containing lithic debitage, water stones and gourd fragments. A circular shaped hearth containing charcoal, ash and gray bone was also noted near one of the cave entrances. This is only one reference to historical and cultural findings. Need I not say that there are more sites in this kahohe mauka region that have either not been identified and not recognized in this EIS or have not been identified at all. Two other points. Out of the 14 sections that she's speaking to are adverse impacts related to land use, cultural resources, and transportation and traffic, with -- do I have to stop? Would disproportionately affect low income and minority populations, including native Hawaiians. The respective resource sections, however, indicated that the impacts would be minor or mitigated, and there was no indication that the impacts would be harmful to the health or environment of the environmental justice populations. The EIS then states this would not have, or this would have a less than significant impact and does not have any potential mitigation measures recommended. Within the fine print of each of these sections the reader can gather that there are a multitude of adverse impacts that would continue as a result of alternative 1 retention. It is evident that continuing to use the state-owned land by the U.S. military displaces and again disproportionately affects low income and minority populations including native Hawaiians. Her questions: How do any alternatives other than no action alternative benefit the people of Hawaii island culturally, physically, spiritually and economically? Also as the DLNR is fully aware of the harmful impacts that PTA has had, what will the U.S. Army do differently that it was not done already to mitigate the adverse effects caused? The EIS references management measures to care for the land. Has any of that been done since 2008, when Hawaii County Council voted on a Resolution 69-08 to have the Army stop all live fire at PTA and clean up the residue present. What has been done in regards to this? She said thank you.

## Alan Jacobsen

As the President of IAFF Local 263, we see from the inside out that the Army is not properly protecting the area they are leasing from the state. The fire department that is required to protect the base is not funded correctly, does not have the proper equipment or personnel to mitigate emergencies. For years the Army has turned a blind eye to the request by our union to bolster the personnel and to hire competent individuals who will be invested in the fire department. Instead they expect our men to fight fire and provide emergency services with broken vehicles and outdated safety equipment. This union will be at every meeting from here on out so the state and public tax payers are aware of what the army is really providing. 1 dollar a year should get the state a better deal than what they are receiving now. This union has never asked for more than the basics of what they deserve , this isn't a camping mission for our members , congress spent millions to build a new fire station that hasn't been opened for 7 years, yet the Army continues to build new barracks for their troops at the cost of over 1 million dollars. Our members who represent the Federal Fire Department and protect the Army's bases on Oahu wouldn't be caught dead working for a dilapidated dept such as PTA. If the training was that important to America and this states security I would start with protecting its natural resources and investing in the men and department who is on the front line.

## Rick John

I'd like to say Aloha to all the people here that's perpetuating aina, that's here for these lands, here to grow food, here to love this land. So I think there is no way, there is no way you guys can lease and keep playing these gimmicks. You guys are brainwashed to think you guys are courageous. They brainwash you to think by guys are courageous by desecrating and bombing. Say we're bombing. We're testing bombs. To test, to take it to other places to bomb, where there is people, and those people is me here. I'm at war. I'm at war with you guys. Maybe not you specifically, but the dead entity of the Army I'm at war with. My people are here, I'm here getting hit with all the bombs. Getting hit where all the aina being taken. I am here, and my keike is here, as a Hawaiian here. So to say you guys are courageous doing these things, practicing on bombs and, yeah, we're going to kill people over here. You are already bombing. We are at war with you guys. You guys are the people we are at war with, and I don't understand how you guys don't know this. I'm younger than both you guys, and I understand this. As a human we learn these. We know every human has feelings. We know that we take care of others. We take care of the lands. Brah, we not going anywhere else. Elon Musk thinks we flying somewhere else. I am not leaving this aina. I am not leaving Hawai'i. I am Hawai'i. And for you guys to think you can just come here and kill off everything and then live, there is no way, there is not way this lease is going to keep going. You guys perpetuating death. We here to perpetuate aina to make food. We can't survive off of anybody. Brah, this place grows everything. It flourishes. We can't rely on nobody. Gas is getting crazy. Brah, we have three growing seasons. We can grow so much here, everything, but you guys want to bomb and kill, and that I don't understand. And that's all I have got to say. Maybe after this end put some posters up for the people. Perhaps the U.S. Army signature on everything. You desecrate everything already. We don't need that. So as men, as humans, I'd love to talk to you guys one-on-one. Maybe not change the Army's mind about nothing, but maybe you guys to look. To say that you guys are coming here and doing something noble, I don't understand that. That don't make no sense to me. That's like me going to you guys' houses with guns and telling your people to move and leave. I know this is all gimmicks, Brah. You guys have guns. You guys have so much to kill. People telling you is not going to change. Maybe in your hearts one by one you guys can leave the Army, change, but you guys get guns. How we going to move you with guns? We know for nothing. So maybe if you just talk to me one-on-one, we can work something out with just you two, because I don't need to go off anybody else. I don't need go after anything, but maybe you guys can see what it's like as a Hawaiian in Hawai'i, not in America. Mahalo.

## Cora Johnson

My name is Cora Johnson. C-O-R-A, J-O-H-N-S-O-N. I was raised in Las Vegas, a place where many Hawaiian people have been displaced to, and that is due to a number of reasons, but it is directly correlated to the illegal overthrow. They have been displaced and forced to leave their home, their aina, and move to another place that was also stolen and also has a lack of food. And so I would just like to bring attention to the many people on these lands and elsewhere that don't have adequate access to food, to sustenance. Even in a place like this, that food can be grown abundantly all year long, everybody could be fed easily. Everybody here could be fed. But they are not, and that is largely due to the illegal occupation. That is directly because of the illegal occupation, and the actions that are taking place by us ripple out. Every action affects everything around us, especially on an isolated island in the middle of the ocean where 90 percent of our food is imported. All of the food could be grown here. Kids don't need to be hungry. Hawaiian people don't need to be hungry. They deserve access to their native foods. So I would just like to bring attention to those people that aren't able to be here today, the families that aren't able to make it because they are struggling to provide for their families. I would like you all to just consider those people as you consider if this lease should be continued. Obviously, I disagree. I would like to thank you guys for being here and listening, and just think about the resources that you use while being here. Is there an adequate give and take happening? Is this a reciprocal relationship between you and the land that you stand on, the air you breathe, the people, the community that you are around. I think all of us need to consider these things while we are in these lands and while we are making decisions regarding this land, and all of the people and life, all the animals that exist here. Thank you for listening. Mahalo.

Jessica Johnson

I would love to see Hawaii's sovereignty restored completely. Thank you.

## Roger Johnson

That land could be used to house Native Hawaiians who currently can't afford to live here. Land is precious here, plentiful elsewhere.

## Martha Johnston

The people of Hawaii do not support this and it is time for the government to respect their sovereignty. This is unethical and the people need to be able to have a say in how the aina is being utilized. The United State's illegal occupation of the country of Hawaii has left the native people in a constant battle to protect the natural resources and their livelihood. Our planet needs to be nourished not desecrated. Thank you. Let Hawaiians have a say in how their small islands function and thrive. LAND BACK.

## Andrew Jones

There recently was a video posted by the US Army regarding the Pōhakuloa Training Area on the island of Hawai‘i. One of your officers said the Army has a great relationship with the Native Hawaiians and the upmost respect for the Hawaiian land. Actions speak louder than words. Is it respect when you release gasses like white phosphorus from munitions into the land and air? Is it respect when you directly contradict the will of Native Hawaiians who ask you to stop using their land for target practice? Please do the moral action and end your lease at Pōhakuloa, and honor your own words by respecting the ‘āina and your relationship to Native Hawaiians and the residents of Hawai‘i.

## Michael Jones

comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to :  
ATLR-PTA-EIS@G70.DESIGN on 18 May 2022 from : Michael Jones \*\* Please confirm  
receipt of these comments.

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other references USARHAW, 2021 USARHAW, undated

**From:** Michael Jones [REDACTED]  
**Sent:** Wednesday, May 18, 2022 7:42 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** comments on the PTA draft EIS  
**Attachments:** [ptadeiscomments.txt](#)

My comments are in the attachment. Note my request for documents in item 10.

Michael Jones

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## Michael Jones

comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to : ATLR-PTA-EIS@G70.DESIGN on 31 May 2022 by Michael Jones. These comments supplement those I submitted by email on 18 May 2022. As part of my previous comments on the PTA draft EIS, I requested access to 6 documents cited therein. I've received no reply so far from G70.DESIGN. I sent my request to the Army's NEPA Program Manager on 18 May also. I got email on 23 May explaining how I could access these documents. Within an hour I got another email from the same person saying the documents were not available because they were undergoing some sort of review.

On 26 May I received email with attachments for three documents and a link for one. The following was all that was provided for two documents : 4. USACE-POH & USAG-HI 2017a. ECOP. (FOR OFFICIAL USE ONLY, not attached). 5. Waikii Ranch Homeowners' Association, 2008. Depleted Uranium Report by Waiki'i Ranch Homeowners Association. (No contact from author for dissemination, not attached).

Document 4 is cited 4 times in the discussion about depleted uranium on page 3-81. The 2nd paragraph discusses Davy Crocket ranges including statements that range 13 is partially on State-owned land and that the other three ranges are entirely on U.S. Government-owned land. It seems likely that this reference has relevant information. Some explanation for not providing it is needed. Document 5 is curious; I requested it because I wasn't sure it was the same document I found online by a search for "Waikii Ranch Homeowners' Association." The document (USARHAW, undated) describes various aspects of training on state-leased lands at PTA. It is cited several times in section 2.1.2 and much of the text in this section is similar to that in this document. It is remarkable that this document is undated and there is no indication who wrote it. The section on Ammunition Management has a paragraph on Ammunition Holding Areas (AHA). The last sentence states, "There is one holding areas built on leased land, but two AHAs have safety arcs over leaded land (1,2,3)." Presumably "leaded" should have been "leased." It is unclear if (1,2,3) refers to training areas 1, 2, and 3.

The document (USARHAW, 2021) is cited on page 2-5 for the statement, "Approximately 91% of the FPs on PTA are on State-owned land." This document contains four emails in which the sender and recipient are redacted. The most detailed, dated 7 Jan. 2021, follows: Overflowing you data. BLUF- 107ea on State Lease Land 90.7% of all FP.

To have meaningful public involvement the Army should provide access to requested documents and/or extend the 7 June deadline to submit comments. Explanations should be given for those not provided or redacted.

**From:** Michael Jones [REDACTED]  
**Sent:** Tuesday, May 31, 2022 3:52 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** comments on PTA draft EIS

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ATLR-PTA-EIS@G70.DESIGN on 7 June 2022 by Michael Jones These comments supplement those I submitted by email on 18 May 2022. I had tried to access material which had links at URL <https://home.army.mil/pohakuloa/index.php/my-fort/du> Several of these links didn't work. I reported this by email on 4 June to [usarmy.hawaii.web@mail.mil](mailto:usarmy.hawaii.web@mail.mil) . On 7 June I was informed by email from the Army Public Affairs Office that the URL I had used was now being redirected to <https://home.army.mil/hawaii/index.php/du> This URL has a box labeled Reports which contains many reports about depleted uranium. One of the reports labeled PTA Flyover Tech Report Final (July 24, 2009) is one I found online but is not cited in the draft EIS. Other more recent reports should also be reviewed in the final EIS.

**From:** Michael Jones [REDACTED]  
**Sent:** Tuesday, June 7, 2022 9:46 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** additional comments on PTA draft EIS

comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to : [ATLR-PTA-EIS@G70.DESIGN](mailto:ATLR-PTA-EIS@G70.DESIGN) on 7 June 2022 by Michael Jones

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ATLR PTA EIS Comments P.O. Box 3444 Honolulu, HI 96801—3444

These comments supplement those I submitted by email on 18 May 2022. They include one page of text and three figures. The figures show the locations of the ranges used for Davy Crockett tests and should be included in the PTA final EIS.

Figures 2-2 and 3-1 come from a report titled PTA Aerial Surveys Technical Memorandum by Cabrera Services dated 24 July 2009 and available at

<https://www.nrc.gov/docs/ML0929/ML092950352.pdf> They show the locations of the Davy Crockett ranges identified as DC area 1 (range 17) and ranges 13, 11T, and 10. None of the maps in the PTA draft EIS identify these ranges.

Figure 4-3 is from a report by Cabrera Services dated April 2008 titled Technical Memorandum Depleted Uranium Scoping Investigations at Makua, Schofield, and PTA and available at

<https://www.nrc.gov/docs/ML0911/ML091170322.pdf> The upper left image in Fig. 4-3 shows Davy Crockett ranges with piston locations and the location of the spotter round found at PTA. There are other useful figures in this report which should be included in the PTA final EIS.

I am submitting printed versions of the figures because I am not certain what format is acceptable. The printed versions are not well-focused and have a red tint; improved versions should be included in the final EIS along with a complete analysis of the impacts of depleted uranium from the Davy Crockett tests.

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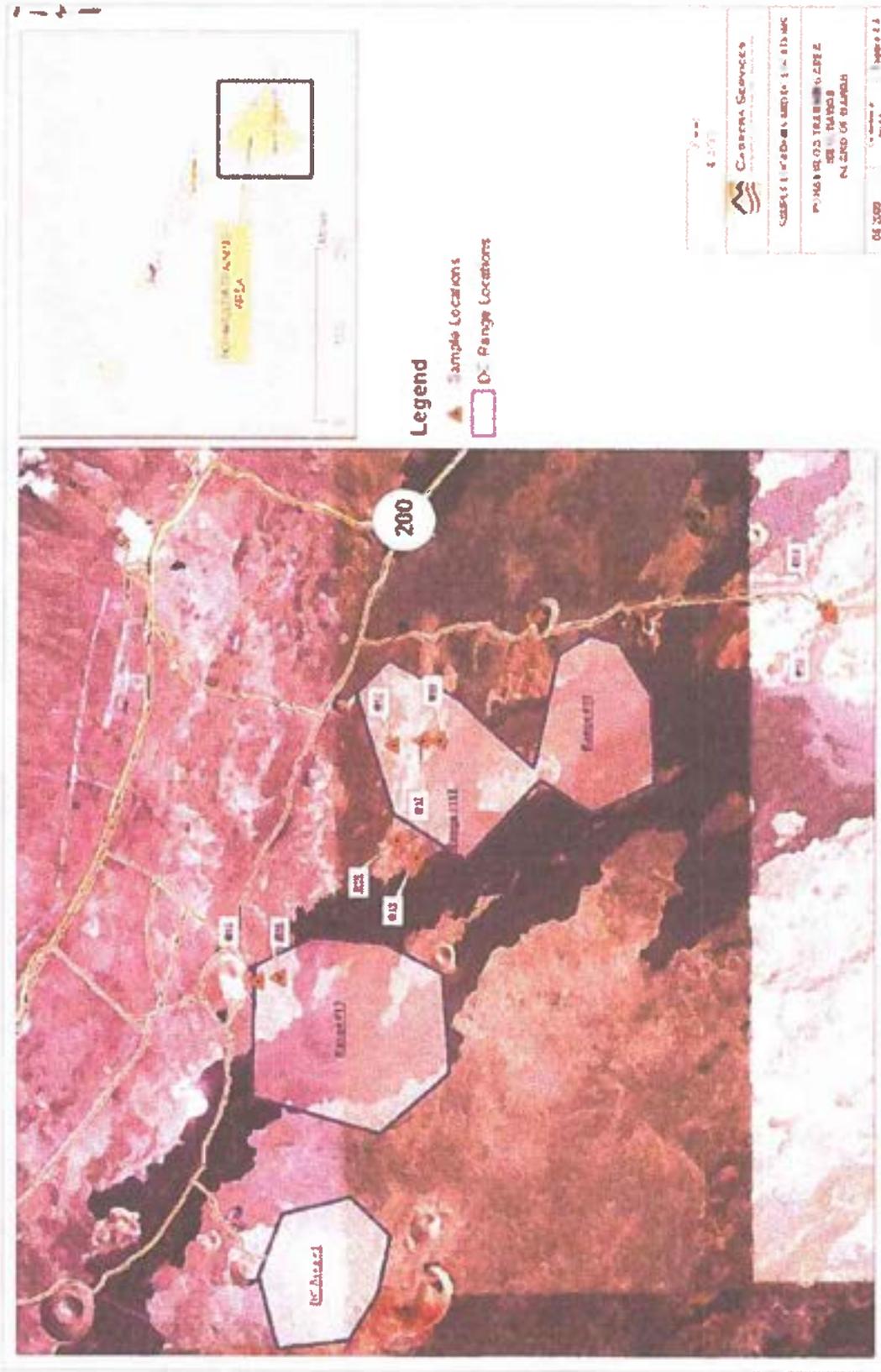
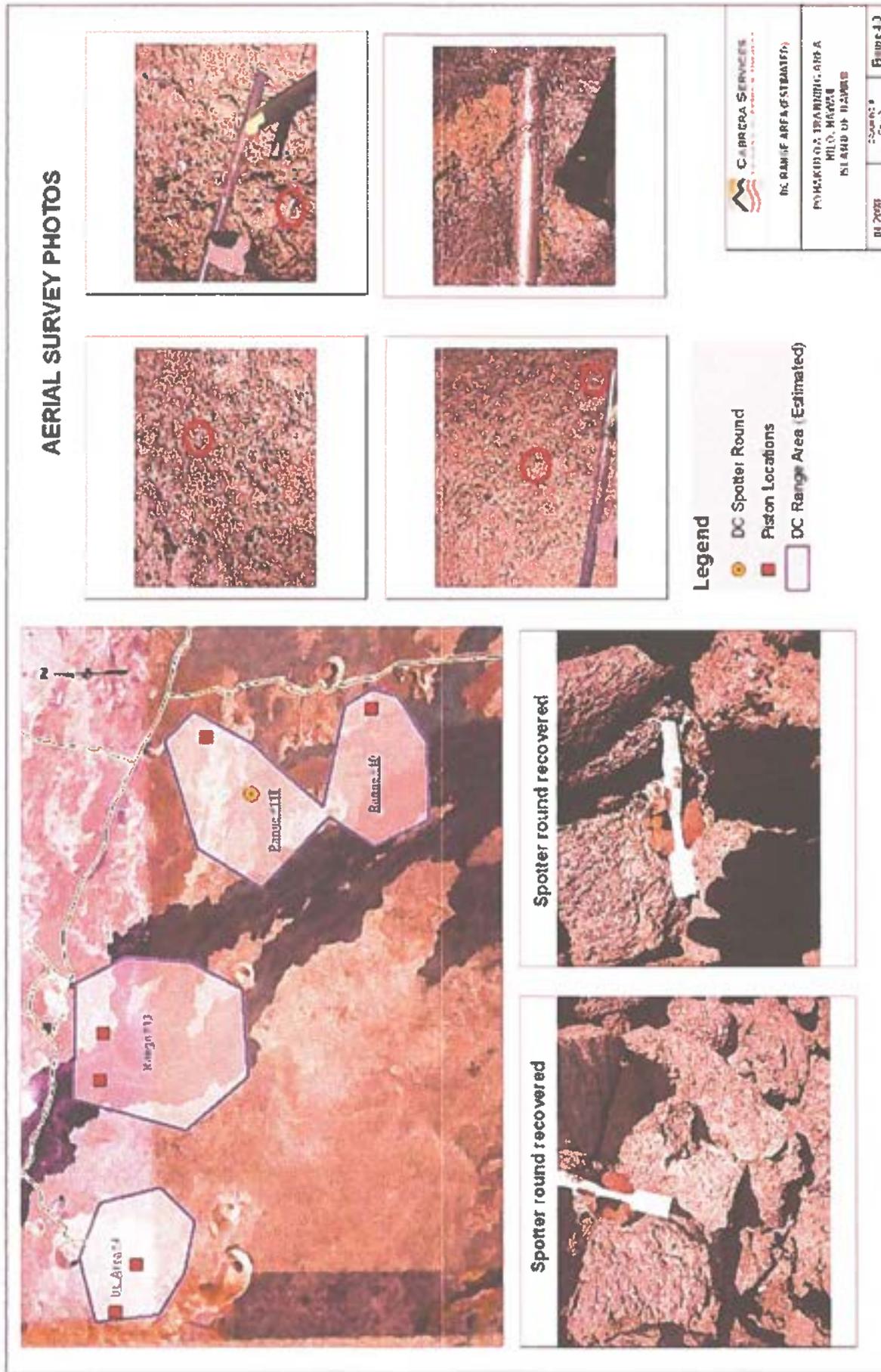


FIGURE 2-2: 2007 SCOPING SURVEY SOIL SAMPLING LOCATIONS AND DAVY CROCKETT AREAS





**FIGURE 4-3: LOCATIONS OF PISTONS SUGGESTING PAST DAVY CROCKETT RANGE AT PTA**

## Izzy Ka

The military has taken advantage of original agreements with the state of Hawaii, used the land and resources without care for decades, and has proven themselves an incompetent steward of the 'aina. It is well past time for access to be denied to the US Military and the land to be returned to the control and stewardship of Hawaiians.

## Iokeda Kaeo

Iokeda Kaeo on behalf of the heirs of Moku O Keawe. And tonight, just like last night, we had to come through. I was expecting to see Kai Kahele, Inouye, maybe Suzanne Case, since she's part of the DLNR, you know, Ira, who has DHHL, all of these partners that are surrounding your PTA. They should be here. They should be here front and center, but they are not here again. So that just goes to show me how serious that this conversation is. It really isn't. We cannot extend the lease no more. You guys cannot get no more dollar burgers. We don't even get dollar deals. We don't even get a dollar a year, and you guys want to renegotiate and go down this whole circus over it. So today we come, and we just continue to say that these leases cannot be extended. I have to respect one of the authors that came down today to talk about the federal laws. The United States has violated how many treaties? This is an illegal occupation, and so when people say we're going to fight for our rights, there is a difference from protecting and being terrorists. You can go all over the world and be at every state to try and police people. That's a sickness. We're not going to go and follow what they have been doing for the last 60, hundred years of this war, war, war. That's not what we're going to do for our generation, and we are not going to allow all of these older politics, who are pumping you guys up, telling you if guys can get the dollar in your burger. You guys can't get it no more. The leases is up, and everything must be returned, and we know you guys cannot clean up the depleted uranium. So you guys have got a long mountain ahead of you guys, but before you guys leave, you guys have got to clean up. We would like to see that vision come true before any other leases can be even given out. Red Hill, the Chambers of Commerce is telling everybody to continue to drink the water, while the water was contaminated. You guys sent down the Navy head, and he had the arrogancy to tell us that you guys can trump us any day of the week, because you guys got the power and guns. I think it's a new era. I think war is not the way. So you guy have to de-occupy and de-militarize the Pacific. Mahalo.

## Iokepa Kaeo

On behalf of the Beneficiary Trust Council and the heirs of Moku O Keawe and the family members that can't make it here. So when we went through your guy's communication. Ha. So back in 2020, you guys already have found that DLNR and the Army has breached its contract to the malama aina case, that you guys obviously couldn't malama aina. And so we see that history of repeating, repeated -- I guess you can call it desecration, because when we look at Pohakuloa and what you guys have done with depleted uranium, you guy have failed to clean up Pu'u Kapu with the unexploded ordinance. You guys have even done so many things to Red Hill. And it's the same, it's the same chambers of Hawai'i that vouches for the people who pollute our water and poison our people. And so you guy's first person to speak, those are the people that we want to expose first is you guys here of defense where you guys send these bodies of organizations forward to speak on behalf. I'm surprised Kai Kahele is not here or the Inouyes or the other people that pump you guys up, all the people that send you guys to rah-rah, send you guys in to hear us how good you guys are. Mitch Roth. Nobody is here. I don't see nobody is here. And that's what shocks me. You guys are going to come here after you guys do to Kaho'olawe. You guys set them up, don't clean it up. You guys have them reorganize themselves. You guy's cultural monitors for Pohakuloa, where are they? We want to see all of these people that you guys are partnering with that's allowing this. RIMPAC is on top of our list. The biggest aquifer, RIMPAC. You guys are bringing how many nations here to sustain a war on humanity? That's not what we do over here. We're not here to pillage other nations. We're not here for drugs and oils and all those other good stuff that America loves. We don't want to be a part of that war. And that lease that you guys want to extend, no, we're taking no action. You guys should not retain no state-owned stolen lands that belong to the heirs, and you guys are not going to have any no more renewal on any other Red Hill, Makua Valley, or any other further Army training facilities that you guys think you guys need for war against humanity. And so with that being said, we would like you guys to cancel the leases, whatever you guys got thinking going on. We don't want no more depleted uranium. We don't want no more different organizations coming up here and speaking on behalf of the heirs. If you guys want to talk to the heirs, I think you guys should have another forum. Because if you guys are going to try and drown us out with nonprofits, with all these university aspects, I think that's what we want. We want respect and we want the right people at the table to express the illegal occupation and what's been plaguing us. So no further leases, extensions on Pohakuloa or any other lands on the Kingdom of Hawai'i.

# Maxine Kahaulelio

My name. My name is Maxine Kahaulelio, K-A-H-A-U-L-E-L-I-O. That means the man that fell off the horse. That's what my name is. You know, you guys talk about Kaho'olawe. The name is Kohemalamalama'okanaloa. That's Kaho'olawe. You are not supposed to put Kaho'olawe. That's westernized. Kohemalamalama'okanaloa. The shining vagina, that's what it. Never be ashamed. When the white man came they changed our names, all our names. I want to tell you folks, I am a warrior. In 1977 I got arrested on Kaho'olawe. I was one of them. I was 38 years old and I went on that island. And as we went we went illegally. Our brothers from Maui gave us the boat to jump off, on Opaki Bay. There was 14 of us. 8 women and 6 kane. I was a grandmother already, and I swore that I was going on that island to stop the bombing. And we did. We did. Ea? When I was there -- I know I only get three minutes. When I was there, Bruddah, when I went to the top of Kohemalamalama'okanaloa, we were walking following the goats' trail, because helicopters were watching us, yeah. And what I did, what aunty did is I picked up a handful of bullets. Bullets. You know what I did? Kala mai'ia 'oe. You know what I did to the bullets? And one of my friends said, "Aunty, no pick them up, get radiation." I said, "Screw the radiation. You see these bullets? Each of them, each bullet could represent kupuna health, feeding our children, low income, building homes, building hospitals." And I picked them up and I cried on Kaho'olawe. I did. A bunch of bullets that represent our water, our kalo, our banana, you became them, our birds, all went to what? To destroy the very top of Kaho'olawe, Kohemalamalama'okanaloa. Flat. No more the mauna. Before we went on the island, Bruddah, I climbed an 80 foot cliff. And as we were climbing that cliff to go on the top of that 45 square miles of island, I touched the waterfall that's supposed to have been there, and on my hands touched was nothing. No water. No nothing. This is what war does. This is what the bombs do. This is killing. You know, that's what I cannot see. We kupunas, 38 of us, got arrested on the mauna. Three years still in court. And all we did was sit on the road, our road, Hawaiian homestead road and we got arrested. But the Army and the military can bomb and kill people, and they still can walk a line. They won't get arrested, but we did. We did. Kupunas, 38 of us, for standing on the road for desecration of TMT. How is this? What is wrong with our system? What? Do I give you a gun to shoot babies in Ukraine? Would you take it from me if I said go shoot one baby? What would you say, Bruddah? No way or yes? But you know what it is. That's my job. I got to do my job. We got to do ours, right? We got to say stop the leases. No more military. Go home. We want to throw you guys a luau in 2029, the biggest luau you guys want, and then escort you guys out of our island and say mahalo, aloha wau ia 'oe. We love you, but Aloha. Go home. Go home. Stop ruining our land. My land. Where do I go, Bruddah? Where do I go to live if you guys are going to desecrate? Let me tell you something, in 1968 I lost my brother Bobby by friendly motor. My America killed my brother Bobby in Vietnam. How I found that out? Bob Jones. Remember Bob Jones, everybody? He was working for KG&B. He just died. He was interviewing my brother Bobby. Two years later my brother Kenneth died in Vietnam. Machine gunned down by a Vietnam person. They shot my brother with a machine gun until it emptied. My Bruddah. Is this what you guys want? Is this going to continue? God's 10 commandments, thou shall not kill. Why? Why? Answer me this, is this your job to go out and kill somebody else that you don't know? That's what my brother did. He was in the 25th division in Schofield. Two weeks he got in the land. The next day he was killed by American motor. They busted on him. Sergeant Robert S. Andrade. His monument is by the state capital. Go see it for you guys self. My other brother is Kenneth Soares Andrade, Sergeant Andrade from Amarillo, Texas. He was stationed

there. Machine gunned down by a Vietnamese. He didn't know my brother, my brother didn't know him, but the pentagon knew. But you think they stopped it? They didn't stop him from killing, because that was his job. Well, you know what? I don't want you guys' job. You need to get another job. You guys do. Refurnish the Island of Hawaii. Pohakuloa, you know how many Heiaus in there, brother? And you know we got to go in there. We do our ritual, yeah tita, every November, yeah, our thing with the leilani, yeah? Well, we go inside and we pray. We do our ahu. We put everything. The Army like my address, my license plate, this, that. I tell you, well, you like my measurements, too? We no can go inside there, our own land. Our own land to practice, to pray, because the Army said no, you cannot do this. You cannot, no, no, no. You cannot do. You cannot take your. No, no, no, no, no. And only two of us can go in to monitor. Ku Ching and I, Ku Ching is sitting there, we just won the Supreme Court. We just won for have you folks clean up before you guys go out the other way. But you guys are not doing, because why? I tell you why. I tell you why. Because you guys get Ed Case in Congress and get Susan Case in DLNR, which is brother and sister. How that? It's not a conflict of interest? Damn right it is. But who gives a damn? Who gives a damn? Nobody does, because it's Hawaiian land. And Ku said today, I said, Ku, why do you guys hate us so much? Why do you hate me so much? You know what Ku told me? "Because Maxine, you belong to the land." I belong to this land. That's why they hate us, because they want everything that we have, our land, our fishes our ocean, our water, our mauna. What else do folks want? What else? You guys took it all. Fort Ruger, Fort DeRussy, Fort Shafter, Hale Koa Hotel, on our beautiful ocean. Beautiful beaches. You condemn our water. I was a little girl when I knew all these things are happening. Triple Hospital. You know that Triple Hospital is the Heiau? That's the Heiau, and underneath the hospital is where the tunnels are. They built the tunnels to put that diesel two and a half miles to go to Pearl Harbor, to fill what, our destroyers. Your destroyers. The pentagon destroyers. And what that fish, that was a fish pond. The greatest fish pond that Hawaii ever known. Pearl Harbor fed the Ali'i, fed the commoners, and it's all gone. All gone, because the military owns all our land. But you know what? They no own me. And I said today on TV that if I have to walk in Pohakuloa through the gates I will, Bruddah, and I don't give a damn if you shoot me. I will. And if I'm going to get arrested again, I'm going to do it. I swear to my God, enough. It's enough. Go home. Go home. Leave us alone, for crying out loud. Leave us alone, and let us get back to our land. We don't want your protection, because you cannot protect us. I was four days on Kaho'olawe and you couldn't find us. The Army couldn't find us. Why? Because we were in the caves with the goats. And they have the infra-red, but they forgot the infra-red no can go in the tunnel, only like this. And we was like this with the goats, all stink, but that's okay, because we swore we were going to stop the bombing. And in 1996 The colonel did this. I'm going to show you what the colonel did. In 1996 on Kaho'olawe, here was the water right here. He had one foot on the sand and one foot on the land. He took his cigar and he threw it, and he said, here you damn Hawaiians, take back your land. He threw his cigar on the land. Is that what you guys want to hear? We know, because we were there. I, Maxine Kahaulelio was a federal prisoner that got arrested in 1977, handcuffed and everything, took to Pearl Harbor, on your ship through the Moloka'i channel two nights, deliberately to make us sick, where they could have put on us a helicopter, take us 45 minutes to Pearl Harbor. But no, they never. They never. So I'm doing this for my two brothers, my two brothers who never came home, because he had United States Army on the same jacket you are wearing, and he's gone. Go home, you guys. Tell your commander and Pentagon that the Hawaiians love you. We love you very much, and God loves you, too. But you guys need to get the hell out of this place. Really. Pack all your artillery, all your firearms, all your rifles and your grenades and everything to kill people. Go home. You can tell Ed Case I said that. You can tell Ed Case and Brian Schatz and all the damn stupid Congress people up there

that stop killing you folks. That's my testimony tonight. Mahalo.

# Nawahine Kahoopii

My name is Nawahine Kahoopii. N-A-W-A-H-I-N-E, K-A-H-O-O-P-I-I. Thank you for being here. I want to first say that I don't have anything against the military. My father was a Marine. Brother-in-law is Marines. So this isn't personal. But I do say no to a new lease. I really appreciate what -- I think it was you that gave the testimony and spoke about the national importance of our islands to national security. It almost -- it upsets me when our place is viewed that way, that our home where our children and our grandchildren are trying to live and thrive is seen as a place of national security. In 1854, Kamehameha the III declared Hawaii a neutral state for that very reason. We stayed neutral to foreign conflict, and I feel that we need to remain that way for the protection of our people and the protection of our culture. The things that are happening right now, I think is something else that brother brought up about what's happening in terms of chinning up these issues in the South Pacific and China, which specifically makes our moku and our island a target. I have just my first mo'opuna born, and I am really worried about what is happening up at Pohakuloa and what can happen to my family as a result of this kind of conflict being stirred up in the South Pacific. My other two issues were you talked about the cultural things that you take care of and the aina and you are caring for it, but we have two kupuna here that had to sue to even have that place inspected. It hadn't been inspected, even though that's a contractual agreement, in over 25 years. The other issues that was fought in our community for many, many years was the issue of the depleting uranium. There was finally admission of that, but then there was the insult that it probably wasn't dangerous. How can depleted uranium not be dangerous? Also, that you weren't able to locate exactly where those areas were where the depleted uranium remained in the soil. And then finally, you have 23,000 acres of land, ag land, waters and so forth. We're importing 90 percent of our food. This has been an issue, again, for our people for decades about us becoming at least food sovereign. Now, because of the things that are being ginned up in terms of conflict, not only in European areas but also in the South Pacific, we already have shortages of food. We're going to be facing shortages of energy and so forth. The idea that we would take more of our lands and not be concerned with feeding ourselves first and making sure that we have our own energy issues taken care of is a big issue for me. So this current footing of war, even the president admitting that we were going to be facing food shortages and there is not any offer of a solution to that, again, makes me say, absolutely a'ole to the consideration of 23,000 acres of our lands being taken up when we can't even feed ourselves yet. So thank you.

## Sherri-Anne Kamaka

It is unnecessary and not right or 'ono to use Pōhaku loa for military training. This will have adverse affect to our Island Nation. Please take the training to North America. The state of Hawai'i has special needs for protection of our Islands & indigenous floral & fauna, marine life that are endangered as well as conservation strategies. Furthermore, the military perception and strategies in Hawai'i is out dated. With the increase in awareness when it comes to what humans (military) do to our āina, humans (military) needs to cease training activities in Pōhaku loa asap.

## Alakai Kapanui

Aloha mai kakou. O Ke'alaka'iokalani Kapanui Kahiamoe ko'u inoa pono Kealakehe Kona Moku'o Keawe. I wasn't going to talk today, but I have listened to enough people, and they have all brought up really good points, my kupuna they have. Desecration of iwi, depleted uranium, lead poisoning, violating our water table. You are poisoning our water. In 75 years none of us will be able to live here. We will all be dead and this place will be uninhabitable because you could not stop bombing. And we're supposed to continue drinking that water. The same thing that happened at Kakee (ph.), it's going to happen here. National security, making us a target. There is a lack of transparency. It wasn't inspected for over 25 years. We know that our iwi are there, we know cultural sites are there, but we don't have access to it because it's dangerous for us to go in because you guys are bombing it. So we are not able to go inspect those places. But it's your kuleana to do so, and you did not do it. And my kupuna had to sue you guys to make that possible. What? Critical habitat. Do we care about our birds? Hawaii is the capital of endangered species and extinct species. How many species of birds should I list off that have under 500 specimens left in the wild? I can name quite a few. Should be working on reforestation instead of pollution. What are the long-term effect? What are the long-term effects of those things? You just going wipe out everything until you cannot? Yeah. You should fulfill your contract, which is to clean it up. I know, because I helped malama Makua Valley over on O'ahu, and they are not able to inhabit Makua Valley anymore. It was seized in the 1940's for World War 2, and they did live aerial bombing there. Nobody will ever be able to farm kalo there ever again because of fear of live unexploded ordnances. You cannot farm there. You cannot dig into the aina without fear of blowing yourself up. I do actually have one question, if anybody in this room knows the answer. Who is the cultural practitioner that helped to draft this EIS? Does anybody know? Because I don't, and it's not listed. Who is your source, nana i ke kumu. Who are you referencing? There is cultural significance of Pohakuloa. It connects up to Pu'upohaku, Pohakuloa Gulch that runs all the way down Mauna Kea. The water that is accumulated in Pu'upohaku drains into Pohakuloa Gulch and then into Pohakuloa, so we know that the wai is there. You know, and mostly this is about our ability as kanaka'oiwi to continue living on this land. And I am Diaspora. I grew up in Seattle. I didn't grow up connected to this place. But my ohana is and always has been from here, Moku o keawe. And now that I am back, my family will continue to be from here, and nothing will ever separate us unless you make it impossible for us to live here. And we will all be dead, because of your inability to back away and say, okay. Pau.

## Alakai Kapanui

It's not so much a statement or anything. It's more something for you guys to consider, because in your clause -- there is a clause in the land agreement that you have to restore the land back to its original state, and I want to know how you guys intend to do that. And I know you don't have an answer, because I also know that it's not possible. So in your pursuit of renewal of your lease or extension of your lease I would like you to consider how much more damage is going to be done on Pohakuloa than has already been done. Okay? How you going to put the rocks back? How you going to restore the Heiau. Are you going to do all the ole, all the protocol to put our kupuna back to sleep? Do you know them? Because I don't even know them. I'd be impressed if you did. Would you like me to continue? Of all the restoration that's going to need to be done. Reforestation. Like, it's just something to consider. Mahalo.

# NO Kapaole

Nana lau nani kapa'ole. Aue, aue, aue oia ho'i ka u'i olelo Hawai'i ma keia. I would start with Aloha, but you guys took that for granted already. Right? Of course, we have Aloha for all of our relations here, our ohana, for this beautiful kino lau here. But to have Aloha for the rapists, to have Aloha for the people who continue to ignore us, to marginalize us, to bomb our aina, to disrespect our people, our voices, our indigenous systems, our water, aue, aue, aue. We're here at UH. Maybe you should learn a couple Hawaiian language words while you are here, because a'ole seems to be a hard one for you guys to get. When we say a'ole, no more leases. No leases. We never said aye. We never said ae. So to ask us for one, two or three, no, no, no, no. A'ole means no. We've already said it. So the redundancy is why I say aue, aue, aue. What else can we learn while we're here? Oh, malama aina, that's a good one. Some doctors in this building they might be able to teach you a little bit about what that means. Malama aina. Yeah, the Supreme Court, they said you guys didn't do it. We already know. We can tell. They didn't pass the ae test, yeah. But malama aina, to care for the land. To care for that which feeds. To keep it in perpetuity so we may always be fed and feed each other. The aina. Malama aina. Shine them up. Make them nice. Make them good. Make them 'ono? Don't destroy it. Don't sabotage it. Don't corrupt it. Don't take it for granted. That's not malama. Shine them up. Make them nice. Take care. Make them 'ono. Malama aina. That's what we need. Yeah. That's supposed to be your Kuleana, supposedly. We know that's not your Kuleana either. We have Hawaiian kingdom crown and government heirs of this aina. Still yet, you never kill them all off. We're still here. Portions of us still breathing, right? Kuleana, to take care of the aina. We can all do that. No matter what uniform we wearing, no matter what T-shirt we trying to say. But that's not what we're here to discuss, right? Business as usual. That's pretty much what's on the agenda. So we do not consent. A'ole, a'ole, a'ole a mau loa aku, ea o kou Hawai'i pae'aina keia. This is the Kingdom of the Hawaiian islands. You have worn out your welcome a little bit with the bombs and with the ignorance and with the compromising of critical natural resources. You know all the human rights violations. You know all the crimes against the environment. Really, because we share. We share. But you no malama aina. So before we leave, we got to all learn maybe how to put this in a sentence. A'ole mako, malama aina. That's something you guys should learn how to say. Because all these other words in here don't really mean nothing. It just means you are going to continue to rape, to pillage, to sabotage, to destroy, to smoke screen, to propagandize, to put a couple keni kenis out there for the chambers of secrets, and all the other slithers around. Ela ka, ela ho'i makou. We're here. We're going to continue to be here, and we're going to continue to bring our ohana forward, to hold this space, to hold this line. Aloha aina, malama aina, malama Kuleana. Call upon the community to do those things, not to continue with the bullshit. Ka'olua. We don't have a word for that in Hawaiian. The DBs came after. But ke 'olu'olu and malama and Kuleana, and that means -- I don't think it means stay here, continue to do what you're doing. Help us transition. Help us take care of the remaining resources we have to share with you.

## Mariah Karson

Let the lease lapse and give the land back to native Hawaiian people. I push for your "option 4" no-action alternative (under which the lease lapses and the Army loses access to the land). End forced colonization of land across the globe.

# Kawaipio Kauahi

As a Kanaka Maoli of this land I do not agree to allow the continued destruction of Pōhaukloa by the army/military.

Dozens of dead 'ōhi'a and other native plants, destroyed during a 2018 fire caused by military negligence -- which is all too commonplace in this delicate ecosystem. This fire burned over 1,000 acres within critical plant habitat in Training Areas 18 and 22, which both fall within the state-leased lands. The army is the single largest threat to the Pōhaukloa region, which houses numerous endemic, indigenous, and endangered plant and animal species. This 'aina has been treated as wasteland for far too long; the native wildlife here deserve better. Kānaka 'Oiwi deserve better. Our kūpuna and keiki deserve better. Despite the destruction, I have faith in the resilience of this land like the anunu vine (*Sicyos* spp.), rising from the ashes, but rebirth can only happen with the removal of these lands from the army/military.

## Kamahana Kealoha

Cease, desist all activity and leave Pohakuloa. I am firmly, without hesitation against the continued military use of Pohakuloa. I demand you cease and desist all activity and leave. Your time is up. The lease has been violated multiple times.

## Louisa Keawe

There is a fine line to know or not to know where it is or is not permissible to use our Hawaii lands for your training. We need to be very close in communicating about these issues: especially with the locations. I hereby at this time OPPOSE for the uses of Hawaii, Pohakuloa to be used for training at this time. I believe there is a site and it be best to discuss it further and check with our Kupuna to help in this findings of land for your training to keep it PONO.  
Sincerely Ms Louisa Keawe

## James Kelley

Please end military training and operations at Pohakuloa. This could be an incredible turning point towards conservation and to protect the wildlife that struggles to survive in such a unique environment. Many of the plants and animals are found nowhere else on earth. What an incredible pivot that would be!

## Sharon Kershner

23,000 square miles is 10% of the Island of Hawaii and 5% of the entire state of Hawaii. What other state GIVES the military so much? You use the power of a conquering nation to oppress, use, and abuse the land and people. Take take take. ENOUGH ALREADY. GO SOMEWHERE ELSE. The fragile Island land and her people have had enough.

# Hawaiian Kingdom

From: Hawaiian Kingdom World Court Provide ur bonafide Land deed. Bonifide minister to Minerals Rights Claim Filed "Bureau of Conveyances"

5-17-22

State of Hawaii (ownes) NO LAND !! = A corporation subsidy of United State's Corporation owes NO LAND IN HAWAII = territory = Hawaii Mornarch Constitution "all land kepted in perpetually (forever) for heirs & sucesors. Fraud n theft to claim to own another Persons Property. To: Mr. Michael Donnely All will be held accountable: All DEFECTIVE contrats after 1959 Evidence for world courts: U.S code violations: INTERNATIONAL LAW. Proper - Provide your DEED (ceded of Annex Stolen Land cannot) Geneological land claim - STATE & FED Gov't ownes no land State of HI foreign US citizen voted do not own land. Transfer by unauthorized BODIES. Govt coporation w/o "STATE Owned Land" Public Notice Star Advertizer Repedely Publicizes FALSE & INACCURATE Information – Propoganda: Fraudulent land claim State of Hawaii subsiday = Registered "1959 District of Columbia Foreign Corporation." A corporation registered in the U.S. Territory (met & Bounds) Lat – Long Jurisdiction 12 mile off U.S. mainland State of HI ownes no Land in Hawaii. There is no Bonifide Land Deed: · Only leases of LESS THAN LEASE · All Land (jes soil) in Territory Allodial Title registered with Mathew Hoopili – Hawaiian Kingdom Minester. Probate trust perpetual Land title . Bonefide and recorded in the Bureau of Conveyance and title guaranteed. All rights & athourity belong to heir & successor with vessel & seal of Bonifide land trust. Pure Jurisdiction All other Land claims & contracts are by STATE Agents & Officers of a corporation are Defective. Not pure or Bonifide All Authourity are needed by Bonifide sovereign Right & Jurisdiction of mineral rights (12 miles ocean, air, land). Pay for managed use of land (LUC LCA Rein) not by a SR All contract after Jan 17 – 1893 are defective & fraudulent = propaganda treason acts of In the H Arch Territory Jursdiction (Treason – war crime) will be addressed in Internation (Law of Nations) world \* All crimes by State & Federal courts – Agents of the Federal govt & state – land ommisionors will be held accountable. (For these crimes) (systematic corruption) Corporations cannot own land (mineral rights) in "IT Zone" Hawaii's Jurisdiction. Alodial title. State of HI corporation District of Columbia – Are in violation of all U.S. FEDERAL codes . U.S. code art 28, Sect 3002 – Line 15 ext. Treaty of Peace & friendship ALL ITZ commerc laws violated All Foreign Illegal U.S. Citizenship (National Voters) The Director: Public Affairs State of HI Department of Defense, Maj (RET) Jeff Hickman at (808) 441-7000 To: Mr Michael Donnely (PTA) \* Need to clean up Pohakalooa: Contract Defective . Bonifide Indegenous National (All Rights reserved) Perpetual Land title trust & Heir & Succ Geneological land ties only.

PROVIDE US bonifide Land deed. P.1  
Bonifide minister to Minerals Rights claim Filed  
"Bureau of conveyances"

5-17-22

STATE of Hawaii (ownes)

NO LAND!! = A corporation

Subsidiy of United STATES

Corporation owes NO LAND

IN HAWAII = TERRITORY =

Hawaiic Monarch Constitution

" all land kepted in perpetually (Forever)

for heirs & succesors .

Fraud & theft to claim to OWN

another Persons Property .

to: MR Michael Donnelly

All will be held accountable:

all DEFECTIVE contracts after 1959 EVIDENCE FOR world courts:

U.S CODE violations: INTERNATIONAL LAW.

Provide / your DEED - (ceded of Annexation by STOLEN LAND cannot)  
> genealogical claim -  
STATE ← FED Govt owns no land - Bo  
"STATE of the foreign US citizen <sup>votes</sup> don't own land -  
"STATE OWNED Land" Tramly

Public Notice Star ADVERTIZER By VA Authority BODIES, Govt corporations etc

Repedely Publicizes FALSE + INACURATE Information - Propaganda: & Fraudulent land CLAIM

STATE OF HAWAII subsidy = REGISTERED "1959 DISTRICT of Columbia Foreign Corporation." a corporation Registered IN THE U.S TERRITORY (met + bounds) LAT LONG Jurisdiction 12 mile off U.S mainland

STATE OF HI owns NO LAND in Hawaii - THERE is NO Bonifide Land deed. <sup>ONLY loses of</sup> LESS THAN LEASE ALL LAND in TERRITORY <sup>US SOIL</sup>

ALLUDIAL TITLE REGISTERED WITH MATHEW HOAPII - HAWAIIAN Kingdom minister, Probate trust perpetual land title. Bonifide and recorded IN THE BUREAU OF CONVEYANCES

and title guaranteed: All Rights + Authority belong to Heir + Successor with vessel + seal of Bonifide land trust. Pure Jurisdiction

All other Land claims by STATE Agents + OFFICERS of a corporation are Defective, NOT pure OR Bonifide

All Authorities are needed by Bonifide sovereign Right + Jurisdiction OF mineral rights (12 miles ocean, air, land).

Pay For managed use of LAND (LCA Fee) <sup>LOC</sup> NOT BY SR.

All contracts after JAN 17-1893

are defective + fraudulent = <sup>Propaganda</sup> treason <sup>Acts of</sup> jurisdiction

in THE H Arch Territory Jurisdiction (Treason - war crime) will be addressed in International (Law) world <sup>of Nations</sup>

\* courts' <sup>All crimes by STATE + FEDERAL</sup> Agents of the Federal govt + STATE - Land omission

will be held accountable. (for these crimes) <sup>Systematic corruption +</sup> Corporations cannot own land <sup>(in legal rights)</sup> IN

"IT Zone" Hawaii Jurisdiction: Aodial title STATE of the corporation District of Columbia - are in violation of all

\* U.S. FEDERAL codes & code art 28, Sect 3002 - Line is ext.

Treaty of Peace & friendship

All ITZ commerc laws violated

All foreign Illegal <sup>U.S</sup> citizenship (VOTERS) <sup>NATIONAL</sup>

THE DIRECTOR: Public Affairs STATE OF HI Department of Defense, Maj (RET) JEFF Hickman et 608 441-7000

TO: Mr Michael Donnelly (PTA)

\* Need to clean up Pohakeloa: contract Defective

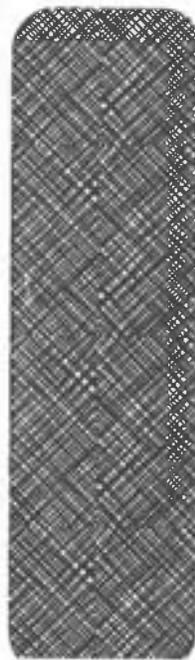
Bonifide -> Indegenous NATURAL all rights reserved

perpetual Land title trust + heir + succ

geneological Land ties, only.

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HONOLULU HI 967  
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96801-34444



## Micah Kupahu

The American military should have never been allowed to come here and for sure should not be allowed to stay the damage they have done to these islands and continue to do can not keep happening and the lack of respect and care they hav shown should be exhibit 1,2,3 for why they should be banned from doing any operations in hawaii unless asked or authorized by native Hawaiians and all not just one group

## Sunnie Kupahu

Stop the bombing on pohakuloa. It's been happening since world war 2. Like the bombing of Kahoolawe. We don't need anymore distruction. Your doing more harm to my hawaiian people and to the aina. Mentally it is so wrong. so much harm because you are harming our islands and the water, our people, our native plants and native animals. Stop the bombing and return it to its natural state.

# Jessica Kuzmier

Aloha, I am submitting my perspective regarding Pōhakuloa Training Area.

My belief is that the 'no alternative' option pertaining to military training is the best option at this time. I believe that the government land would be better served to be turned back to the state so that energy alternatives such as solar arrays and other renewables can be mass-produced so as to assist the state in becoming net-emissions negative.

I believe if the military does hold onto any land, that the choice to invest in methods to help reduce and monitor climate change would be a better alternative. One option is to sublet the land to the US Army Corps of Engineers to develop better technologies to mitigate rising sea levels and other effects of climate change, as well as bolstering infrastructure to Hawaii's coastlines and other areas that will be affected by this. I believe this is a better choice and use for the military's time and investment if they hold onto governmental land.

There are of course many threats to our safety from international threats and domestic terrorism, but the threat of climate change has been woefully neglected in the face of these more immediate and seemingly more pressing concerns. But in the end, climate change is an effect that will be just as dangerous as any attacks from people. And in fact, climate change will likely be the root of many incursions due to crop failure, famine, flooding and other displacement realities for populaces worldwide.

Addressing climate change through the investment of renewables is as much a defensive military strategy as any military exercises and combat training, especially as military threats are just as likely to be cyberattacks on grids and infrastructure as traditional theaters of war.

Mahalo for taking the time to hear my views.

## Elizabeth Laliberte

My name is Liz Laliberte and I am a resident of Hilo, Hawaii. I say NO to PTA's request to renew the lease on 23,000 acres. Why NO? Because PTA has been a bad lessee. First off, the toxics. If you owned a property and your lessee poisoned the land and air with toxic chemicals, would you renew the lease? And if you requested an accounting of what chemicals, when and how much was dispersed, they said they couldn't tell you? No way would anyone in their right mind say, "Sure, keep up the good work for another 50 years." To add to this, PTA is a bad neighbor. They are noisy, dirty and a danger to surrounding ecosystems and communities. Their helicopters have started wildfires, their planes fly overhead at all hours of the day and night and disturb the peace of our communities, and their convoys are jam up the roads. Multiple times have I seen military trucks pulling off the highway (dangerous) because of smoking brakes and burning clutches. This is a hazard to residents. Last of all the damage to the ecosystem cannot be understated. This lessee destroys the land and the animals that depend on it. Their footprint grows bigger by the year. Birds, insects and plants that are found nowhere else in the world are burned, bombed and generally terrorized by the explosions. PTA is like a house of bad renters that you can't wait to evict because their loud parties day and night, dogs roaming around and pooping by your mailbox and garbage piling up all around. Meanwhile you are paying thousands of dollars a month for the mortgage and they pay NOTHING! You hope and pray one day they will leave even though you know it will be a big expensive mess to clean up.

PTA IS this bad neighbor, this bad lessee that must be evicted because they bring ruin to the community. They may claim it's "critical to national security" or "an important geostrategical installation" or even that it brings jobs to the island. But at the end of the day, most service men and women stationed there are not from Hawaii, and the "national security" argument is as old and tired as your grandpa after Thanksgiving dinner. The DOD conveniently trots that one out when there's no other good reason, like when a parent tells their kid, "because I'm the parent, that's why." Last of all the DOD may fearmonger about the "threat rising in the east", meaning China, and claim that Hawaii's proximity to the Asian continent makes Hawaii's bases critical. To this, we have noticed over the years that the DOD will constantly manufacture a foreign boogeyman or enemy in order to justify its existence. Terrorism, Communism, Autocratic Regimes, the list goes on. This is shameful scaremongering.

Meanwhile, China does not threaten the existence of life on this planet. The real scare is that DOD is actually killing the biosphere by escalating global warming because it's the largest single emitter of CO2 and user of fossil fuels. The more land and areas they control, the more fossil fuels they burn and make it less likely we can salvage a habitable planet. Does it make sense to give them a green light to continue this destructive behavior? Out of self-respect and self-preservation, our community needs to say NO to extending the PTA lease. 'Aole PTA! Give our lands back!

**From:** Lizzy [REDACTED]  
**Sent:** Monday, June 6, 2022 9:24 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** No New Lease for PTA Hawaii!

My name is Liz Laliberte and I am a resident of Hilo, Hawaii. I say NO to PTA's request to renew the lease on 23,000 acres. Why NO? Because PTA has been a bad lessee. First off, the toxics. If you owned a property and your lessee poisoned the land and air with toxic chemicals, would you renew the lease? And if you requested an accounting of what chemicals, when and how much was dispersed, they said they couldn't tell you? No way would anyone in their right mind say, "Sure, keep up the good work for another 50 years." To add to this, PTA is a bad neighbor. They are noisy, dirty and a danger to surrounding ecosystems and communities. Their helicopters have started wildfires, their planes fly overhead at all hours of the day and night and disturb the peace of our communities, and their convoys are jam up the roads. Multiple times have I seen military trucks pulling off the highway (dangerous) because of smoking brakes and burning clutches. This is a hazard to residents. Last of all the damage to the ecosystem cannot be understated. This lessee destroys the land and the animals that depend on it. Their footprint grows bigger by the year. Birds, insects and plants that are found nowhere else in the world are burned, bombed and generally terrorized by the explosions. PTA is like a house of bad renters that you can't wait to evict because their loud parties day and night, dogs roaming around and pooping by your mailbox and garbage piling up all around. Meanwhile you are paying thousands of dollars a month for the mortgage and they pay NOTHING! You hope and pray one day they will leave even though you know it will be a big expensive mess to clean up.

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Sincerely,  
Elizabeth Laliberte  
Hilo, HI

--

Sent with Tutanota, enjoy secure & ad-free emails.

# Nani Lanai

Hi,

If this is a real estate action, the army must pay a reasonable price for the lease of the land. A 1\$ a year lease is an insult considering real estate costs in Hawaii.

This doesn't even cover the cultural aspect.

I'm opposed if the military cannot pay more than 1\$ a year for a lease. With these insufficient funds they will not be able to maintain the land properly.

## Hunter Lange

Listen to Kanaka Maoli and their wishes to protect sacred lands. Leave Pōhakuloa alone and prevent the further desecration. Kanaka Maoli are the ancestral stewards of the land and you're not only posing a threat to their 'āina, but their connection to their kupuna and their piko. This is about preservation of life on earth. Listen to Kanaka Maoli.

# Lelaine Lau

"PTA provides a quality joint/combined arms facility that provides logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community."

Honestly, I don't have time to read 400 pages, but let's start with this mission statement.

The military cannot with a straight face, claim any kind of environmental or cultural stewardship on ANY land they are on in Hawai'i. This is borne out by facts. No one believes this to be true. In fact, your own troops that you are poisoning via Red Hill don't believe it to be true. They know you have lied to them and do not care about them.

Cultural stewardship? Is that your word for bombing? Has not the military already desecrated enough of this land via bombing? And on Kaho'olawe which was never cleaned up? why should anyone trust your word when you have been nothing but disrespectful to the Kanaka Maoli since the day you provided cover for the illegal overthrow?

It is a fact that one thing the military is unparalleled at is in creating superfund sites. So please, let's dispense with the lies.

Further, that "enduring partnership" is actually imperialism and occupation.

Nice try with the euphemisms and lies. I expect the other pages are filled with the same.

DEOCCUPY HAWAII!!

## Kawena Lauriano

I write today in **STRONG** opposition to the lease renewal of Pohakuloa Training Area. The US military continues to destroy and pollute the land of Hawai'i with little to no regard for the land or its people. The time has come to stop the desecration and pollution. Please do not renew the lease.

## Jonathan Lee

I do not support the Army's proposal to retain this land. The Army should immediately return this land to the State of Hawaii to make room for a new highway to the west side, housing, agricultural land, and other much needed land uses. This land is not needed for national security reasons and the Army is not being forthcoming about that. There are other states o the mainland that would be more than adequate and more than happy to provide training grounds for Army personnel and there is absolutely no reason for the Army to be on this tiny island. It is a waste of money to train soldiers here, it is a waste of space when more space is available elsewhere, it is a waste of money to transport soldiers, their families, and their home goods to live here to train. The price to transport the equipment to train is also rising. It is a win-win to relocate this training facility elsewhere and it is the decent, dignified thing to do. The land belongs to the people of Hawaii and this particular training ground is especially excessive for them to hold on to.

## Selah Levine

I do not agree with retaining the pohakula training area for military use. It is detrimental to the fragile ecosystem and cultural sacredness of that area. There is too much military training on Hawaii period.

**From:** selah levine [REDACTED]  
**Sent:** Wednesday, April 27, 2022 4:43 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Comment- Pohakuloa training area retention

I do not agree with retaining the pohakula training area for military use. It is detrimental to the fragile ecosystem and cultural sacredness of that area. There is too much military training on Hawaii period.

## Ralph LeVitt

As a resident on the Big Island of Hawaii, I welcome the military's use of the Pohakuloa Training Area to keep our soldiers up to date in their training, through both live fire and simulated weaponry. The entire area is pretty much unusable lava fields that can serve no other purpose. I have no problem at all with it's current and hopefully, future use for training.

# Danny Li

My name is Danny Li, D-A-N-N-Y, L-I. I live in Kea'au. My testimony is that I do not support. I advocate no lease renewal. Cancel the lease. And my testimony is pretty short today. Two lessons of A, B, C, make it as simple as possible. A, B, C (indicating). A, aina, yes. B, bombs, no. C, cleanup, yes. Now I will let that sink in for about a minute, and then I will have one more minute of another lesson of ABC. (Moment of silence.) Okay. My second lesson is also A, B, C. I was actually in the ROTC. In fact, a lot longer than probably most of you here. '66 to '68. But those were three lessons I was never -- that I was never taught at ROTC. Lesson A, the United States was established in 1776. So it's about 246 years since then. Of those 246 years, only ten years the United States has not been involved in a war with a foreign country. I challenge any one of you to name another country that is more violent-like. Look it up, please. That's something I did not learn from ROTC. Lesson number two, B, lesson B -- again, I was not taught this. Martin Luther King he was supposedly honored by everybody, right? But they are very selective. They never wanted to say what he actually said before he was killed. Okay? He was assassinated, obviously, in 19, I believe, 64. But months before that, because of the Vietnam war, he made that statement. "The U.S. government is the greatest purveyor of violence in the world today." Now, that was before -- that was during Vietnam, before Iraq, before Afghanistan. I didn't learn that from ROTC. Lesson three, C, again, I didn't learn from ROTC. In 1893, the U.S. military helped overthrow an independent government, right here in Hawai'i. Okay? And now you are asking the people of Hawai'i to renew the lease so that you can train to do the same kind of regime change all over the world? No. Cancel the lease. Mahalo.

## Danny Li

The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!

**From:** [REDACTED]  
**Sent:** Tuesday, June 7, 2022 3:18 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Statement in Opposition to the Lease Renewal on Pohakuloa Training Area

The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!

Peace, Aloha & Imua!

Danny H. C. Li (Kea'au, Hawai'i); [REDACTED]

## Howard Ling

I am a farmer dedicated to the movement of reestablishing food security on the island of Hawai'i. I get it, with everything that I do as a farmer, practice makes perfect. Practice allows me to find efficiencies, practice helps me to continuously improve my abilities to produce food. As such, when it comes to national defense, I agree, our soldiers need practice in order to be ready to protect our country. I understand that this draft EIS is addressing a real estate transaction between the continued lease by the federal government of Hawai'i State land. This land, which has been filled with firing points to allow deployment of live fire munitions onto our US soil. The environmental impacts from live fire training is actually on government owned land. I urge you to consider the same wisdom shared with us by our national park services, pack in and pack out what you bring to this land. Can we leave this land the same, if not in better shape for our future generations to come? What will it take to clean up? Are we able to curb live fire training to be able to meet our abilities to clean up the waste in which we create? What is the efficacy of our current live fire training? How much more can we rely on the existing Battle Area Complex's digital live fire range to simulate live fire, thus helping to reduce environmental impacts? I believe in a win win scenario, and hope that this lease renewal can be a starting point to examining the status quo and determining how we can continue to achieve military readiness and still leave a world safe and ready to pass on to the generations to come.

# MeleLani Llanes

May 12, 2022

To Whom It May Concern Regarding PMhakuloa Training Area (PTA) on the island of Hawai'i:

I am writing in response to the Draft EIS regarding the lease of land where the PMhakuloa Training Area (PTA) is located on the island of Hawai'i. I am stating without hesitation that the lease needs to end in 2029, the end of the current lease term.

The Department of the Army has shown incredible disrespect for the land and the indigenous people's of Hawai'i, starting with the lease amount of \$1.00. Add to that the desecration of land and natural resources at PMhakuloa and the environmental mess you've left in your wake! Then there is the trauma experienced by residents from having to endure the rumble of live-re training. There are plenty of places to do your training on the continental U.S. The outrageous amount of land resources that the DoD is in possession of in Hawai'i is unconscionable.

The DoD has demonstrated time and time again that they are incapable of caring for the land, which is a requirement of the lease, and as their leases expire, they need to go elsewhere and return the land to the residents of Hawai'i, especially Native Hawaiians.

Reducing the military presence in Hawai'i by 80% could still maintain U.S. national security. It's time for you to reduce your presence there and move elsewhere. Or better yet, focus on peaceful practices, not military ones.

While I am obviously upset with this issue, I still pray for those in military service and their families, especially those we have lost.

Mahalo for the opportunity to express my feelings about this issue,

MeleLani Llanes  
Makakilo, O'ahu, Hawai'i

## Paul Lonokapu

This is a "no brainer", Option 4, no new lease! Reason why is simple... The United States of America military needs to DE-OCCUPY the HAWAIIAN KINGDOM of its belligerent military occupation and fulfill its obligations to restore authority back to the HAWAIIAN KINGDOM. And although this is the main reason from a legal standpoint of both US law and International law as well as Hawaiian law, there are other more urgent and crucial issues why PTA needs to be SHUT DOWN. Depleted uranium, unexploded ordinance, contamination of our water, air, and land pose a serious health threat to us and future generations. PTAs locality is mauka as well as central of pretty much the rest of the island and the majority of its population. Shit flows downhill. Look at Red Hill. Like I said... it's a no brainer.

There are more cons than pros to PTA. A few cons right off the top of my head other than the ones already mentioned, PTA, Pearl Harbor, KMCAS, Skofield Barricks, etc., puts Hawaii at risk of attack from enemies of America. Live fire exercises desecrates and destroys important historical, cultural and sacred places, (war crimes), State of Hawaii has no legal right to lease out these lands to begin with, it is an illegal entity derived from a resolution of United States Congress, which has no authority outside of US territorial boundaries, PTAs presence denies access to natural resources in the area and prevents us from performing our God given rights to gather these resources. These are just a few reasons and are just the tip of an iceberg. As far as pros... I honestly can't think of one good reason why PTA should be here, let alone remain here any longer.

Instead of trying to renew the lease, PTA should be cleaning up all of its "opala", unexploded as well as exploded ordinance and plan on vacating the area. This is an island. We have only X amount of area here. It was a stupid idea and a mistake to allow PTA to even exist here for all these years. Stop the stupidity already and go back to America and train over there. Do your live fire exercises and blow up your own grandparents gravesites. Go back and desecrate George Washington and Benjamin Franklin historical sites. What America has done here to Hawaiians and to Hawaii is so typically American. You've heard the saying "Hawaiian by birth, American by force". I am a proud Kanaka! I could never be a proud American.

America makes these lists of certain plants and animals which are deemed "endangered" and put strict restrictions and heavy fines if an endangered species is harmed in any way. What about the Hawaiian? Don't you think the Hawaiian is an endangered species? What have you done to protect them, their habitat, their land, their culture? Nothing! In fact you've been trying to genocide us.

And then there's the list of invasive species. You have miconia, coqui frogs, mongoose, fire ants, etc., but the biggest most invasive species is... the American. DE-OCCUPY HAWAII. Go home. GTF!

## Joy Loo

How you treat the land, is how you treat the people. I am strongly opposed to the US military's use of Pōhakuloa in any way. I say NO to the lease renewal for an entity that has proven they have no respect of our lands, releasing toxins in the live fire training, with no regard for people, animals, & plant life. I say clean up the mess you made, US military, & stop your desecration. I wholly support the demilitarization & deoccupation of Pōhakuloa. Immediately.

## Olivia Louis-Charles

Using this land for military purposes has significant and damaging impact on the land and environment, which includes rare native species of Hawai'i.

## Bella Lynch

Aloha, as kama'āina i believe it is my kuleana to defend this sacred space of our home. The military should not retain this land area, at pohakuloa. This is one of the few areas left in the state that hasn't been completely ravaged or desecrated by the United States occupation or impacted severely by the colonization of Hawaii. I believe the military should see it as their duty to protect and preserve what is left of the aina, both physically and environmentally. The US military already has a history of exploiting Hawaii for its resources, and destroying land for their own use without consideration of the people of the land, or the land itself, one such example is the bombing of Kaho'olawe. Please use this instance as an opportunity to make some sort of amendment for the suffering and harm that has been caused, and work with the people of this land in an expression of aloha, instead of hurting us further. Mahalo nui loa for your consideration.

**Julia Macri**

I choose the Eis option 4, the no action alternative, to not renew the lease for pta. Mahalo for your consideration for my comment.

# Mahealani

My name is Mahealani, but my name doesn't matter at this point. What matters is I went around and I read the posters back there, and yes, you do need training to go out and defend whatever war you attain to, but the bottom line is we need three sources to survive: Air, water, and land. And by doing this up there, you are training with live ammunitions, it contaminates every source of this, our air, our water, our land. Our land is being contaminated. It goes into our water system. I believe you have enough training areas. Go back to Area 51 in Nevada. You have Schofield Barracks. You have Wheeler. You have Bellows Air Force Station, which is on Hawaii homeland. You have Kauai, land on Kauai, Barking Sands. And here are the Hawaiians, without their land and without their aina to be sustainable. For years many men have battled and women and children to get Kaho'olawe back. I had family evicted from Mokauea in the Sand Island, and we never got back. You got Makua Cave; we are fighting for that to end, too. And after you folks get up and leave the contamination stays forever. Our channels between our island are contaminated with shrapnels, ordnance, and our life in our islands is dying. Our children are suffering. We have many cases of birth defects, brain tumors, brain cancers, blood cancer, leukemia, and it's contaminated because it travels through the air. Dust travels everywhere. And I believe that it's time that the land has been taken back to be cleaned up and to keep it sacred - obvious no one can live on it. But we don't have to continue to contaminate and destroy and desecrate our aina. And that's all I have. I complete my (inaudible). Mahalo. Akui anui. We all holomua. We all need to move forward, but we all have to take our steps one day at a time and see what results can be done. That's all I have to say. Mahalo.

## Martha Martin

I was born and raised on Oahu, and have lived on Maui 59 years. Stopping the bombing of Kahoolawe Island was the right thing to do. Now it is the right time to end leasing Pohakuloa for military training. The war training is very destructive to that land, and should be ended. I oppose renewing the lease for military training in Hawaii.

**From:** Martha E. Martin [REDACTED]  
**Sent:** Sunday, June 5, 2022 6:20 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** State renewal for lease of Pohakuloa land on Hawaii Island Opposed

I was born and raised on Oahu, and have lived on Maui 59 years.  
Stopping the bombing of Kahoolawe Island was the right thing to do.  
Now it is the right time to end leasing Pohakuloa for military training.  
The war training is very destructive to that land, and should be ended.

I oppose renewing the lease for military training in Hawaii.

Ms. Martha E. Martin  
[REDACTED]  
[REDACTED]

## Nancy Martin

Hi, my name is Nancy Martin. I live at [REDACTED] in Waikoloa Village, and my number is XXX-XXX-XXXX, and I would just like to request that the lease not be renewed for the training area for the military at Pohakuloa. I do not like hearing the bombs going off up there at nighttime different times of the year, and I also am very uncomfortable with having the waste that comes from bombing and military training on the land above the house here. So that's my input. If you need further comment, just give me a call back. I really hope that we can find a different place or a simulation or something more modern, rather than just bombing land in our community. So thank you for taking my testimony, and I hope it's helpful.

## Peter Mathews

The army has sufficient federal land for use in our state and should relinquish the leases on state lands. Military use of the land for training and caring for the land and ecosystem are not compatible goals. This is an opportunity for the military to do the right thing for the people of Hawaii by not pursuing lease renewal.

## Alexis Mayhew

I oppose this, as there is already a massive presence of military on all islands. Which is totally unnecessary. The constant disregard for the Hawaiians, and locals in general should no longer be tolerated. My daughter is Hawaiian, and all of her Ohana on the Big Island oppose of this as well. Enough is enough, go play your "rich man" war games somewhere else. Not our 'Aina for our Keiki! Mahalo

## Michelle Mazzetti

I am speaking to what could happen in the event of the Pohakuloa State Land lease expiring without renewal;

Waiki'i Ranch is surrounded by Federally owned land and is composed of highly sensitive volcanic ash soil, which if disturbed creates a serious health hazard for the Waiki'i area. I fear that if the State lease land is not utilized for the needs of training, they will resort to the Federally owned lowlands in this area which are much more sensitive to disruption than the rocky highlands.

Not only would the usage of this area by heavy machinery pose a health hazard to residents of Waiki'i, it would result in irretrievable loss of valuable topsoil. This was demonstrated after the massive 2021 Parker Ranch fire, and manifested as gigantic dust clouds which blew all the way to Pu'uana'hulu--taking months to repair.

Formerly Parker Ranch land, this Federally owned area below Waiki'i was grazed at that time in a regular fashion-- and after this land was purchased for the Stryker program in the 2000's the management of the non-native grasses was greatly diminished. Now only unmanaged animals roam the land, except for the small easement adjacent to Waiki'i which is leased to a private individual who maintains grazing animals. A change to the management of the greater area may be necessary to both reduce fire load and perpetuate native species.

I believe the highest and best use of this land below Waiki'i Ranch would be a mixed use area available to public use, with conservation easements where the 3 critically endangered plants found in this area (*Sodendron hosakae*, *Lipochaeta venosa*, and *Vigna o-wahuensis*) can be preserved and perpetuated with a management plan, along with other species native to the area. Mamane, Naio, Koaia, 'a'ali'i, and other dry land species could be introduced in strategic locations to help break the monoculture of non-native grass. This would be an unprecedented step by the U.S. Government to support Native Hawaiian Ecology and help mitigate centuries of human impact.

Perhaps in a good faith effort, if this area was offered up for mixed use and conservation, would help alleviate the frustration of the ongoing use of Pohakuloa while helping the Military to maintain the amount of available training grounds.

megan mccaffrey

please close puakaola it serves no meaning ful purpose that I can see

# Julia Rose McGann

## A'OLE DESECRATION ON POHAKULOA!

Our 'āina does not need nor deserve the burden from the US. Our home is not a place for military practice! Please hear and actually listen to the kanaka.

## Carol McMillan

My name is Carol McMillan (ph.). I live in Waimea, and I won't be nearly as eloquent as some of the others who have spoken here. I am a relatively new resident. Only been here for a little over two years. So I have been coming to the island since before it was a state. I'm old, and I have watched the arrogance of the United States of America for my entire life, and it humiliates me. It's a history of this. From Bikini Island and from that area, I have listened to women who came and spoke in Seattle about what they called jellyfish babies. To this day, that land is so contaminated that women give birth to babies that are flat, round, with teeth and hair, and they breathe by going up and down and then they die. And they call them jellyfish babies. I mean, where are our hearts? It's the military industrial complex. There are people getting rich. There are people that are getting so rich over all the wars and all of the ordnance that you are dropping on this island. It's beyond comprehension to me that the list just goes on destroying land after land after land in the name of killing people. It's just tragic. Guantanamo in Cuba. We are occupying another country. That lease ran out, but we don't leave, and the United States government keeps sending money for the lease every year. And you know what Cuba does? It sends the money back to the United States, and says: Feed your own people first. We don't want your money. Just there are so many examples, and this is, yet. I couldn't believe it. I had no idea when I moved here and found out that 1/5th of the island, of this beautiful island is just used for blowing up things. I mean, it's a long way to Waimea from there, and I sit up in the middle of the night with the boom sometimes that happen. It's just, it doesn't need to happen. Somebody is making money by having all this live ordnance that you blow up and blow up, and then we tax papers have to pay for getting more of it so you can blow up. So whoever owns the military industrial complex, and that's who is getting to own our government. And as someone else said, it's not your fault. It's the fault of whoever makes these absolutely, to me, horrendous decisions to do so much in the name of just killing people. Everybody else has done a better job of naming the things that are happening because of that, so I just want to say thank you for listening. Mahalo.

# Adrienne McNeill

Hello,

I'm a graduate of the University of Hawai'i's at Mānoa. Using Pōhakuloa as a military training area has significant adverse impacts on the islands of Hawai'i. This military training area corrupts cultural practices and resources for Kānaka Maoli.

## Kapua Medeiros

Aloha, my name is Kapua Medeiros, and I am calling to testify that I would like to see Pohakuloa shut down for good, and I would like Pohakuloa Training Center, Training Area to be no longer. I would like it to return to Kanaka Maoli. Enough is enough, and enough desecration has happened for too long. Please return Pohakuloa to Kanaka Maoli. That's my comment for now. Mahalo for the opportunity.

## Jaerick Medeiros Garcia

Jaerick Medeiros Garcia, in opposition to Pohakuloa Training. I'm recording this on my end, too, so that they know my testimony is being put in. Now, we don't need you guys here. The EIS is full of shit, like just like the United States is full of shit. Okay? You guys are illegal occupation. No lawful authority here in Hawaii. Stop desecrating our land. We don't want you here. We don't need you here. Go to O'ahu and get off the Big Island. It's full of shit. United States military is here to desecrate and kill off our resources. There is over 3,000 in opposition. You guys better frickin listen and listen good. Get the hell off our island. You guys are not wanted here. Stop the construction, because you know what? You guys have no lawful authority here. You guys don't belong here. Your president said so, President Clinton, 1993. Yeah? You are so full of shit, come over here and think you guys can do whatever the hell you guys like. You can \*\*\*\* off our island, man. Sick of you guys pillaging, raping our \*\*\*\*ing land, our Hawaiian land. Yeah? So fricking irritating. You guys bullshitting. It's like who (indiscernible) up there. \*\*\*\*ing lying everything you guys do. You guys are terrorists. The U.S.A., terrorists. Hawaii don't need you. You need us. For all these soldiers that is over there listening to this, you guys going to realize when you guys retire, when you guys think the United States military has screwed you and \*\*\*\*ed you in the ass. How many Veterans, how many Veterans hate the U.S. military for what they have done? All the problems that the military has done for their cause, the families, them, homelessness. You guys take care of nothing. Get the \*\*\*\* off our island. You guys don't belong here. I hate the U.S. military. You guys are \*\*\*\*ing full of shit is what. You guys are rapists, that's what you guys are. Stealing our lands. Stealing our water. Contaminating our water. You guys are making us hate you guys for what you guys are doing. It's you guys. Full of shit

## Jaerick Medeiros Garcia

Hello, everybody. A couple months ago, 3,000 people testified in opposition to Pohakuloa lease extension. I was one of them. 3,000. It's a lot of people in Hawai'i to testify. We don't have to go back to the illegal overthrow. You folks know that we were forced to be Americans. We are not Americans. We are not Americans. We are Hawaiian. We will die Hawaiians. We are not American. Your president, President Clinton, 1993, he admitted. He shared information. He said you folks illegally seized our government land. Yeah. No lawful authority. And you guys still here. I drive up and down that road, Saddle Road, and I see you folks have no intentions of leaving. You are making roads, cement buildings. You have a whole quarry back there. No intention of leaving. Senator Inouye. People, wake up. She's horrible. She's protecting you folks, allowing you guys to stay here. Commerce, wake up. No lease extension, not on Pohakuloa. We've got Hawaiians waiting for land. Yeah? DLNR lease extension, why? For more and more and more the Japanese. These guys, they want to continue to steal, support the people with the weapons. Yeah? We don't need you guys here. We really don't. This is the place where everybody can come together and not worry about war. Only you guys worried about war. Nobody else. We worried about our land that you guys desecrate, dropping bombs. Why? Go America drop bombs. Train up there. Get all different kind landscapes, weather. Why here? Because the Hawaiians? Huh? Because you guys already raped the Hawaiians for everything that they got? Shame on you guys. That's not right. You guys adults. What's right is right. What's wrong is wrong. You guys know that. Common sense. Have respect for the people that's been here for thousands of years. If you guys wasn't in that clothes, you guys come, we accept you guys in our homes. We take care of you guys. You guys are our Kuleana. We will feed you folks. We will take care of you folks. Stop killing our lands. We need that. Our water, don't touch it. Stop drilling. That's important. Mahalo.

# Trinity Medler

The military needs to stay off Indigenous land and respect the wishes of the people trying to protect it.

## Glenn Metzler

Of the alternatives listed, I support alternative 3. However, the state should not lease any land that contains native forest or rare species and any of these areas not already incorporated in alternative 3 for non-renewal should be added to it. Hawaii has too many threatened and endangered species and already lost habitat to allow any further potential loss or degradation.

## Ash Miller

Expanding military training on Hawaii will have its impact in the most negative ways. Native flora and fauna are already suffering from multiple occupation on the islands, from overdevelopment in both housing and bases. It would be the wisest decision to pull back in opening another training ground. What good is a army if they are harming more than protecting.

## Caitlin Moon

I am writing to express my vehement opposition to the army's renewal of their lease of 23,000 acres of ceded lands on Hawai'i Island in the area known Pōhakuloa. I must express my profound concern regarding the continued cultural, environmental, and societal harm caused by the military's mismanagement, broken promises, and destructive use of our most precious resources.

First, I am gravely concerned about the use of depleted uranium in live-fire training on these acres. Not only will this aerosolized depleted uranium be distributed throughout the air, it will settle back onto the land, threatening the groundwater beneath Pohakuloa. Groundwater that was, in fact, confirmed to be present by a 2015 study conducted by the Army and the University of Hawai'i. These groundwater resources are constitutionally protected Public Trust resources that are held in trust by the State for the benefit of present and future generations of the people of Hawai'i. NOT for the federal government. Kaho'olawe's groundwater was already destroyed by Military impact; O'ahu's aquifers continue to be threatened by the presence of fuel tanks put in place by the Navy. Hawai'i island must not be made to suffer the same consequences. The inevitable irreparable harm to Hawai'i's constitutionally protected Public Trust resources weighs heavily against the approval of the Pohakuloa lease. Indeed, the Hawai'i Supreme Court has held that "the state has both the authority and duty to preserve the rights of present and future generations in waters of the state." In light of the recent and continuing egregious mishandling of the Red Hill/Kapūkākī water crisis, the military has lost all credibility and cannot be trusted to properly mitigate the known (and unknown) impacts that continued training at Pohakuloa will cause. The State must fulfill its duty under the Public Trust doctrine and reject the renewal of the Pohakuloa lease.

Second, the army's previous lease agreement of 23,000 acres for 65 years for the sum of \$1.00 is astonishing from a fiscal perspective. Considering the fact that 46,255 Kanaka Maoli remain on the Hawaiian Homelands Waiting List, the exploitation and destruction of such a large area of land for such insignificant benefit constitutes a wildly irresponsible use of ceded lands. The \$0.015 per year that the Department of Defense paid for the use of this land is so laughable as to be disrespectful. I want to see an a chart showing what the federal government should be paying if they were paying fair market value for this land.

Third, the Army has demonstrated that it cannot or will not comply with the bare minimum mitigation and remediation obligations that were required under the original agreement. In 2019, the Hawai'i Supreme Court ruled that the state has not fulfilled its responsibility in ensuring the military is being a respectful steward of this land. Part of the Army's agreement stated that the Army must "make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise." Yet - according to the highest court in the state, this has not been done. How, in good conscience, can the lease be renewed when the current agreement is not being adhered to?

Finally, Pōhakuloa is known to contain a number of cultural and archeological resources that have never been properly cataloged, examined, or maintained. The United Nations Declaration of the Rights of Indigenous People states in Article 12 that "Indigenous people have the right to...maintain, protect, and have access in privacy to their religious and cultural sites..." These rights

are similarly protected by state law. The renewal of this lease on this land will prevent Kanaka Maoli from doing just this and further risk the destruction of priceless cultural artifacts and history.

THE LEASE CANNOT BE RENEWED.

B Moore

Stop the desecration

## Kimo Moore

The US Army's responsible stewardship of the aina is worthy of their remaining to training on the land, allow study of the flora and fauna, and protect the land from developers and corrupt or inept state officials. The US Army must abide by Federal laws and mandates, which are broader in scope and character than our state laws. The Federal approach has been pono under the Obama and Biden administrations. I would ask the US Army to please remain on the 23,000 acres listed in the EIS and strive to maintain its stewardship and improve as technology and our understanding continues over the next many decades. aloha, Kimo

## Michelle Morin

Deoccupy Military from our sacred 'Āina; we need to protect our natural resources & the military has proven they are not concerned with our environment & natural resources; there is a long history of desecration by the US Military in All of Hawaii & it is straight Wrong!!! STOP POLLUTION & DESECRATION OF OUR SACRED KŪPUNA!!! Our keiki deserve to live in a safe, clean, pono environment! Stop the wrongs that the US has continuously done to all native lands here & everywhere!!!

## Michelle Morin

Please stop desecration of Pohakuloa. The military has used Pohakuloa for training grounds & bombing much too long! The evidence of what bombing has done is evident in what has happened to Kahoolawe; the military was negligent in their contracts to care for the land they pay so little to use. From Kahoolawe, Makua, & Redhill tanks-we are seeing the detrimental impacts on our natural resources; we have the opportunity now to preserve our most precious resources before it gets destroyed! The military has proven to be the worst stewards in all the world to the environment so it's obvious that what they are doing at Pohakuloa will only have detrimental affects on our natural resources & the people indigenou to this land. **STOP THE MILITARIES BLATANT DISREGARD & DESECRATION OF HAWAII'S NATURAL RESOURCES NOW!!!** what will our children have left of a land that is bombed & disrespected? Bombing on Pohakuloa needs to end!! War games in Hawaii's waters need to end!!!

# Maki Morinoue

Aloha

My testimony is in opposition to the retention of 23,000 acres of state-owned land. The Military has failed to clean up after their mess where ever they have occupied here in Hawai'i State.

Stop the madness and start protecting our land, our residents and start respecting the native people of the land.

Thank you for reading.

Maki Morinoue



## Dailee Morrone

I was born and raised in Hawai'i and lived in Hilo most of my life. Please, just give Hawaiians their land back. We don't need another Red Hill situation and the military and state don't seem to care about the people anymore.

## Bret Mossman

I just want to give a couple comments on the finding of no biological significance at PTA. So, for instance, in the duration that PTA has had management over the land that they have governed, six species of endemic birds have been extirpated from the area. If you don't know, Hawai'i is the extinction capital of the world for birds. We've lost over 77 species. So it's very alarming to me that there was a finding of no biological significance, because in the duration that you folks have had management six species have disappeared, as I have said. So what the issue is is that it may not have been a direct action -- a direct result of your actions in the reserve, but it is a direct result of your inaction. So here in Hawai'i species require dedicated conservation work, and if you don't do it they will disappear. And that's still currently happening with an endangered species that is still found in the area, the Band-Rumped Storm Petrel or Ake'ake (ph.). It's the last endangered species that is found in PTA, and it's one of only three remaining endemic bird species that can be found in the area. So I think my major concern is that you folks are not adequately addressing the biological resources in the area. And most of that is due to inaction, whether it be from predator control or not excluding ungulates, but habitat is continuing to be degraded and more species are in jeopardy of being lost from that area. You have already lost six. You only have three left. You guys really need to step up in what you are doing with your management there. On O'ahu, the O'ahu Army Natural Air Reserves, they have some of the largest populations of native birds left on O'ahu. Meanwhile you folks continue to lose them. So 'Alala, Ua'u, Nene, i'iwi (ph.) have all been lost from these lands. So that's something that I'm very deeply concerned about and something that you folks need do a much better job of addressing if this lease is going to continue. And even in the last year you can drive through over Saddle Road, the Aweoweo shrublands that surround the base have been completely decimated by goats. That's because you guys have not built fences, you have not protected that resource, and that's going to be an area that is going to provide a lot more dust, collect less water, and have multiple impact on species that we frankly don't even know exist yet. So that's something that I think really needs to be reconsidered in this evaluation because there are some biological resources that are under threat because of your folks' inaction. And so it might not come as a direct result of your action, but inaction here in Hawai'i is an action, and it has been seen there over your record of management because those species have been lost. Thank you very much for your time

## Zack Murphy

I would like to see the land be returned to the native endemic species that inhabit the land for the million years to come we humans have tragically destroyed the earth within the past 1k just do our job to try to help preserve the special ecosystem that supply's us.

# Isaac Nahuewai

Aloha,

This is a letter opposing the further desecration of Pōhakuloa. We feel the bombings with all our senses and the ‘āina has been radically changed by the bombings. STOP THE DESECRATION. -

- Na‘u nō, na ‘Ika‘aka Nāhuewai Kumu ‘Ōlelo Hawai‘i - Hawaiian Language Lecturer  
Ho‘olauka‘i Hu‘ea‘o - Internship Coordinator Ka Hale Kuamo‘o - Hawaiian Language Center Ka  
Haka ‘Ula o Ke‘elikōlani - College of Hawaiian Language Ke Kulanui o Hawai‘i ma Hilo -  
University of Hawai‘i at Hilo ‘O MAULIOLA PŪ ME KĀKOU

**From:** [REDACTED]  
**Sent:** Tuesday, April 26, 2022 7:33 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pōhakuloa

Aloha,

This is a letter opposing the further desecration of Pōhakuloa. We feel the bombings with all our senses and the ‘āina has been radically changed by the bombings. STOP THE DESECRATION.

--

Na‘u nō,  
na ‘Ika‘aka Nāhuewai

**Kumu ‘Ōlelo Hawai‘i - Hawaiian Language Lecturer**  
**Ho‘olauka‘i Hu‘ea‘o - Internship Coordinator**  
Ka Hale Kuamo‘o - Hawaiian Language Center  
Ka Haka ‘Ula o Ke‘elikōlani - College of Hawaiian Language  
Ke Kulanui o Hawai‘i ma Hilo - University of Hawai‘i at Hilo

‘O MAULIOLA PŪ ME KĀKOU

## Janelle Naone

I am against the military retaining Pohakuloa for another 65 years or even 1 more year. The \$1/year lease is atrocious and our 'aina needs time to heal. The military has proven to be a bad steward of our lands and are destroying it like Kaho'olawe, Makua Valley, Waikane, etc. History has shown us that promised restoration of 'aina always fails as the damage is just too horrific. Enough is enough, move out already. Go do your training in the vast open expanses of the continental United States in an area where there are no sacred places.

Nicole Navarro

Aloha, Please stop the desecration of Pohakuloa and not allow the military to continue to use it as a target/bombing site. Mahalo

**From:** Nicole Navarro [REDACTED]  
**Sent:** Wednesday, April 27, 2022 9:16 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Mālama 'āina

Aloha,

Please stop the desecration of Pohakuloa and not allow the military to continue to use it as a target/bombing site.

Mahalo

## Basara Nekki

Don't listen or give in to the "Hawaiian" activists. We are Americans. God bless America!

## Charles Ogle

I believe in a strong defense for this country. The events in Ukraine over the last two months have underscored this need. A strong defense requires that our military forces be well equipped and well trained. Accordingly, I support the Army's training land retention at the Pohakuloa training area. Thank you.

# Curen Ohama

Aloha US Army.

We got so many environmental problems in this little place in the middle of the pacific. Please just stop with the bombing of Pohakuloa. We all know the price isn't worth it. In fact maybe be the one to show what true Peace looks like. Do something real for the planet. Enough blood of mankind and enough blood of the earth has been shed. It's gonna be ok if you folks say enough for Pohakuloa. ♥

# Ohana

I represent my ohana. We are citizens and patriots of the Hawaiian Kingdom.

We cannot and will not share our Aloha with the United States Army or any other agent or agency of the United States while you continue to violate, desecrate, pollute and destroy our country under your belligerent occupation of our internationally recognized neutral nation.

The hardships that our ohana and other Hawaiian citizens have been forced to endure since the 1893 unlawful overthrow of our government by United States of America and the prolonged unlawful United States of America's occupation of our country are too numerous to mention, but the United States of America already knows that.

We shall not respond to your fraudulent Draft EIS. It filled with false information. In accordance with international laws of occupation, it is unlawful. In accordance with the Hawaiian Kingdom's neutral nation status, it is unlawful. It violates treaties between the United States of America and the Hawaiian Kingdom. But again, the United States of America already knows that.

On January 16, 1893, United States diplomatic and military personnel conspired with a small group of individuals to overthrow the constitutional government of the Hawaiian Kingdom and prepared to provide for annexation of the Hawaiian Islands to the United States of America, under a treaty of annexation submitted to the United States Senate, on February 15, 1893. Newly elected U.S. President Grover Cleveland, having received notice that the cause of the so-called revolution derived from illegal intervention by U.S. diplomatic and military personnel, withdrew the treaty of annexation and appointed James H. Blount, as Special Commissioner, to investigate the terms of the so-called revolution and to report his findings.

The report concluded that the United States legation assigned to the Hawaiian Kingdom, together with United States Marines and Naval personnel, were directly responsible for the illegal overthrow of the Hawaiian Kingdom government. The report details the culpability of the United States government in violating international laws and the sovereignty of the Hawaiian Kingdom, but the United States Government fails to follow through in its commitment to assist in reinstating the constitutional government of the Hawaiian Kingdom.

Although the United States of America recognized it's wrongdoing then and ignores it now, the United States of America continues on a most dishonorable and deceitful path in the Hawaiian Kingdom and in fact across the world that we share.

We oppose any and all violations of international laws of occupation by the United States against the Hawaiian Kingdom, a peaceful and neutral country.

We oppose the continued violence inflicted by the United States upon the lands, sea, and air of the Hawaiian Kingdom.

We oppose the continued psychological trauma inflicted by the United States upon the citizens and non-citizen patriots of the Hawaiian Kingdom.

We oppose the United States' continued violations of our human rights and continued violations of treaties entered into by our respective countries.

The United States professes to be an honorable country but to actually be honorable requires actual honorable actions by the United States and its agents.



Department of State,

Washington, July 26th. 1844.

Dear Sir,

The note which you did me the honor to address to me of date July 26th. 1844. has been received and laid before the President, and in reply to it I am instructed to say that the communication heretofore addressed to you by the Secretary of State (McKibbin) dated the 19th of December, 1843. and the Message of the President to Congress of the 21st of December, 1843. and the preceding session of the House of Representatives, the appropriation made for the compensation of a Commissioner of the United States who was

To Messrs. T. Kaulahe and W. Richards. }  
Do Do Do. }

subsequently appointed to reside on the  
Sandwich Islands, were regarded  
by the President as a full recognition  
on the part of the United States of  
the Independence of the Hawaiian  
Government. The former has undergone  
no change, and as the course adopted  
by the Government of the United States  
in this conforms substantially with  
the rule by which it has been regulated  
in all similar cases, it does not appear  
to the President necessary to introduce  
any other or more formal mode of  
recognition.

I have the honor to be, gentlemen, your obedient servant.



M. C. Cushman

## (9) TREATY WITH THE UNITED STATES,

RATIFIED ON THE 19<sup>TH</sup> OF AUGUST, 1850.

KAMEHAMEHA III., *King of the Hawaiian Islands, to all to whom these presents shall come*, GREETING:

KNOW YE, that whereas a treaty of friendship, commerce and navigation between Our Kingdom and the United States of North America, was concluded and signed by Our and their Plenipotentiaries, in the city of Washington, on the 20<sup>th</sup> day of December, 1849, which treaty is word for word, as follows:

The UNITED STATES OF AMERICA and HIS MAJESTY the KING of the HAWAIIAN ISLANDS, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective states, and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of friendship, commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America John M. Clayton, Secretary of State of the United States; and His Majesty the King of the Hawaiian Islands, James Jackson Jarves, accredited as His special commissioner to the Government of the United States; who, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I. There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, His heirs and His successors.

ARTICLE II. There shall be reciprocal liberty of commerce and navigation between the United States of America and the Hawaiian Islands. No duty of customs, or other impost, shall be charged upon any goods, the produce or manufacture of one country, upon importation from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country: and the United States of America and His Majesty the King of the Hawaiian Islands do hereby engage, that the subjects or citizens of any other state shall not enjoy any favor, privilege or immunity whatever, in matters of commerce and navigation, which shall not also, at the same time, be extended to the

subjects or citizens of the other contracting parties gratuitously, if the concession in favor of that other state shall have been gratuitous, and in return for a compensation, as nearly as possible, of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE III. All articles the produce and manufacture of either country which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties, and enjoy the same privileges, whether imported in ships of the one country, or in ships of the other; and in like manner, all goods which can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-exported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties and allowances, whether exported in ships of the one country or in ships of the other; and all goods and articles, of whatever description, not being of the produce or manufacture of the United States, which can be legally imported into the Sandwich Islands, shall, when so imported in vessels of the United States, pay no other or higher duties, imposts or charges, than shall be payable upon the like goods and articles, when imported in the vessels of the most favored foreign nation other than the nation of which the said goods and articles are the produce or manufacture.

ARTICLE IV. No duties of tonnage, harbor, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Hawaiian Islands, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

ARTICLE V. It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels.

ARTICLE VI. Steam vessels of the United States which may be employed by the Government of the said States, in the carrying of their public mails across the Pacific Ocean,

or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination.

ARTICLE VII. The whaleships of the United States shall have access to the ports of Hilo, Kealahou and Hanalei, in the Sandwich Islands, for the purposes of refitment and refreshment, as well as to the ports of Honolulu and Lahaina, which only are ports of entry for all merchant vessels, and in all the above-named ports, they shall be permitted to trade or barter their supplies or goods, excepting spirituous liquors, to the amount of two hundred dollars *ad valorem* for each vessel, without paying any charge for tonnage or harbor dues of any description, or any duties or imposts whatever upon the goods or articles so traded or bartered. They shall also be permitted, with the like exemption from all charges for tonnage and harbor dues, further to trade or barter, with the same exemption as to spirituous liquors, to the additional amount of one thousand dollars, *ad valorem*, for each vessel, paying upon the additional goods, and articles so traded and bartered, no other or higher duties, than are payable on like goods, and articles, when imported in the vessels and by the citizens or subjects of the most favored foreign nation. They shall also be permitted to pass from port to port of the Sandwich Islands for the purpose of procuring refreshments, but they shall not discharge their seamen or land their passengers in the said Islands, except at Lahaina and Honolulu, and in all ports named in this article, the whaleships of the United States shall enjoy in all respects whatsoever, all the rights, privileges and immunities, which are enjoyed by, or shall be granted to, the whaleships of the most favored foreign nation. The like privilege of frequenting the three ports of the Sandwich Islands, aboved named in this article, not being ports of entry for merchant vessels, is also guaranteed to all the public armed vessels of the United States. But nothing in this article shall be construed as authorizing any vessel of the United States, having on board any disease usually regarded as requiring quarantine, to enter, during the continuance of such disease on board, any port of the Sandwich Islands, other than Lahaina or Honolulu.

ARTICLE VIII. The contracting parties engage, in regard to the personal privileges that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of Hawaiian Islands, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the states of the two high contracting parties, subject to the same precautions of police which are practised towards the subjects or citizens of the most favored nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, being subjects or citizens of the other contracting party, shall succeed to their personal goods, whether by testament *ab intestator*; and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at will, paying to the profit of the respective governments such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the heirs and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. Where, on the decease of any person holding real estate within the territories of one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the government of the respective states. The citizens or subjects of the contracting parties shall not be obliged to pay, under any pretense whatever, any taxes or impositions, other or greater than those which are paid, or may hereafter be paid, by the subjects or citizens of the most favored nation in the respective states of the high contracting parties. They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by laws established. Their dwellings, warehouses, and all premises appertaining thereto,

destined for the purposes of commerce or residence, shall be respected. No arbitrary search of, or visit to their houses, and no arbitrary examination or inspection whatever of the books, papers or accounts of their trade, shall be made; but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two contracting parties engages that the citizens or subjects of the other residing in their respective states, shall enjoy their property and personal security, in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favored nation, but subject always to the laws and statutes of the two countries respectively.

ARTICLE IX. The citizens and subjects of each of the two contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor or agent, nor shall the citizens and subjects of the two contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall be given in all cases to the buyer and seller to bargain together and to fix the price of any goods or merchandise imported into, or to be exported from the States and dominions of the two contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the contracting parties. But nothing contained in this or any other article of the present treaty shall be construed to authorize the sale of spirituous liquors to the natives of the Sandwich Islands farther than such sale may be allowed by the Hawaiian laws.

ARTICLE X. Each of the two contracting parties may have, in the ports of the other, consuls, vice-consuls, and commercial agents, of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nation; but if any such consuls shall exercise commerce, they shall be subject to the same laws and usages to which the private individuals of their nation are subject in the same place. The said consuls, vice-consuls, and commercial agents are authorized to require the assistance of the local authorities for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose, they shall apply

to the competent tribunals, judges and officers, and shall in writing demand the said deserters, proving by the exhibition of registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls, vice-consuls or commercial agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country, by a vessel of the same nation, or any other vessel whatsoever. The agents, owners or masters of vessels on account of whom the deserters have been apprehended, upon the requisition of the local authorities shall be required to take or send away such deserters from the states and dominions of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XI. It is agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens and subjects of both the contracting parties, in the countries of the one and the other, without their being liable to be disturbed or molested on account of their religious belief. But nothing contained in this article shall be construed to interfere with the exclusive right of the Hawaiian Government to regulate for itself the schools which it may establish or support within its jurisdiction.

ARTICLE XII. If any ships of war or other vessels be wrecked on the coasts of the states or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored with the least possible delay to the proprietors,

upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian consul, or vice-consul, in whose district the wreck may have taken place; and such consul, vice-consul, proprietors or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption; it being understood that in case of any legal claim upon such wreck, goods or merchandise, the same shall be referred for decision to the competent tribunals of the country.

ARTICLE XIII. The vessels of either of the two contracting parties which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duties of port or navigation paid for the benefit of the State, if the motives which led to their seeking refuge be real and evident, and if no cargo be discharged or taken on board, save such as may relate to the subsistence of the crew, or be necessary for the repair of the vessels, and if they do not stay in port beyond the time necessary, keeping in view the cause which led to their seeking refuge.

ARTICLE XIV. The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who, being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other; provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial if the crime had there been committed; and the respective judges and other magistrates of the two governments, shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge

or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE XV. So soon as steam or other mail packets under the flag of either of the contracting parties, shall have commenced running between their respective ports of entry, the contracting parties agree to receive at the Post Offices of those ports all mailable matter, and to forward it as directed, the destination being to some regular Post Office of either country; charging thereupon the regular postal rates as established by law in the territories of either party receiving said mailable matter, in addition to the original postage of the office whence the mail was sent. Mails for the United States shall be made up at regular intervals at the Hawaiian Post Office, and dispatched to ports of the United States, the Postmasters at which ports shall open the same, and forward the enclosed matter as directed, crediting the Hawaiian Government with their postages as established by law and stamped upon each manuscript or printed sheet.

All mailable matter destined for the Hawaiian Islands shall be received at the several Post-offices in the United States and forwarded to San Francisco or other ports on the Pacific Coast of the United States, whence the Post-masters shall dispatch it by the regular mail packets to Honolulu, the Hawaiian Government agreeing on their part to receive and collect for and credit the Post-office Department of the United States with the United States rates charged thereupon. It shall be optional to pre-pay postage on letters in either country, but postage on printed sheets and newspapers shall in all cases be pre-paid. The respective Post-office Departments of the contracting parties shall, in their accounts, which are to be adjusted annually, be credited with all dead letters returned.

ARTICLE XVI. The present treaty shall be in force from the date of the exchange of the ratifications for the term of ten years, and further, until the end of twelve months after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the said contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term. Any citizen or subject of either party infringing the articles of this treaty shall be held responsible

for the same, and the harmony and good correspondence between the two governments shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

ARTICLE XVII. The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the King of the Hawaiian Islands, by and with the advice of His Privy Council of State, and the ratifications shall be exchanged at Honolulu within eighteen months from the date of its signature, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same in triplicate, and have thereto affixed their Seals. Done at Washington, in the English language, the twentieth day of December, in the year One Thousand Eight Hundred and Forty-nine.

(Seal.)

JOHN M. CLAYTON.

(Seal.)

JAMES JACKSON JARVES.

AND, WHEREAS, we have carefully examined all the points and articles thereof, by and with the advice of Our Privy Council of State, We have confirmed and ratified the foregoing Treaty, and We do confirm and ratify the same, in the most effectual manner, promising on Our faith and word as King, for Us and Our successors, to fulfill and observe it, faithfully and scrupulously in all its clauses.

In faith of which We have signed this ratification with Our own hand, and have affixed thereto the great seal of Our Kingdom.

Given at Our Palace at Honolulu, this nineteenth day of August, in the Year of our Lord, One Thousand Eight Hundred and Fifty, and in the twenty-fifth of Our reign.

(Seal.)

KAMEHAMEHA.

KEONI ANA.

By the King and the Premier.

R. C. WYLLIE,

Minister of Foreign Relations.

EXCHANGE OF RATIFICATIONS. -- We, the undersigned, Robert Crichton Wyllie, Minister of Foreign Relations of His Majesty the King of the Hawaiian Islands, and Charles Bunker, Consul of the United States for Lahaina, having been authorized by our respective Governments to exchange the ratifications of the Treaty of Friendship, Commerce and Navigation

between His Hawaiian Majesty and the United States, concluded and signed at Washington, on the twentieth day of December, one thousand eight hundred and forty-nine, certify: That we have this day met for that purpose, and, after comparing the said ratifications each with the other, and both with the original of said Treaty, have effected the exchange accordingly.

In witness thereof, we have signed this certificate, at Honolulu, this twenty-fourth day of August, one thousand eight hundred and fifty, and have thereunto affixed our respective seals.

(L. S.)

(L. S.)

R. C. WYLLIE,  
CHARLES BUNKER.

(24) TREATY OF RECIPROCTY  
 BETWEEN THE UNITED STATES OF AMERICA AND THE  
 HAWAIIAN KINGDOM.

PROCLAMATION.

WHEREAS, by the advice and approval of the Legislature of Our Kingdom, We did enter into a Convention with the United States of America on the subject of Commercial Reciprocity, which said Convention was concluded and signed by our Plenipotentiaries and the Plenipotentiary of the United States of America, at the City of Washington, on the 30th day of January, 1875, and as Amended by the Contracting Parties is word for word as follows:

THE United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a Convention for Commercial Reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Honorable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Honorable Henry A. P. Carter, Member of the Privy Council of State, His Majesty's Special Commissioner to the United States of America. And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:—

ARTICLE I. For and in consideration of rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this Convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States, free of duty.

SCHEDULE.

Arrow-root;  
 Castor oil;

Bananas;  
 Nuts;  
 Vegetables, dried and undried, preserved and unpreserved;  
 Hides and skins, undressed;  
 Rice;  
 Pulu;  
 Seeds, Plants, Shrubs, or Trees;  
 Muscovado, brown, and all other unrefined Sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and known in the markets of San Francisco and Portland as "Sandwich Island Sugar;"  
 Syrups of sugar-cane, Melado, and Molasses;  
 Tallow;

ARTICLE II. For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this Convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

SCHEDULE.

Agricultural Implements;  
 Animals;  
 Beef, Bacon, Pork, Ham, and all fresh, smoked, or preserved meats;  
 Boots and shoes;  
 Grain, Flour, Meal, and Bran, bread and breadstuffs, of all kinds;  
 Bricks, Lime, and Cement;  
 Butter, Cheese, Lard, Tallow;  
 Bullion;  
 Coal;  
 Cordage, naval stores, including Tar, Pitch, Resin, Turpentine, raw and rectified;  
 Copper and Composition Sheathing, Nails and Bolts;  
 Cotton and Manufactures of Cotton, bleached and unbleached, and whether or not colored, stained, painted or printed;  
 Eggs;  
 Fish and Oysters, and all other creatures living in the water, and the products thereof;

Fruits, Nuts and Vegetables, green, dried or undried, preserved or unpreserved;  
 Hardware;  
 Hides, Furs, Skins, and Pelts, dressed or undressed;  
 Hoop Iron and Rivets, Nails, Spikes and Bolts, Tacks, Brads or Sprigs;  
 Ice;  
 Iron and Steel, and manufactures thereof;  
 Leather;  
 Lumber and Timber of all kinds, round, hewed, sawed and unmanufactured, in whole or in part;  
 Doors, Sashes and Blinds;  
 Machinery of all kinds, Engines and parts thereof;  
 Oats and Hay;  
 Paper, Stationery and Books, and all manufactures of paper or of paper and wood;  
 Petroleum and all Oils for lubricating or illuminating purposes;  
 Plants, Shrubs, Trees and Seeds;  
 Rice;  
 Sugar, refined or unrefined;  
 Salt;  
 Soap;  
 Shooks, Staves and Headings;  
 Wool and Manufactures of Wool, other than ready-made clothing;  
 Wagons and Carts for the purposes of agricultural or of drayage;  
 Wood and Manufactures of Wood, or of wood and metal, except furniture, either upholstered or carved, and carriages;  
 Textile Manufactures, made of a combination of wool, cotton, silk or linen, or of any two or more of them other than when ready-made clothing;  
 Harness, and all Manufactures of Leather;  
 Starch; and  
 Tobacco, whether in leaf or manufactured.

ARTICLE III. The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this Convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands respectively, shall be established under such rules and regulations and conditions for the protection of the revenue, as the two Governments may, from time to time, respectively prescribe.

ARTICLE IV. No export duty or charges shall be imposed in the Hawaiian Islands, or in the United States, upon any of the articles proposed to be admitted into the ports of the United States, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this Convention. It is agreed, on the part of His Hawaiian Majesty, that, so long as this Treaty shall remain in force, He will not lease or otherwise dispose of, or create any lien upon any port, harbor, or other territory in His dominions, or grant any special privilege or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V. The present Convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the Convention having been exchanged, as provided in Article VI, the Convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI. The present Convention shall be duly ratified, and the ratifications exchanged at Washington City, within eighteen months from the date thereof, or earlier if possible.

In faith whereof the respective Plenipotentiaries of the high contracting parties have signed this present Convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the thirtieth day of January, in the year of our Lord one thousand eight hundred and seventy-five.

[SEAL.]  
[SEAL.]  
[SEAL.]

HAMILTON FISH.  
ELISHA H. ALLEN.  
HENRY A. P. CARTER.

AND, WHEREAS, the said Convention, as Amended, was ratified by Ourselves on the 17th of April, 1875, and by His Excellency the President of the United States of America, on 31st of May, 1875, and the said ratifications were exchanged at the City of Washington, June 3rd, 1875.

Now, therefore, We do proclaim and make public the same to the end that it and every Clause and Article thereof may be observed and fulfilled with good faith by every person within Our Kingdom. And the said Convention shall go into effect as soon as intelligence is received that the Government of the United States has made the necessary provisions for carrying it into operation.

In witness whereof, we have hercunto set Our hand  
[L. s.] and caused the Seal of Our Kingdom to be affixed  
this 17th day of June, A. D. 1876.

KALAKAUA, R.

By the King:

W. L. GREEN,  
Minister of Foreign Affairs.

September 11, 1883. *Convention between the Post-Office Department of the Kingdom of Hawaii and the Post-Office Department of the United States of America, concerning the exchange of money-orders.*

**Contracting parties.** The Government of his Majesty the King of Hawaii and the Government of the Republic of the United States of America, being desirous of facilitating the exchange of sums of money between the two countries by making use of postal money-orders, the undersigned, H. A. P. Carter, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of Hawaii, in the name of his Government, and by virtue of the powers which he has formally presented to this effect, and W. Q. Gresham, Postmaster General of the United States of America, in virtue of the powers vested in him by law, have agreed upon the following convention.

#### ARTICLE 1.

**Scope.** There shall be a regular exchange of money-orders between the two countries.

**Money orders.** The maximum of each order is fixed at fifty dollars.

**Fractions.** No money-order shall include a fractional part of a cent.

**Amount.** The amount of each order, whether issued in the United States or in the Kingdom of Hawaii, must be expressed in letters as well as in figures.

#### ARTICLE 2.

**Commission.** The Hawaiian Post-Office Department shall have power to fix the value of commission on all money-orders issued in the Kingdom of Hawaii, and the Post-Office Department of the United States shall have the same power in regard to all money-orders issued in the United States.

**Tariff of charges.** Each Department shall communicate to the other its tariff of charges, or rates of commission, which shall be established under this Convention; and these rates shall, in all cases, be payable in advance by the remitters; and shall not be repayable.

**Suspension of exchanges.** It is understood, moreover, that each Department is authorized to suspend, temporarily, the exchange of money-orders in case the course of exchange, or any other circumstance should give rise to abuses, or cause detriment to the postal revenue.

#### ARTICLE 3.

**Payment of commission.** Each country shall keep the commission charged on all money-orders within its jurisdiction, but shall pay to the other country three-fourths of one per cent. on the amount of such orders.

#### ARTICLE 4.

**Service.** The service of the postal money-order system between the two countries shall be performed exclusively by the agency of offices of exchange. On the part of the United States the office of exchange shall be San Francisco, California, and on the part of the Hawaiian Kingdom, Honolulu.

**Orders. Lists.** Orders shall be drawn only on the authorized money-order offices of the respective countries; and each Postal Administration shall furnish to the other a list of such offices, and shall, from time to time, notify

any addition to, or change in such list. Every order and advice must contain the name of the office and of the country of destination, and if relating to an order payable in the United States, the name of the State in which such office is situated; if relating to an order payable in the Hawaiian Kingdom, the name of the island.

ARTICLE 5.

No money-order shall be issued unless the applicant furnish the name and address of the person to whom the amount is to be paid, and his own name and address; or, the name of the firm or company who are the remitters or payees, together with the addresses of each.

The money-orders, issued in either country, shall be forwarded by the remitters to the payees, at their own expense. Forwarding orders.

ARTICLE 6.

The advices of all money-orders issued upon the Hawaiian Kingdom by the post-offices in the United States shall be sent to the office of Exchange at San Francisco, where they shall be examined, and, if found correct, impressed with the dated stamp of that office; and transmitted, by the next direct mail, to the exchange office at Honolulu, accompanied by a list, in duplicate, drawn upon the model of Form 'A.' Advices. Form "A."

The advices, on their arrival in Honolulu, shall be compared with the entries in the list, and afterwards despatched to the paying offices. In like manner the advices of money-orders, drawn on the United States by postmasters in the Hawaiian Kingdom, shall be sent to the exchange office at Honolulu, where they shall be examined, and, if found correct, impressed with the dated stamp of that office, and transmitted by the next direct mail, to the exchange office at San Francisco, accompanied by a list, in duplicate, drawn upon the model of form 'B.' Form "B."

The advices, on their receipt at San Francisco, shall be compared with the entries in the list, and afterwards despatched to the paying offices.

The advices of orders issued in the United States in the month of March, which may arrive at the office of exchange at San Francisco in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of March, and in like manner, the advices of orders issued in the Hawaiian Kingdom in the month of June, which may arrive at the exchange office at Honolulu in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of June.

ARTICLE 7.

The lists, despatched from each office of exchange, shall be numbered consecutively, commencing with No. 1, at the beginning of the month of July in each year; and the entries in these lists shall also have consecutive numbers. Lists to be numbered consecutively.

Of each list despatched a duplicate shall be sent, which duplicate, after being verified by the receiving office of exchange, shall be returned to the despatching office of exchange. Duplicate sets.

Each office of exchange shall promptly communicate to the other the correction of any simple error, which it may discover in the verification of the lists. When the lists shall show irregularities, which the receiving exchange office shall not be able to rectify, that office shall apply for an explanation to the despatching exchange office, and such explanation shall be afforded without delay. Errors. Irregularities.

Should any list fail to be received in due course, the despatching exchange office, on receiving information to that effect, shall transmit, without delay, a duplicate of the list, duly certified as such. Failure of lists.

## ARTICLE 8.

**Duplicate orders.** Duplicate orders shall only be issued by the Postal Administration of the country, on which the original orders were drawn, and in conformity with the regulations established, or to be established in that country.

## ARTICLE 9.

**Payment of orders.** The orders, issued by each country on the other, shall be subject, as regards payment, to the regulations which govern the payment of inland orders of the country, on which they were drawn.

The paid orders shall remain in the possession of the country of payment.

## ARTICLE 10.

**Repayment to remitters.** Repayment of orders to remitters shall not be made until an authorization for such repayment shall first have been obtained by the country of issue from the country where such orders are payable, and the amounts of the repaid orders shall be duly credited to the former country in the quarterly account. (Article 12.)

It is the province of each Postal Administration to determine the manner in which repayment to the remitter is to be made.

## ARTICLE 11.

**Void orders.** Orders which shall not have been paid within twelve calendar months from the month of issue, shall become void, and the sums received shall accrue to and be at the disposal of the country of origin.

**Quarterly accounts.** The Hawaiian Post-Office Department shall, therefore, enter to the credit of the United States, in the quarterly account, all money-orders entered in the lists received from the United States, which remain unpaid at the end of the period specified. (Article 12.)

**Monthly statement of void orders.** On the other hand the Post-Office Department of the United States shall, at the close of each month, transmit to the Hawaiian Post-Office Department, for entry in the quarterly account, a detailed statement of all orders, included in the lists despatched from the latter office, which under this article becomes void.

## ARTICLE 12.

**Accounts.** At the close of each quarter an account shall be prepared at the Hawaiian Post Department, showing in detail the totals of the lists, containing the particulars of orders issued in either country during the quarter, and the balance resulting from such transactions.

**Payment of balances.** Three copies of this account shall be transmitted to the Post-Office Department of the United States, at Washington, and the balance, after proper verification, shall, if due by the Post-Office Department of Hawaii, be paid at San Francisco, but, if due by the Post-Office Department of the United States, it shall be paid at Honolulu.

**Payment on account pending settlement.** If pending the settlement of an account, one of the two Postal Administrations shall ascertain that it owes the other a balance exceeding two thousand five hundred dollars, the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other. This account shall be in accordance with the forms 'C,' 'D,' 'E' and 'F,' annexed to this Convention.

**Forms.**

## ARTICLE 13.

**Equivalent value of a dollar in U. S. money.** In the exchange of money-orders between the two countries, one dollar in Hawaiian money shall be taken as the equivalent of one dollar in United States money. This standard in either country shall be gold value.

ARTICLE 14.

The United States Postal Administration undertakes to serve as intermediary for the exchange of postal orders from the Hawaiian Kingdom to be paid in any European country with which that Administration maintains an exchange of postal orders, and with which the Postal Administration of the Hawaiian Kingdom does not have such exchange, as well as for the exchange of orders from any such European country destined for payment in the Hawaiian Kingdom; provided the European country interested consent to an arrangement of this nature.

Exchange with foreign countries.

ARTICLE 15.

The Postal Administration in each country shall be authorized to adopt any additional rules, (if not repugnant to the foregoing,) for the greater security against fraud, or, for the better working of the system generally.

Additional rules.

All such additional rules, however, must be promptly communicated to the Post-Office Department of the other country.

ARTICLE 16.

This present Convention shall take effect on the first day of January, 1884, and shall continue in force until twelve months after either of the contracting parties shall have notified to the other its intention to terminate it.

Commencement and duration.

ARTICLE 17.

The ratifications of the present Convention shall be exchanged prior to the first day of December, 1883.

Exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Executed in duplicate and signed at Washington the eleventh day of September, 1883.

[SEAL.]

H. A. P. CARTER,  
*Envoy Extraordinary and Minister  
Plenipotentiary of Hawaii to the United States.*  
WALTER Q. GREENHAM,  
*Postmaster General of the United States.*

Signatures.

[SEAL.]

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the United States to be hereto affixed.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

FREDK. T. FREELINGHUYSEN,  
*Secretary of State.*

WASHINGTON, September 13th, 1883.

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the Hawaiian Kingdom to be hereto affixed.

[SEAL.]

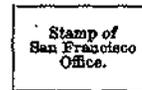
KALAKAUA REX.

By the King:

WALTER M. GIBSON.

*Minister of Foreign Affairs and Premier.*  
HONOLULU, October 13th, 1883.

List No. ....



SIR: I have the honor to transmit to you, herewith, in duplicate, a list containing a detailed statement of the sums received in the United States since my last despatch (List No. —) for orders payable in the Hawaiian Kingdom, amounting in the aggregate to \$ .....

Be pleased to examine, complete and return to me the original copy of this list, with your acknowledgment of its receipt indorsed thereon.

I am, Sir, your obedient servant,

.....  
 Postmaster, San Francisco.

To the POSTMASTER,  
 Money-Order Exchange Office, Honolulu.

CONVENTION—HAWAII—MONEY-ORDERS. SEPTEMBER 11, 1883. 741

A.

| Blanks to be filled by the despatching Exchange Office of San Francisco. |                        |                         |                                |                       |        |          | For use of Post-Office Department, Honolulu. |                  |                  |          |
|--------------------------------------------------------------------------|------------------------|-------------------------|--------------------------------|-----------------------|--------|----------|----------------------------------------------|------------------|------------------|----------|
| Current No. of Inter-national order.                                     | No. of original order. | Date of original order. | Office issuing original order. | Office where payable. | Payee. |          | Remitter.                                    | Amount of order. | Date of payment. | Remarks. |
|                                                                          |                        |                         |                                |                       | Name.  | Address. |                                              |                  |                  |          |
|                                                                          |                        |                         |                                |                       |        |          |                                              |                  |                  |          |

A.

MONEY-ORDER OFFICE,  
Honolulu, ....., 188 :

Sir: I have examined this list of money-orders from No. .... to No. ...., inclusive, for sums received in the United States for payment in the Hawaiian Kingdom, amounting in the aggregate to \$.....  
The said list was found to be correct, with the following exceptions:

.....  
.....  
.....  
.....

I am, Sir, your obedient servant,

To the POSTMASTER,  
*Money-Order Exchange Office, San Francisco, Cal.*







746 CONVENTION—HAWAII—MONEY ORDERS. SEPTEMBER 11, 1883.

E.

Table showing the particulars of such orders as have become void.

| Issued in Hawaiian Kingdom.       |               |                             |                  | Issued in United States.       |               |                             |                  |
|-----------------------------------|---------------|-----------------------------|------------------|--------------------------------|---------------|-----------------------------|------------------|
| No. of List.                      | Date of List. | No. of international order. | Amount of order. | No. of List.                   | Date of List. | No. of international order. | Amount of order. |
|                                   |               |                             | ¢    c.          |                                |               |                             | ¢    c.          |
| To credit of Hawaiian office..... |               |                             |                  | To credit of U. S. office..... |               |                             |                  |

F.

Balance.

| To credit of Hawaiian Office.                                      |         |    | To credit of United States Office.                                            |         |    |
|--------------------------------------------------------------------|---------|----|-------------------------------------------------------------------------------|---------|----|
| Amount of international orders issued in the }<br>United States.   | \$      | c. | Amount of international orders issued in }<br>Hawaii.                         | \$      | c. |
| Three-fourths of one per cent. on amount of }<br>each issue.       |         |    | Three-fourths of one per cent. on amount of }<br>such issue.                  |         |    |
| Amount of void orders of Hawaiian issue as }<br>per table.         |         |    | Amount of void orders of United States issue }<br>as per table.               |         |    |
| Amount of international orders repaid in Hawaii }<br>as per table. |         |    | Amount of international orders repaid in the }<br>United States as per table. |         |    |
| Sums remitted by the office of Hawaii .....                        |         |    | Sums remitted by the office of the United }<br>States.                        |         |    |
| Dates.                                                             | Amount. |    | Dates.                                                                        | Amount. |    |
|                                                                    | \$ c.   |    |                                                                               | \$ c.   |    |
|                                                                    |         |    |                                                                               |         |    |
|                                                                    |         |    |                                                                               |         |    |
| Balance remaining due to the United States .....                   |         |    | Balance remaining due to the Hawaiian King- }<br>dom.....                     |         |    |

The above account exhibits a balance of \$..... remaining due to the ..... office.  
Honolulu,  
....., 188..

.....  
[Signature of proper accounting officer of the Hawaiian office.]

The above statement of account is accepted, with a balance of \$..... due to the ..... office.  
Washington,  
....., 188..

.....  
Auditor of the Treasury for the Post-Office Department.

September 11, 1883. *Convention between the Post-Office Department of the Kingdom of Hawaii and the Post-Office Department of the United States of America, concerning the exchange of money-orders.*

**Contracting parties.** The Government of his Majesty the King of Hawaii and the Government of the Republic of the United States of America, being desirous of facilitating the exchange of sums of money between the two countries by making use of postal money-orders, the undersigned, H. A. P. Carter, Envoy Extraordinary and Minister Plenipotentiary of his Majesty the King of Hawaii, in the name of his Government, and by virtue of the powers which he has formally presented to this effect, and W. Q. Gresham, Postmaster General of the United States of America, in virtue of the powers vested in him by law, have agreed upon the following convention.

#### ARTICLE 1.

**Scope.** There shall be a regular exchange of money-orders between the two countries.

**Money orders.** The maximum of each order is fixed at fifty dollars.

**Fractions.** No money-order shall include a fractional part of a cent.

**Amount.** The amount of each order, whether issued in the United States or in the Kingdom of Hawaii, must be expressed in letters as well as in figures.

#### ARTICLE 2.

**Commission.** The Hawaiian Post-Office Department shall have power to fix the value of commission on all money-orders issued in the Kingdom of Hawaii, and the Post-Office Department of the United States shall have the same power in regard to all money-orders issued in the United States.

**Tariff of charges.** Each Department shall communicate to the other its tariff of charges, or rates of commission, which shall be established under this Convention; and these rates shall, in all cases, be payable in advance by the remitters; and shall not be repayable.

**Suspension of exchanges.** It is understood, moreover, that each Department is authorized to suspend, temporarily, the exchange of money-orders in case the course of exchange, or any other circumstance should give rise to abuses, or cause detriment to the postal revenue.

#### ARTICLE 3.

**Payment of commission.** Each country shall keep the commission charged on all money-orders within its jurisdiction, but shall pay to the other country three-fourths of one per cent. on the amount of such orders.

#### ARTICLE 4.

**Service.** The service of the postal money-order system between the two countries shall be performed exclusively by the agency of offices of exchange. On the part of the United States the office of exchange shall be San Francisco, California, and on the part of the Hawaiian Kingdom, Honolulu.

**Orders.** Orders shall be drawn only on the authorized money-order offices of the respective countries; and each Postal Administration shall furnish to the other a list of such offices, and shall, from time to time, notify

**Lists.**

any addition to, or change in such list. Every order and advice must contain the name of the office and of the country of destination, and if relating to an order payable in the United States, the name of the State in which such office is situated; if relating to an order payable in the Hawaiian Kingdom, the name of the island.

ARTICLE 5.

No money-order shall be issued unless the applicant furnish the name and address of the person to whom the amount is to be paid, and his own name and address; or, the name of the firm or company who are the remitters or payees, together with the addresses of each.

The money-orders, issued in either country, shall be forwarded by the remitters to the payees, at their own expense. Forwarding orders.

ARTICLE 6.

The advices of all money-orders issued upon the Hawaiian Kingdom by the post-offices in the United States shall be sent to the office of Exchange at San Francisco, where they shall be examined, and, if found correct, impressed with the dated stamp of that office; and transmitted, by the next direct mail, to the exchange office at Honolulu, accompanied by a list, in duplicate, drawn upon the model of Form 'A.'

Advices.

The advices, on their arrival in Honolulu, shall be compared with the entries in the list, and afterwards despatched to the paying offices.

Form "A."

In like manner the advices of money-orders, drawn on the United States by postmasters in the Hawaiian Kingdom, shall be sent to the exchange office at Honolulu, where they shall be examined, and, if found correct, impressed with the dated stamp of that office, and transmitted by the next direct mail, to the exchange office at San Francisco, accompanied by a list, in duplicate, drawn upon the model of form 'B.'

Form "B."

The advices, on their receipt at San Francisco, shall be compared with the entries in the list, and afterwards despatched to the paying offices.

The advices of orders issued in the United States in the month of March, which may arrive at the office of exchange at San Francisco in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of March, and in like manner, the advices of orders issued in the Hawaiian Kingdom in the month of June, which may arrive at the exchange office at Honolulu in the earlier days of the following month, shall be entered on lists supplementary to that of the last day of the month of June.

ARTICLE 7.

The lists, despatched from each office of exchange, shall be numbered consecutively, commencing with No. 1, at the beginning of the month of July in each year; and the entries in these lists shall also have consecutive numbers. Lists to be numbered consecutively.

Of each list despatched a duplicate shall be sent, which duplicate, after being verified by the receiving office of exchange, shall be returned to the despatching office of exchange. Duplicate sets.

Each office of exchange shall promptly communicate to the other the correction of any simple error, which it may discover in the verification of the lists. When the lists shall show irregularities, which the receiving exchange office shall not be able to rectify, that office shall apply for an explanation to the despatching exchange office, and such explanation shall be afforded without delay. Errors. Irregularities.

Should any list fail to be received in due course, the despatching exchange office, on receiving information to that effect, shall transmit, without delay, a duplicate of the list, duly certified as such. Failure of lists.

## ARTICLE 8.

**Duplicate orders.** Duplicate orders shall only be issued by the Postal Administration of the country, on which the original orders were drawn, and in conformity with the regulations established, or to be established in that country.

## ARTICLE 9.

**Payment of orders.** The orders, issued by each country on the other, shall be subject, as regards payment, to the regulations which govern the payment of inland orders of the country, on which they were drawn.

The paid orders shall remain in the possession of the country of payment.

## ARTICLE 10.

**Repayment to remitters.** Repayment of orders to remitters shall not be made until an authorization for such repayment shall first have been obtained by the country of issue from the country where such orders are payable, and the amounts of the repaid orders shall be duly credited to the former country in the quarterly account. (Article 12.)

It is the province of each Postal Administration to determine the manner in which repayment to the remitter is to be made.

## ARTICLE 11.

**Void orders.** Orders which shall not have been paid within twelve calendar months from the month of issue, shall become void, and the sums received shall accrue to and be at the disposal of the country of origin.

**Quarterly accounts.** The Hawaiian Post-Office Department shall, therefore, enter to the credit of the United States, in the quarterly account, all money-orders entered in the lists received from the United States, which remain unpaid at the end of the period specified. (Article 12.)

**Monthly statement of void orders.** On the other hand the Post-Office Department of the United States shall, at the close of each month, transmit to the Hawaiian Post-Office Department, for entry in the quarterly account, a detailed statement of all orders, included in the lists despatched from the latter office, which under this article becomes void.

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**Accounts.** At the close of each quarter an account shall be prepared at the Hawaiian Post Department, showing in detail the totals of the lists, containing the particulars of orders issued in either country during the quarter, and the balance resulting from such transactions.

**Payment of balances.** Three copies of this account shall be transmitted to the Post-Office Department of the United States, at Washington, and the balance, after proper verification, shall, if due by the Post-Office Department of Hawaii, be paid at San Francisco, but, if due by the Post-Office Department of the United States, it shall be paid at Honolulu.

**Payment on account pending settlement.** If pending the settlement of an account, one of the two Postal Administrations shall ascertain that it owes the other a balance exceeding two thousand five hundred dollars, the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other. This account shall be in accordance with the forms 'C,' 'D,' 'E' and 'F,' annexed to this Convention.

**Forms.**

## ARTICLE 13.

**Equivalent value of a dollar in U. S. money.** In the exchange of money-orders between the two countries, one dollar in Hawaiian money shall be taken as the equivalent of one dollar in United States money. This standard in either country shall be gold value.

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The United States Postal Administration undertakes to serve as intermediary for the exchange of postal orders from the Hawaiian Kingdom to be paid in any European country with which that Administration maintains an exchange of postal orders, and with which the Postal Administration of the Hawaiian Kingdom does not have such exchange, as well as for the exchange of orders from any such European country destined for payment in the Hawaiian Kingdom; provided the European country interested consent to an arrangement of this nature.

Exchange with foreign countries.

ARTICLE 15.

The Postal Administration in each country shall be authorized to adopt any additional rules, (if not repugnant to the foregoing,) for the greater security against fraud, or, for the better working of the system generally.

Additional rules.

All such additional rules, however, must be promptly communicated to the Post-Office Department of the other country.

ARTICLE 16.

This present Convention shall take effect on the first day of January, 1884, and shall continue in force until twelve months after either of the contracting parties shall have notified to the other its intention to terminate it.

Commencement and duration.

ARTICLE 17.

The ratifications of the present Convention shall be exchanged prior to the first day of December, 1883.

Exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Executed in duplicate and signed at Washington the eleventh day of September, 1883.

[SEAL.]

H. A. P. CARTER,  
*Envoy Extraordinary and Minister  
Plenipotentiary of Hawaii to the United States.*  
WALTER Q. GRESHAM,  
*Postmaster General of the United States.*

Signatures.

[SEAL.]

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the United States to be hereto affixed.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

FREDK. T. FREELINGHUYSEN,  
*Secretary of State.*

WASHINGTON, September 13th, 1883.

I hereby approve the foregoing Convention, and in testimony thereof, I have caused the seal of the Hawaiian Kingdom to be hereto affixed.

[SEAL.]

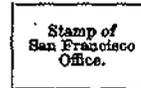
KALAKAUA REX.

By the King:

WALTER M. GIBSON.

*Minister of Foreign Affairs and Premier.*  
HONOLULU, October 13th, 1883.

List No. ....



SIR: I have the honor to transmit to you, herewith, in duplicate, a list containing a detailed statement of the sums received in the United States since my last despatch (List No. —) for orders payable in the Hawaiian Kingdom, amounting in the aggregate to \$.....

Be pleased to examine, complete and return to me the original copy of this list, with your acknowledgment of its receipt indorsed thereon.

I am, Sir, your obedient servant,

.....  
 Postmaster, San Francisco.

To the POSTMASTER,  
 Money-Order Exchange Office, Honolulu.

CONVENTION—HAWAII—MONEY-ORDERS. SEPTEMBER 11, 1883. 741

A.

| Blanks to be filled by the despatching Exchange Office of San Francisco. |                        |                         |                                |                       |        |          | For use of Post-Office Department, Honolulu. |                  |                  |          |
|--------------------------------------------------------------------------|------------------------|-------------------------|--------------------------------|-----------------------|--------|----------|----------------------------------------------|------------------|------------------|----------|
| Current No. of Inter-national order.                                     | No. of original order. | Date of original order. | Office issuing original order. | Office where payable. | Payee. |          | Remitter.                                    | Amount of order. | Date of payment. | Remarks. |
|                                                                          |                        |                         |                                |                       | Name.  | Address. | Name.                                        |                  |                  |          |
|                                                                          |                        |                         |                                |                       |        |          |                                              |                  |                  |          |

A.

MONEY-ORDER OFFICE,  
Honolulu, ....., 188 :

Sir: I have examined this list of money-orders from No. .... to No. ...., inclusive, for sums received in the United States for payment in the Hawaiian Kingdom, amounting in the aggregate to \$.....  
The said list was found to be correct, with the following exceptions:

.....  
.....  
.....  
.....

I am, Sir, your obedient servant,

To the POSTMASTER,  
*Money-Order Exchange Office, San Francisco, Cal.*







746 CONVENTION—HAWAII—MONEY ORDERS. SEPTEMBER 11, 1883.

E.

Table showing the particulars of such orders as have become void.

| Issued in Hawaiian Kingdom.       |               |                             |                  | Issued in United States.       |               |                             |                  |
|-----------------------------------|---------------|-----------------------------|------------------|--------------------------------|---------------|-----------------------------|------------------|
| No. of List.                      | Date of List. | No. of international order. | Amount of order. | No. of List.                   | Date of List. | No. of international order. | Amount of order. |
|                                   |               |                             | ¢    c.          |                                |               |                             | ¢    c.          |
| To credit of Hawaiian office..... |               |                             |                  | To credit of U. S. office..... |               |                             |                  |

F.

Balance.

| To credit of Hawaiian Office.                                      |         |    |  | To credit of United States Office.                                            |         |    |  |
|--------------------------------------------------------------------|---------|----|--|-------------------------------------------------------------------------------|---------|----|--|
| Amount of international orders issued in the }<br>United States.   | \$      | c. |  | Amount of international orders issued in }<br>Hawaii.                         | \$      | c. |  |
| Three-fourths of one per cent. on amount of }<br>each issue.       |         |    |  | Three-fourths of one per cent. on amount of }<br>such issue.                  |         |    |  |
| Amount of void orders of Hawaiian issue as }<br>per table.         |         |    |  | Amount of void orders of United States issue }<br>as per table.               |         |    |  |
| Amount of international orders repaid in Hawaii }<br>as per table. |         |    |  | Amount of international orders repaid in the }<br>United States as per table. |         |    |  |
| Sums remitted by the office of Hawaii .....                        |         |    |  | Sums remitted by the office of the United }<br>States.                        |         |    |  |
| Dates.                                                             | Amount. |    |  | Dates.                                                                        | Amount. |    |  |
|                                                                    | \$      | c. |  |                                                                               | \$      | c. |  |
|                                                                    |         |    |  |                                                                               |         |    |  |
| Balance remaining due to the United States .....                   |         |    |  | Balance remaining due to the Hawaiian King- }<br>dom.....                     |         |    |  |

The above account exhibits a balance of \$..... remaining due to the ..... office.  
Honolulu,  
....., 188..

.....  
[Signature of proper accounting officer of the Hawaiian office.]

The above statement of account is accepted, with a balance of \$..... due to the ..... office.  
Washington,  
....., 188..

.....  
Auditor of the Treasury for the Post-Office Department.

# Kane Ohe

Please continue to conduct the training and defense of our freedoms! I am native Hawaiian activist and do not want to endanger myself or do any protections against china or russia, so want you all to do it for me. Do not pay attention to my other native who complain because they are discrimination against their own fear to do anything for the protections! Please keep up the good works and protecting us, thank you.

## Gina Ok

Military training is unnecessary, especially in Pōhakuloa. The people of Hawaii has suffered time and time again due to the US military. Funds going towards such military activity can be better used to assist Hawaiian people, especially with people with economic struggles.

## Raiatea Oliver

Why is America still bombing in Hawaii? have you not learned from bikini atoll? Or when all the land is bought up you guys going put us kanaka on the destroyed land and let us die off faster?? Stop bombing any where in Hawaii!!! America is huge go bomb on the mainland!!!!

## Liam O'Malley

MR. O'MALLEY: My name is Liam O'Malley. Liam O'Malley. I'd like to, it's a poem. I didn't vote for the state of affairs. My emotional state come in prostate fear in my fears. In all reality, I'm under prepared. Because I'm ready for war but not sure if I'm ready to care, and that's why I'm under prepared, because I'm ready to fight the most fights coming fighting back tears. If you got tears, you better shed them now. If you share the guilt of blood spilt in accordance with the DOW Jones, DOW drops for its crops because of bones and machete and the head (indiscernible) and they rap Cola-cola come on. Be a bishop or pawn in the streets of Elon (ph.), you should know that these events could go on and on and ... Once they make us keep our ears to the street as long as oil is in the soil truth is never concrete. So we dare to represent us with the barest of feet because the loss which you locate the soil deplete. It's our job to not let history repeat. Now here is the plan. The odds and masha always at hand and when the power hungry strike they strike the poorest of man. If you dare put up a fight then come and fight for your land and the cause is liberation and salvation, the call to the youth. Your freedom isn't free, it's just loose, but the power of your voice can redirect it, it's true. Shift (indiscernible) your fears in a noose and a bedangle for banasoft's (ph.) bangle. I'm willing and able to lift my dreams up out of the cradle, nursing (indiscernible) are much more than a fable. I can be all I can be, and there was more than I'm paid to, and I won't be a slave to what authorities say do. My desire to live within a nation on fire where creative passions burn and raise the stakes ever higher. When a person is addicted to some distant supplier, who promotes a sort of freedom such as that has fire. We demand a truth actually at one with the land, not a plant that photosynthesizes bombs under man or a search for a new weapon we let fall from our hand. I have got beats and a plan, I'm going to do what I can, and what you do is question everything they say do. Every goal is the desire they keep pushing on you. If they ask you to believe it, question whether it's true. If they ask you to achieve it, is it for them or for you, because you are the one. They are asking you to go carry a gun, work for humanitarian, you are scaring me, son. Why not fight to feed the job. The homeless fight inflation. Why not fight for Anhefka (ph.) and an education, and instead invest in that erasable lead, because your twisted propaganda can't erase the dead. And the poly corps pyramids on top of our heads, well, never mind said the shot gun to the head. If time is money and money is time, and I have a lot of time on my hands, I guess I'm a wealthy man. What's the plan, Uncle Sam? It's intense living in tents. Homeless in your own homeland. A stone's throw from suicide, cultural genocide, picking limu down Keaukaha side, praying for the damn release, I'm angry, and I don't know why. You know why, son? It's called militarism and the prostitution of Hawaiian culture. Hannibal Lecter and the extinction of the Hawaiian name. Yeah. Ku'e, e ola ka Lahui Hawai'i, Lahui, la day, hui, come together, lahui the day we all come together as one, a nation, a nation, a nation once again, my dear Kaneshiro remain the mother's love that did save a nation. Surrender to superior forces then all of the arms we need. All the arms we need are the ones that hold you with. The ones that comfort with you. The ones that grow makalo and the ones that feed you, and the ones that love you with. These are all the arms we need, right here. These are all the arms we need. May peace prevail on our sacred earth then. Perfect love casts out all darkness. Perfect love overcomes all fear. Love wins always in. Forever Aloha'aina is my battle cry. Tears of a nation, the bombs tearing our nation into tears, tearing us apart with industrial GMO agriculture, like the highest rate of birth defects in the nation, the nation we're abducted into. Adopted without adoption papers. Stolen, kidnapped. Hanked at the gag (ph.), the nonexistent manifestation. No consent, no treaty, no annexation leaves the kingdom to exist. The

nation is live but on life support. Our irrigation tubes are filled with poisonous chemicals. Cancer in our veins. The East Maui taro farmers are struggling, suffering. The big fire -- you have falls into our fine hors d'oeuvres, trying to My people have pain and suffering. these reasons I have decided to stop you and burn your village to the ground.

## Liam O'Malley

War is a game of tic tac toe. Nobody wins. And development for the sake of development is the ideology of a cancer cell. You want more and more and more and more. When is it ever going to stop? How about you guys build some water catchment tanks and start catching water? How about you guys start feeding people? I have nothing against you brothers. I take issue with the cowards who start wars and make you fight them. My Godfather was a green beret in Vietnam. He died when I was five years old because of Agent Orange poisoning. My uncle was a Sergeant first class in the U.S. Army. I'm going to tell you something straight up. I grow Psilocybin mushrooms for Veterans of PTSD. It's not your fault, brothers. I love you guys. It's time to end war. Peace already.

## Liam O'Malley

E Hawai'i e ku'u one hanau e. I forget the rest. But you know what I'm trying to say. This is not the U.S.A. There was never a treatise that was issue. Hundred years later all we got was a built-in apology for stealing our nation. You have 133,000 acres of stolen land, plus everything else. I'm from Kaneohe. I hear the whatever it is, the loudest \*\*\* thing at 12:00 at night. Have to move over here just so I can get a good night's sleep. We'll help you pack your bags. I mean, come on, you guys. Do the right thing.

## Alexis Orrick

To retain this land is to infringe on the rights of the Hawaiian people and gross misconduct on behalf of a military that is supposed to protect the sacred ideals of democracy and human rights. The military has no place acquiring this land.

## Mialisa Otis

I oppose land retention by the Army at Pōhakuloa. I understand the need for military training areas, but not in Hawai'i. There is so much land available on the continent that the army can obtain. I hope our state keeps the land in our possession. I see this as a land swap, and we need more land back.  
Mahalo, Mialisa

## Carol Pacheco

I think the land and water around that area should be tested for contaminants and if there are, they should not be allowed to renew their contract. If there are none then I think we should let them continue but not allow them to buy any more land. I understand that they contribute to the economy but at what cost. do we want a situation like they now have on Oahu with the water issues? Or do we want to end up like Kahoolawe? Hawaii Island and its people need to be thought of first.

## Avalon Paradea

Okay. All good? Aloha. My name is Avalon Paradea. AVALON, P-A-R-A-D-E-A. I'm here to oppose the continued renewal of the 23,000 acres of land. I had the privilege of working at Pohakuloa Training Area for three and a half years up until last June. It was a very challenging job on a lot of different levels. I was working for the Research Corporation of the University of Hawaii for the Cultural Resources Program. The amount of work that we did up there was a lot, but it was all mostly just for you folks to check boxes. Much of the land that I worked on personally was within the state lease area, especially training areas 18 and 22. I experienced, there was a 1000 acre fire that occurred in 2018 within endangered plant habitat, and that was because of an accidental flare being dropped out of a helicopter during the middle of summer, in the middle of the night. It took a long time for the fire to be put out effectively. It burned a lot of native plants. It caused who knows what kind of damage to ecological resources in the area. Unfortunately, that particular area had not been archeologically surveyed. We only went in there as a response to the fire, and that is a huge problem. And that is often, in my experience, what happens at Pohakuloa Training Area. Things are not assessed until all of the sudden they might have been damaged. Nobody is going in and checking these areas in advance. This is not a shortcoming of the Research Corporation of the University of Hawaii. This is a shortcoming of the military. RCUH doesn't even have the contract anymore. All of my co-workers, about two months after I left effectively got fired. The contract was changed over to Colorado Environmental Management of Military Land, which just suggests to me that the military does not take their relationship seriously with our community. Instead, they hire out to lower bidders, often bringing in people from outside of Hawaii to do work that is very culturally sensitive. I'm not kanaka maoli. I'm not Hawaiian. I am a white person. I was raised in Waikoloa Village, but I take the culture here very seriously. I care a lot about the people that live here. I know for a fact that there are iwi kupuna within the state leased lands -- it's wild saying that and knowing I don't have to worry about getting fired, but that is the truth. And I strongly support aunty who brought that up. These are people that need to be given respect and be able to sleep easy in their rest. Our environmental resources go, I am an avid lover of plants. I am just devastated to see how much damage has been done in this area because of training over time. The plant communities up there are suffering. I give a lot of credit to the Natural Resources Program. Those people are true hammers. Like they go in there and they do some heavy, heavy work. But an accidental fire can obliterate all of that overnight. These things can't just keep happening. This is not just human error. This is big human error. This is big military error. I don't know if I can keep going. I do have a little bit more to say. Living in Waikoloa Village, also, I think a lot about human health. My mother is dealing with severe bronchial issues with no known reason. We have been breathing in this air my whole life. I would like to think that I'm breathing in fresh, clean air. But now that I have worked in this area I literally see the dust from Pohakuloa, not anywhere else, but from Pohakuloa flying down into Waikoloa Village. A lot of the dust we get at our house is from this region, and it should be safe, but I worry about lead, in particular, which not enough people are talking about, and we know that lead is in the cartridges that litter the landscape. There is too much trash. All of this just needs to stop, and the damage needs to be cleaned up before it goes back to the state. Mahalo.

# Avalon Paradea

Please see the attached documents which contain my full comments on the draft EIS.

June 3, 2022

Avalon Paradea  
Master's Student  
Tropical Conservation Biology and Environmental Science Program  
University of Hawai'i at Hilo

**Re: Pōhakuloa Training Area (PTA) Draft EIS Public Comments**

**Position and Personal Background**

I am writing in opposition of the Army's proposed retention of 23,000 acres of State-owned land. I am in favor of the No Action Alternative, under which the Army retains no percentage of these 23,000 acres once the lease ends in 2029.

I was raised in Waikōloa Village, where I continue to reside with my mother, brother, and partner. Between 2017 and 2021, I worked as a cultural resource technician (eventually moving up to a specialist position) under the Research Corporation of the University of Hawai'i (RCUH) at PTA. During the three and a half years I worked within this 'āina, I learned a great deal – both about the rich cultural legacy that Kānaka 'Ōiwi (Native Hawaiians) share with this region, and the mistreatment of this land at the hands of the Army. It was an emotionally taxing job for many reasons, and I chose to leave in the summer of 2021 to pursue my master's degree in the TCBES program at UH Hilo.

Within the draft EIS, the Army identifies 15 environmental areas that could be impacted by the Proposed Action. Herein, I provide detailed thoughts on nine of these areas which I feel best qualified to speak on.

**Biological Resources**

Within the 23,000 acres of State-owned land reside numerous endemic and indigenous plants and animals, including endangered species. In my opinion, staff in the natural resources office (NRO) do a fantastic job working to protect native species as best they can. However, their dedication is quickly rendered meaningless in the face of severe accidents caused by military negligence.

In the summer of 2018, a fire was started by Army personnel during a routine helicopter exercise. This fire consumed over 1,000 acres of land, primarily within Training Areas 18 and 22 (TA 18 and TA 22). Both TAs contain fenced units for the purposes of protecting endangered plant species. From what I understand, no endangered plants were known to have been harmed during the fire; however, *many* native species were destroyed.

Over the course of several months shortly after the fire, my team and I were tasked with conducting archaeological surveys within these fenced units. The aftermath was shocking... thousands of dead 'ōhi'a (*Metrosideros polymorpha*), naio (*Myoporum sandwicense*), māmāne (*Sophora chrysophylla*), 'a'ali'i (*Dodonaea viscosa*), and other plants as far as the eye could see. The death of these native species allowed invasive fountain grass to colonize the area expansively. The loss of cover resulted in increased dust storms which negatively impacted those of us living downwind in Waikōloa Village, myself included. Additionally, I personally observed endemic pueo (*Asio flammeus sandwichensis*) within TA 18. These ground nesting owls are highly susceptible to the negative effects of fires and other such devastating environmental tragedies.

This was not the only fire caused by military training that occurred during my years working at PTA, and I am aware of numerous other fires that have occurred before and since my employment there.

Unfortunately, the Army is not required to publicly share data regarding fires that occur on Army land. I find this highly problematic. I strongly advise sharing this information with the public for the sake of transparency, allowing community members to create an informed opinion regarding the Army's broad swath of interactions within the Pōhakuloa region.

It is important to note here that the State-owned lands include Palila Critical Habitat. Palila (*Loxioides bailleui*) are a critically endangered Hawaiian honeycreeper. These birds are highly reliant on māmane trees for their sustenance and habitat; the disappearance of māmane in the aforementioned fire is no minor thing.

Another species of interest is the 'ua'u (*Pterodroma sandwichensis*). These birds once relied greatly on the Pōhakuloa region for habitat and nesting, as well documented by historic accounts and archaeological evidence. The draft EIS states that "no colonies or nesting have been confirmed on PTA," which I assume refers to active nests. This begs the question: why? Why might 'ua'u no longer find this landscape hospitable? It is probable that Army activity is a primary factor in the disappearance of these birds from this region.

The Game Management Program has done little to mitigate the negative effects of invasive ungulates within the landscape. While fencing does provide significant protection to native plants, there remain thousands of ungulates that roam the land outside these enclosures, causing damage to native species. If the Army is serious about aiding native species, they need to do a great deal more when it comes to culling sheep and goats on a large scale.

While the Army may claim to provide resources that benefit biological organisms within the Pōhakuloa region, such claims mean nothing when the Army itself poses the greatest immediate threat to lifeforms in this area. The Army makes grand statements of applying lessons learned from recent mistakes, but the harsh reality is that ammunitions in such a dry landscape will invariably result in accidental fires, regardless of mitigation methods. I take issue with the Army's assertion that Full Retention of State-owned lands will be more beneficial to native species than the No Action Alternative. This claim flies in the face of hard evidence to the contrary. Pōhakuloa was once a landscape teeming with life, much of which has been significantly reduced due to Army activity.

### **Cultural Resources**

It is important to note that the entirety of the Pōhakuloa region is a culturally significant entity. This landscape holds importance as a region long utilized by Kānaka 'Ōiwi for the acquisition of natural resources, for ceremonial conduct, and for safe passage between various moku (districts) and ahupua'a (land divisions within moku), among other activities. Were it not for Army occupation, this region would still be enjoyed as a safe locale to conduct cultural practices.

I am aware of hundreds of archaeological sites that exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities. Under Section 106 of the National Register of Historic Places (NRHP), all federally owned or managed lands require thorough archaeological assessments. Despite this requirement, prior to the 2018 fire, no proper archaeological surveys had been conducted within TA 18 and 22. It was not until after the fire had decimated these areas that my crew was asked to conduct a baseline survey. I should not need to spell out how utterly backwards this was. Ultimately, our efforts resulted in the discovery of several interesting sites. One of these sites contained historic bottles that, sadly, had broken and burned due to the heat of the fire. The fire also ruined any chances at properly identifying fireplaces or hearths, generally identified

through the presence of charcoal. Even if historic charcoal were identified, the 2018 fire would render any possibility of radiocarbon dating such sites unlikely.

In the draft EIS, it is stated that 11,920 acres of State-owned land have yet to undergo proper archaeological investigation. There is a vague statement that “portions of unsurveyed State-owned land comprise remote and inaccessible areas” and that these places “may have low potential for extant cultural resources.” This reads as flippant. There should be no assumptions made on the Army’s end regarding the likelihood of cultural resources in any given area. I spent an overwhelming amount of time working in the office during my time at PTA. Why was my team not investigating these unsurveyed lands? It often felt as though our team was not provided proper direction or adequate communication by the Army archaeologist, whom we took direction from.

The draft EIS states that under Full Retention, impacts to archaeological sites would be “less than significant.” This wording is incredibly vague and means basically nothing without substantial clarification. If an iwi kūpuna (ancestral burial) is burned in a fire, but it is the only archaeological site affected in such a scenario, is that considered “less than significant”? Who determines what extant of damage is or is not significant in such a circumstance? What are the criteria? How are Kānaka within the community involved in such determinations, if at all?

Under Full Retention, the ability for Kānaka ‘Ōiwi to perform Traditional and Customary Practices is deemed “significant but mitigable.” Again, this wording is not straightforward. What does “mitigable” mean, if traditional practices are significantly hindered? Under the No Action Alternative, it is noted that cultural practices would benefit from the absence of Army involvement. Here, I must wholeheartedly agree. The removal of the Army from these lands would be of benefit to Kānaka ‘Ōiwi who wish to build pilina (relationships) with Pōhakuloa. Cultural connections to the land are beneficial to people and to the continued health and prosperity of the land, itself.

### **Hazardous and Toxic Materials and Wastes**

Rather than focusing on this section as a stand-alone topic, I apply my concerns regarding elements of this section to other associated sections below.

### **Air Quality and Greenhouse Gases**

In the previous section titled Hazardous and Toxic Materials and Wastes, numerous pollutants and their concerns are outlined. I lump many of these concerns with Air Quality due to my experience living in Waikōloa Village, which is located downwind from PTA. Under this section, it is stated that the trade winds “result in relatively good air quality.” Unfortunately, this is not the case for Waikōloa. These trade winds bring copious amounts of dust and debris straight from Pōhakuloa – this is not an overstatement. Years of driving back and forth between PTA and Waikōloa allowed me to observe that much, if not most, of the dirt that covers our town stems directly from PTA. Our prolonged drought and the fact that this landscape has been largely reduced to barren fields of exposed soil exacerbate this issue. The draft EIS openly admits that “long-term beneficial impacts on air quality would result from the No Action Alternative.” I would love to see our skies finally clear and to not feel concerned that I may be breathing in harmful chemicals such as lead.

### **Noise**

Those of us in Waikōloa Village regularly hear training activity throughout the day. I am aware of many people in Waimea having the same experience. It is a disturbing noise, even so far away. I have also

experienced the upsetting noises of military helicopters flying low over Waikōloa Village, including late at night.

If we are frightened by these sounds, I can only imagine how distressing these noises must be to the native birds that call Pōhakuloa home. Pueo, nēnē, ‘amakihi, and other species are almost certainly bothered by these noises, which are excruciating at close range. I wonder if such sounds are one reason why ‘ua‘u no longer nest in Pōhakuloa? I find it ridiculous that the draft EIS states that under Full Retention, there is a “less than significant” level of impact regarding noise. I cannot fathom how this determination was made.

### **Geology, Topography and Soils**

Vegetation has been significantly reduced in the Pōhakuloa region due to military activity. Continued training is devastating to our soil health. Erosion is a major concern in our island environment, and as mentioned above, such erosion has contributed to poor air quality in Waikōloa. No EIS is being performed within the Impact Area, which undoubtedly contains the most degraded soils throughout PTA. Considering the ammunitions fired into the Impact Area are deployed from State-owned lands, it seems pertinent to include the Impact Area within the current EIS. The draft EIS claims that Full Retention will result in “less than significant” impacts; I disagree. Continued training, resulting in the continued addition of ammunitions and associated metals and chemicals to our landscape, and continued physical impacts resulting in erosion, are hardly insignificant.

### **Water Resources**

The Pōhakuloa region is a vital watershed. As stated in the draft EIS, “the uniqueness [of this groundwater] is ‘irreplaceable’; and the vulnerability to contamination is classified as ‘High.’” Given the potential pollutants listed in the Hazardous and Toxic Materials and Wastes section of the draft EIS, I am concerned that these and other pollutants could infiltrate the aquifer. While the groundwater at Pōhakuloa is not directly consumed, all water within our porous, volcanic island is interconnected, eventually reaching water sources that are consumed as well as flowing out to the sea. Lead is a particular concern, as no amount of lead is safe for biological consumption. As stated in the Hazardous and Toxic Materials and Wastes section, “Lead is the primary COC from small caliber munitions.” The draft EIS further states that the use of military munitions pose a potential threat to soil and groundwater quality. The draft EIS mentions that soldiers are required to collect spent casings, but in my years working on the landscape, I encountered tens of thousands of bullet casings and similar ammunition debris. Sometimes these were scattered, solitary fragments or cartridges; often, these were sizeable piles of rubbish. Dates for bullet cartridges ranged from the 1940s to recent. The Army has done a terrible job of removing this trash which continue to threaten our soil and water resources.

Additionally, surface water occurs in the form of intermittent flows through several streambeds. As mentioned in the draft EIS, one of these beds is Popo‘o Gulch, which feeds into ‘Auwaiakeakua Gulch. The latter of these runs downslope to Waikōloa Village. During severe rain events, I have personally witnessed substantial water movement through the gulch and connected tributaries, as well as flooding in the lower portions of Waikōloa. Such runoff has the potential to carry military debris and related pollutants straight into our community. Have there been any scientific studies on such rain events to assess the safety of this runoff? What about long-term effects of these pollutants gradually entering our drinking water? Once again, I disagree with the determination that Full Retention will result in “less than significant” effects to our water resources. There is not enough scientific evidence to back up this claim.

### **Socioeconomics**

The military is often touted as being a necessary employer within the islands. If we choose to look at this solely from a numbers perspective, the Army employs only ~1% of the population on Hawai'i Island (1,962 employees out of a population of 199,459). Under the No Action Alternative, the draft EIS states that socioeconomics would be negatively affected were the Army to cease managing the State-owned lands. Ultimately, this claim is contentious. Undoubtedly, many people would face the prospect of losing their jobs; but what the draft EIS ignores is the potential for new employment opportunities through the State or other entities. I am personally of the opinion that arguments in favor of Army occupation for the sake of our economy are detrimentally unimaginative. Our community deserves to grow beyond the means of relying on the Army for employment. This will take effort, but it will be well worth it if it means healthier soil, air, and water for ourselves and for future generations.

Furthermore, it is important to note that for the Army, employment is merely a numbers game. Two months after I left my position with PTA CRM, the Army chose not to renew their contract with RCUH. With only two weeks' notice, all of my previous coworkers and supervisors lost their jobs. It took several months for the Army to effectively onboard the new contracting organization (the Colorado Environmental Management of Military Lands, or CEMML), which is illegal to not have had a functioning CRM team for any amount of time. From what I understand, the Army and CEMML eventually offered several of my previous teammates their positions back, but the majority declined. I cannot blame them. It is inhumane to cast people aside with almost no advance notice and expect that they will be grateful to have their jobs reoffered several months later. The decision to begin a new CRM contract with CEMML also means that RCUH – which is a local entity, unlike CEMML – lost money. Hiring outside contractors in no way benefits our local socioeconomics. Through this action, the Army at Pōhakuloa showed their true colors; they have no interest in building positive, lasting, meaningful relationships with the community of Hawai'i.

### **Human Health and Safety**

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### **Concluding Thoughts**

Within the current draft EIS, each section ends with a summary account for each of the three Alternative Actions and the No Action Alternative. I find it strange that for nearly every section, the Full Retention summary contains a subsection that reads: “Potential Mitigation Measures: None recommended.” Most of these topics detail environmental concerns that ought to be addressed with mitigation measures. Why do

most of these have no such recommended measures? What is the point of including this subsection if no mitigations are outlined, especially in cases where the preceding Summary of Impacts admits to such things as “continued long-term, minor, adverse impacts” (as seen in the Biological Resources section)? This is confusing to me.

Going forward, the Army ought to take the following suggestions into consideration:

- Make fire data accessible to researchers and the public.
- Allow independent scientists to investigate potential causes of concern such as pollutants, water quality, and soil health.
- Thoroughly remove existing debris within all retained land, including the State-leased land, regardless of age or origin.
- Allow Kānaka ‘Ōiwi full access to this ancestral landscape, once debris and UXOs have been safely removed.

Regardless of whether these recommendations are properly implemented, I strongly believe that the Army is ill suited to retain any degree of control over the State-owned lands once the lease expires in 2029. I look forward to seeing these lands return to the State at the end of this decade, with the hope for better management in the future. E ola Pōhaku!oa, may this phenomenal ‘āina experience improved health and continued growth in the years to come.

June 3, 2022

Avalon Paradea  
Master's Student  
Tropical Conservation Biology and Environmental Science Program  
University of Hawai'i at Hilo

**Re: Pōhakuloa Training Area (PTA) Draft EIS Public Comments**

**Position and Personal Background**

I am writing in opposition of the Army's proposed retention of 23,000 acres of State-owned land. I am in favor of the No Action Alternative, under which the Army retains no percentage of these 23,000 acres once the lease ends in 2029.

I was raised in Waikōloa Village, where I continue to reside with my mother, brother, and partner. Between 2017 and 2021, I worked as a cultural resource technician (eventually moving up to a specialist position) under the Research Corporation of the University of Hawai'i (RCUH) at PTA. During the three and a half years I worked within this 'āina, I learned a great deal – both about the rich cultural legacy that Kānaka 'Ōiwi (Native Hawaiians) share with this region, and the mistreatment of this land at the hands of the Army. It was an emotionally taxing job for many reasons, and I chose to leave in the summer of 2021 to pursue my master's degree in the TCBES program at UH Hilo.

Within the draft EIS, the Army identifies 15 environmental areas that could be impacted by the Proposed Action. Herein, I provide detailed thoughts on nine of these areas which I feel best qualified to speak on.

**Biological Resources**

Within the 23,000 acres of State-owned land reside numerous endemic and indigenous plants and animals, including endangered species. In my opinion, staff in the natural resources office (NRO) do a fantastic job working to protect native species as best they can. However, their dedication is quickly rendered meaningless in the face of severe accidents caused by military negligence.

In the summer of 2018, a fire was started by Army personnel during a routine helicopter exercise. This fire consumed over 1,000 acres of land, primarily within Training Areas 18 and 22 (TA 18 and TA 22). Both TAs contain fenced units for the purposes of protecting endangered plant species. From what I understand, no endangered plants were known to have been harmed during the fire; however, *many* native species were destroyed.

Over the course of several months shortly after the fire, my team and I were tasked with conducting archaeological surveys within these fenced units. The aftermath was shocking... thousands of dead 'ōhi'a (*Metrosideros polymorpha*), naio (*Myoporum sandwicense*), māmāne (*Sophora chrysophylla*), 'a'ali'i (*Dodonaea viscosa*), and other plants as far as the eye could see. The death of these native species allowed invasive fountain grass to colonize the area expansively. The loss of cover resulted in increased dust storms which negatively impacted those of us living downwind in Waikōloa Village, myself included. Additionally, I personally observed endemic pueo (*Asio flammeus sandwichensis*) within TA 18. These ground nesting owls are highly susceptible to the negative effects of fires and other such devastating environmental tragedies.

This was not the only fire caused by military training that occurred during my years working at PTA, and I am aware of numerous other fires that have occurred before and since my employment there.

Unfortunately, the Army is not required to publicly share data regarding fires that occur on Army land. I find this highly problematic. I strongly advise sharing this information with the public for the sake of transparency, allowing community members to create an informed opinion regarding the Army's broad swath of interactions within the Pōhakuloa region.

It is important to note here that the State-owned lands include Palila Critical Habitat. Palila (*Loxioides bailleui*) are a critically endangered Hawaiian honeycreeper. These birds are highly reliant on māmane trees for their sustenance and habitat; the disappearance of māmane in the aforementioned fire is no minor thing.

Another species of interest is the 'ua'u (*Pterodroma sandwichensis*). These birds once relied greatly on the Pōhakuloa region for habitat and nesting, as well documented by historic accounts and archaeological evidence. The draft EIS states that "no colonies or nesting have been confirmed on PTA," which I assume refers to active nests. This begs the question: why? Why might 'ua'u no longer find this landscape hospitable? It is probable that Army activity is a primary factor in the disappearance of these birds from this region.

The Game Management Program has done little to mitigate the negative effects of invasive ungulates within the landscape. While fencing does provide significant protection to native plants, there remain thousands of ungulates that roam the land outside these enclosures, causing damage to native species. If the Army is serious about aiding native species, they need to do a great deal more when it comes to culling sheep and goats on a large scale.

While the Army may claim to provide resources that benefit biological organisms within the Pōhakuloa region, such claims mean nothing when the Army itself poses the greatest immediate threat to lifeforms in this area. The Army makes grand statements of applying lessons learned from recent mistakes, but the harsh reality is that ammunitions in such a dry landscape will invariably result in accidental fires, regardless of mitigation methods. I take issue with the Army's assertion that Full Retention of State-owned lands will be more beneficial to native species than the No Action Alternative. This claim flies in the face of hard evidence to the contrary. Pōhakuloa was once a landscape teeming with life, much of which has been significantly reduced due to Army activity.

### **Cultural Resources**

It is important to note that the entirety of the Pōhakuloa region is a culturally significant entity. This landscape holds importance as a region long utilized by Kānaka 'Ōiwi for the acquisition of natural resources, for ceremonial conduct, and for safe passage between various moku (districts) and ahupua'a (land divisions within moku), among other activities. Were it not for Army occupation, this region would still be enjoyed as a safe locale to conduct cultural practices.

I am aware of hundreds of archaeological sites that exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities. Under Section 106 of the National Register of Historic Places (NRHP), all federally owned or managed lands require thorough archaeological assessments. Despite this requirement, prior to the 2018 fire, no proper archaeological surveys had been conducted within TA 18 and 22. It was not until after the fire had decimated these areas that my crew was asked to conduct a baseline survey. I should not need to spell out how utterly backwards this was. Ultimately, our efforts resulted in the discovery of several interesting sites. One of these sites contained historic bottles that, sadly, had broken and burned due to the heat of the fire. The fire also ruined any chances at properly identifying fireplaces or hearths, generally identified

through the presence of charcoal. Even if historic charcoal were identified, the 2018 fire would render any possibility of radiocarbon dating such sites unlikely.

In the draft EIS, it is stated that 11,920 acres of State-owned land have yet to undergo proper archaeological investigation. There is a vague statement that “portions of unsurveyed State-owned land comprise remote and inaccessible areas” and that these places “may have low potential for extant cultural resources.” This reads as flippant. There should be no assumptions made on the Army’s end regarding the likelihood of cultural resources in any given area. I spent an overwhelming amount of time working in the office during my time at PTA. Why was my team not investigating these unsurveyed lands? It often felt as though our team was not provided proper direction or adequate communication by the Army archaeologist, whom we took direction from.

The draft EIS states that under Full Retention, impacts to archaeological sites would be “less than significant.” This wording is incredibly vague and means basically nothing without substantial clarification. If an iwi kūpuna (ancestral burial) is burned in a fire, but it is the only archaeological site affected in such a scenario, is that considered “less than significant”? Who determines what extant of damage is or is not significant in such a circumstance? What are the criteria? How are Kānaka within the community involved in such determinations, if at all?

Under Full Retention, the ability for Kānaka ‘Ōiwi to perform Traditional and Customary Practices is deemed “significant but mitigable.” Again, this wording is not straightforward. What does “mitigable” mean, if traditional practices are significantly hindered? Under the No Action Alternative, it is noted that cultural practices would benefit from the absence of Army involvement. Here, I must wholeheartedly agree. The removal of the Army from these lands would be of benefit to Kānaka ‘Ōiwi who wish to build pilina (relationships) with Pōhakuloa. Cultural connections to the land are beneficial to people and to the continued health and prosperity of the land, itself.

### **Hazardous and Toxic Materials and Wastes**

Rather than focusing on this section as a stand-alone topic, I apply my concerns regarding elements of this section to other associated sections below.

### **Air Quality and Greenhouse Gases**

In the previous section titled Hazardous and Toxic Materials and Wastes, numerous pollutants and their concerns are outlined. I lump many of these concerns with Air Quality due to my experience living in Waikōloa Village, which is located downwind from PTA. Under this section, it is stated that the trade winds “result in relatively good air quality.” Unfortunately, this is not the case for Waikōloa. These trade winds bring copious amounts of dust and debris straight from Pōhakuloa – this is not an overstatement. Years of driving back and forth between PTA and Waikōloa allowed me to observe that much, if not most, of the dirt that covers our town stems directly from PTA. Our prolonged drought and the fact that this landscape has been largely reduced to barren fields of exposed soil exacerbate this issue. The draft EIS openly admits that “long-term beneficial impacts on air quality would result from the No Action Alternative.” I would love to see our skies finally clear and to not feel concerned that I may be breathing in harmful chemicals such as lead.

### **Noise**

Those of us in Waikōloa Village regularly hear training activity throughout the day. I am aware of many people in Waimea having the same experience. It is a disturbing noise, even so far away. I have also

experienced the upsetting noises of military helicopters flying low over Waikōloa Village, including late at night.

If we are frightened by these sounds, I can only imagine how distressing these noises must be to the native birds that call Pōhakuloa home. Pueo, nēnē, ‘amakihi, and other species are almost certainly bothered by these noises, which are excruciating at close range. I wonder if such sounds are one reason why ‘ua‘u no longer nest in Pōhakuloa? I find it ridiculous that the draft EIS states that under Full Retention, there is a “less than significant” level of impact regarding noise. I cannot fathom how this determination was made.

### **Geology, Topography and Soils**

Vegetation has been significantly reduced in the Pōhakuloa region due to military activity. Continued training is devastating to our soil health. Erosion is a major concern in our island environment, and as mentioned above, such erosion has contributed to poor air quality in Waikōloa. No EIS is being performed within the Impact Area, which undoubtedly contains the most degraded soils throughout PTA. Considering the ammunitions fired into the Impact Area are deployed from State-owned lands, it seems pertinent to include the Impact Area within the current EIS. The draft EIS claims that Full Retention will result in “less than significant” impacts; I disagree. Continued training, resulting in the continued addition of ammunitions and associated metals and chemicals to our landscape, and continued physical impacts resulting in erosion, are hardly insignificant.

### **Water Resources**

The Pōhakuloa region is a vital watershed. As stated in the draft EIS, “the uniqueness [of this groundwater] is ‘irreplaceable’; and the vulnerability to contamination is classified as ‘High.’” Given the potential pollutants listed in the Hazardous and Toxic Materials and Wastes section of the draft EIS, I am concerned that these and other pollutants could infiltrate the aquifer. While the groundwater at Pōhakuloa is not directly consumed, all water within our porous, volcanic island is interconnected, eventually reaching water sources that are consumed as well as flowing out to the sea. Lead is a particular concern, as no amount of lead is safe for biological consumption. As stated in the Hazardous and Toxic Materials and Wastes section, “Lead is the primary COC from small caliber munitions.” The draft EIS further states that the use of military munitions pose a potential threat to soil and groundwater quality. The draft EIS mentions that soldiers are required to collect spent casings, but in my years working on the landscape, I encountered tens of thousands of bullet casings and similar ammunition debris. Sometimes these were scattered, solitary fragments or cartridges; often, these were sizeable piles of rubbish. Dates for bullet cartridges ranged from the 1940s to recent. The Army has done a terrible job of removing this trash which continue to threaten our soil and water resources.

Additionally, surface water occurs in the form of intermittent flows through several streambeds. As mentioned in the draft EIS, one of these beds is Popo‘o Gulch, which feeds into ‘Auwaiakeakua Gulch. The latter of these runs downslope to Waikōloa Village. During severe rain events, I have personally witnessed substantial water movement through the gulch and connected tributaries, as well as flooding in the lower portions of Waikōloa. Such runoff has the potential to carry military debris and related pollutants straight into our community. Have there been any scientific studies on such rain events to assess the safety of this runoff? What about long-term effects of these pollutants gradually entering our drinking water? Once again, I disagree with the determination that Full Retention will result in “less than significant” effects to our water resources. There is not enough scientific evidence to back up this claim.

### **Socioeconomics**

The military is often touted as being a necessary employer within the islands. If we choose to look at this solely from a numbers perspective, the Army employs only ~1% of the population on Hawai'i Island (1,962 employees out of a population of 199,459). Under the No Action Alternative, the draft EIS states that socioeconomics would be negatively affected were the Army to cease managing the State-owned lands. Ultimately, this claim is contentious. Undoubtedly, many people would face the prospect of losing their jobs; but what the draft EIS ignores is the potential for new employment opportunities through the State or other entities. I am personally of the opinion that arguments in favor of Army occupation for the sake of our economy are detrimentally unimaginative. Our community deserves to grow beyond the means of relying on the Army for employment. This will take effort, but it will be well worth it if it means healthier soil, air, and water for ourselves and for future generations.

Furthermore, it is important to note that for the Army, employment is merely a numbers game. Two months after I left my position with PTA CRM, the Army chose not to renew their contract with RCUH. With only two weeks' notice, all of my previous coworkers and supervisors lost their jobs. It took several months for the Army to effectively onboard the new contracting organization (the Colorado Environmental Management of Military Lands, or CEMML), which is illegal to not have had a functioning CRM team for any amount of time. From what I understand, the Army and CEMML eventually offered several of my previous teammates their positions back, but the majority declined. I cannot blame them. It is inhumane to cast people aside with almost no advance notice and expect that they will be grateful to have their jobs reoffered several months later. The decision to begin a new CRM contract with CEMML also means that RCUH – which is a local entity, unlike CEMML – lost money. Hiring outside contractors in no way benefits our local socioeconomics. Through this action, the Army at Pōhakuloa showed their true colors; they have no interest in building positive, lasting, meaningful relationships with the community of Hawai'i.

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## Travis Paradea

I know the numbers got up, because me and her is kind of packaged. But Travis Paradea, P-A-R-A-D-E-A, just like her. I'm just a haole guy from Kona. But that being said, I could wax up here for a little while. Aloha. You know, we talk about the value of Hawaii to the U.S. military and U.S. national security, I don't think we should be having any conversation about what Hawaii has to sacrifice for that, as opposed to what Hawaii has already given. Right? So these lands up here are cultural lands of the ancestors of veterans of the U.S. Hawaiians have fought in the war of 1812, both for and against the U.S. They fought on both sides of the U.S. Civil War. I think they fought in pretty much every major American conflict since that. So this is not just like that place between Hilo and Kona. And that's kind of an issue. Once upon a time Kaho'olawe was that island between Hawaii Island and Maui. But as people learned more about it, they got out there, they found out what was on that island they changed it. Right now we understand. Right now, I would imagine the vast majority of people at Hawaii Island have no idea what's up there in any part of Pohakuloa. Not just the parts that's up for release or not, but the whole place. So it's kind of hard for us to understand its importance without that information coming out. So to get to the point, which is the environmental impact statement. Statements like this one here on water resources. Continued adverse impacts on water resources for ongoing activities, impact would be less than significant. That is what you call obfuscation, I think, in general, right? There is very little specifics on what's up there, because when you become specific on what's up there, people will not want to see it go back to being a target for target practice. Especially for water resources. You know, I mean, I'm surprised it hasn't been brought up yet, but I understand the Army conducted a water resource survey up there that made them realize the water table is much higher than it is. That the water table supports more than we thought. That is a relatively recent survey. I'm sorry I don't have the time on that or when that happened. I thought it was funny going through previous understandings about Pohakuloa Training Area and releasing these lands, and we hear a lot about the uranium but nothing about all of the land, which I feel like is a topic worthwhile discussing, as well. But, yeah, I support giving no land back over after this lease. I have a hard time believing that that 23,000 acres will somehow prevent maneuvers on what is still the 110,000 acres of exercise land. Mahalo.

## Dustin Paradis

The U.S. military has abused the natural environment on every island in the Hawaiian archipelago; one of the most disgusting being the desecration and destruction of Kaho'olawe and one of the more recent being the Red hill fuel tanks on Oahu.

They US military cannot be trusted to respectfully use and remain in good standing with the terms in their lease agreement.

I support the lease agreement to lapse, be nullified, and to no longer allow military exercise nor access in this area.

## Eric Paul

I am submitting a comment in opposition to the lease renewal for the Pohakuloa Training area. I believe this area should be converted back to use for the Hawaiian people, and cleared of military presence.

## Stephen Paulmier

Aloha. Environmental impact statement. Draft environmental impact statement. The word that comes to me is disingenuous. I have a lease. I'm a renter. I live in Kea'au. My landlord expects certain things from me. When I leave his place, he's a much older man than myself, so I will have to leave some day when he passes. If I were to leave my apartment the way you are leaving Pohakuloa, his family would be hard pressed. I don't know if any of you have ever rented anything for yourself, but you are asking the people of this land to extend a lease that in your environmental impact statement you haven't owned up to what you've done there. There is no plan for cleaning it up. There has been no effort to guarantee a cleanup. When I attended the Nuclear Regulatory Commission hearings about the DU, I made the analogy between a drunk asking a judge to give him his driver's license on the condition that he would be allowed to keep drinking while driving. And that's basically what you asked us. You said -- you didn't say you lied, although you did, about the DU. But you said let us have it anyway. Shame. Shame. And now you expect us to accept an impact statement that doesn't include any honesty at all. No admission of what you have done. No humility at all. And yet we're supposed to consider this something legit? It's disingenuous. Aloha. It has something to do with respect and respect for yourself. To respect yourself you must be honest, and honesty requires humility, courage. Please, I ask you and I'm telling you these people, this aina, which includes the people, will not extend the lease. You've already done too much. Aloha.

## Stephen Paulmier

The 133,000-acre Military Toxic Area (PTA) is located in the center of Hawai'i Island at an elevation of 6500 feet. It's an area that has been bombed and abused by all branches of the US military for more than 70 years. Millions of live-rounds are fired annually at PTA. A wide range of toxins, including Depleted Uranium (DU) radiation, have been spread throughout the land. All of us on Hawai'i Island, residents and visitors alike, people, plants and animals, are downhill and downwind from PTA.

Of the 133,000-acres at PTA, the military wants to renew a State lease of 23,000 acres. The bulk of the land at PTA, more than 84,000-acres were simply seized by a presidential executive order. The conditions of any lease are predicated on the treatment of the property leased and the condition that property is returned to at the end of the lease. The present lessee has taken no action or made no plan to even access the damage done as a result of its use and abuse of the land. It's EIS is, itself an indictment of the lack of responsible stewardship on the part of the lessee.

I say NO to any lease renewal. I say yes to require a comprehensive independent assessment of the toxic military mess at PTA, guaranteed federal funds to do a thorough clean up, and the shut down and return of the entire 133,000-acres to the Hawaiian people. The behavior of this lessee shames us all! The most severe sanction would not do justice to the pattern of abuse that is evidenced here. Bombing the aina is the ultimate desecration.

**From:** Stephen Paulmier [REDACTED]  
**Sent:** Monday, June 6, 2022 6:18 AM  
**To:** G70 - ATRR PTA EIS  
**Subject:** Comment on EIS regarding request for lease renewal

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**Stephen Paulmier**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent from Stephen

**From:** Stephen Paulmier [REDACTED]  
**Sent:** Tuesday, June 7, 2022 8:23 PM  
**To:** John Witeck  
**Cc:** [REDACTED]  
**Subject:** Re: Statement in Opposition to the Lease Renewal on Pohakuloa Training Area

Excellent statement Danny Li!

Sent from Stephen

On Jun 7, 2022, at 7:01 PM, John Witeck [REDACTED] wrote:

Good statement, Danny!

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, June 7, 2022, 3:17 PM, [REDACTED] wrote:

The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!

Peace, Aloha & Imua!

Danny H. C. Li (Kea'au, Hawai'i); [REDACTED]

## Tom Penny

Hi, it's Tom Penny. T-O-M, P-E-N-N-Y. Thank you for all of your fine speeches. Very moving. I had a friend who worked at the Pohakuloa Training Station as a civilian making pizzas for the people who were stationed up there. So he asked me one day, he said, "Tom, have you ever heard of the million dollar minute?" And I was like, "The what?" He said, "It's called the million dollar minute." And I said, "No. What are you talking about?" And he said that at the year's end, calendar year, fiscal year, whatever it is, if there is leftover ordnance, just strictly for the purpose of making sure the budget was there the next year, they blew it all up in one day. A million dollars worth of ordnance, all used in a day -- or should I say, in a minute, which is why it's called the million dollar minute. And by extension, I just went into, oh, my God. Our tax dollars at work. You know, you are going to blow up a million dollars of ordnance in one minute just so your budget will match the one that you had, the one before, or even get raised to a higher level. I was stunned, and I thought, hum, yeah, roads, hospitals, public transportation, anything but that. Thank you.

## Tom Penny

My name is Tom Penny. P-E-N-N-Y. First name Tom, T-O-M. I would like to go on record as opposing a renewal of the lease for the state land up in Pohakuloa. I think, you know, with due respect to the military, the continued bombing of land just never has set well with me. I have been a member of the community here for 42 years. Prior to that I was on O'ahu, and I remember distinctly the occupation by hawaiians of Kaho'olawe. I think that stands as an example of people standing up and saying, enough is enough, really. I mean, how often can you drop bombs on land without it having a deleterious effect on people's health, the welfare of our community, and the continued peace and safety of our community. So I do have a proposal for -- well, let me comment first on the EIS. EIS, it is so well worded to help the military get across the idea that they are doing a great thing up there, and I don't believe it. I just, every time I read the praises and how it's put, I'm just like, oh, this is articulation all geared to making it seem like the greatest thing in the world. Well, it's not. Bombing land is never good. So I have a suggestion. I would like to see the release -- the lease not renewed, and I would like you to take the next seven years to clean the mess up that you have made. That's all I have. Thank you,

## Crystal Pitts

Enough is enough! The military has hurt Hawaiian lands and its people too much already. We all want you to stop now. The military obviously is not here to protect the people but to take and poison them. What's worse having someone else do it or our own Military in which we are supposed to rely on. Too many Native Hawaiians are already being pushed out and getting their land sold & bought out by foreigners. The military need to start correcting all the wrongs they have done here in Hawaii NOT desecrating even more. This is disgusting. SHAME ON THE MILITARY

## Tara Plachowski

As a resident of Hawai'i and Kamuela I experience the impact of the military at Pohokuloa first hand. This is a sacred space that should not be occupied by military. The occupation has had significant impact on native bird species. The area should be maintained as a bird and wildlife sanctuary and stewarded by kanaka dedicated to preserving the aina and our native species.

## Sherry Pollack

I urge you to stop bombing Pohakuloa and end the State lease. Pohakuloa has been actively bombed and used for artillery practice for over 6 decades and as a result become a military toxic waste dump. Enough is enough. The cumulative impacts to the air, ground, and water of all the toxins used at PTA need to be addressed and cleaned up. End the lease. Stop the contamination now.

**From:** [REDACTED]  
**Sent:** Tuesday, June 7, 2022 3:50 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa Training Area EIS

Aloha

I urge you to stop bombing Pohakuloa and end the State lease. Pohakuloa has been actively bombed and used for artillery practice for over 6 decades and as a result become a military toxic waste dump. Enough is enough. The cumulative impacts to the air, ground, and water of all the toxins used at PTA need to be addressed and cleaned up. End the lease. Stop the contamination now.

Mahalo, Sherry Pollack

## Ethan Porter

This EIS is not acceptable to the regular population of the state of Hawaii or the island of Hawaii at large. Please stop using live fire in our home.

# John Powell

Aloha,

I fully support the military extending there lease for training. The military needs the training area to be able to defend our nation. Because if the size and different terrain our troops can be fully prepared.

The military has helped many people by being here. There fire department and medical personnel have helped many in the area. Also they aided in fighting fires with personnel and equipment including helicopters.

The good they have done along with the financial aspect far exceeds the negatives.

Please renew there long term lease.

Mahalo

John Powell

Kailua-Kona

# John Powell

Aloha,

I fully support the military extending there lease for training. The military needs the training area to be able to defend our nation. Because if the size and different terrain our troops can be fully prepared. The military has helped many people by being here. There fire department and medical personnel have helped many in the area. Also they aided in fighting fires with personnel and equipment including helicopters. The good they have done along with the financial aspect far exceeds the negatives. Please renew there long term lease.

Mahalo John Powell Kailua-Kona

**From:** markp50 [REDACTED]  
**Sent:** Thursday, April 28, 2022 3:08 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** PTA

Aloha,

I fully support the military extending there lease for training. The military needs the training area to be able to defend our nation. Because if the size and different terrain our troops can be fully prepared.

The military has helped many people by being here. There fire department and medical personnel have helped many in the area. Also they aided in fighting fires with personnel and equipment including helicopters.

The good they have done along with the financial aspect far exceeds the negatives.

Please renew there long term lease.

Mahalo  
John Powell  
Kailua-Kona

Sent from my Verizon, Samsung Galaxy smartphone

**From:** Moore, Kevin E [REDACTED]  
**Sent:** Monday, June 6, 2022 6:29 PM  
**To:** G70 - ATR PTA EIS  
**Cc:** Tsuji, Russell Y  
**Subject:** FW: [EXTERNAL] Comments on PTA draft EIS lease extension request  
**Attachments:** [EIS comments PTA lease renewal final with page numbers.docx](#)

Please see comments on the draft EIS for PTA received at the Department of Land and Natural Resources. Thank you.

Kevin

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**From:** Michael Reimer [REDACTED]  
**Sent:** Tuesday, May 31, 2022 6:13 AM  
**To:** Case, Suzanne D [REDACTED]  
**Subject:** [EXTERNAL] Comments on PTA draft EIS lease extension request

To: Ms. Suzanne Case

Chairperson, Hawaii Board of Land and Natural Resources

Honolulu, Hawaii 96813

via email: [REDACTED]

From: Michael Reimer, Ph.D.

[REDACTED]

Arvada, CO 80006

May 31, 2022

**Subject:** My comments regarding: Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement, Island of Hawaii, Hawaii TMKs: (3) 4-4-015:008, (3) 4- 4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

I attach to this email a copy of the commentary I sent to the U.S. Army regarding the draft Environmental Impact Statement (EIS) for the lease renewal for the State owned land at Pōhakuloa Training Area.

I read the draft EIS and found it woefully inadequate to justify the renewal of the lease for the State-owned land. If the final EIS is based on the disinformation presented in this draft, it only continues the attempts to mislead the Board in forcing the preferred action for the U.S. Army.

I recognize the draft EIS document is written subjectively to support the continuation of the lease but it is full of obvious oversights in discussing germane topics, having missing options, illogical explanations,

contrasts in reason, and conclusions that are not supported by the discussions of the various environmental resources presented. As a result, many conclusions are intentionally distorted and misleading and clearly, in some respects, substantially at odds with the discussion. They fail to capture fully the context, nature, and substance of the discussions. In some cases, the conclusions seem intentionally contrived to gain support for the preferred option sought by the U.S. Army.

My assessment is that, based upon the best objective evidence presented in the draft EIS, the No Action Alternative is the better alternative for the State, its visitors, and its citizens.

If you wish, I would be pleased to discuss in more detail with you my observations of this draft EIS.

**Concerning:** Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement, Island of Hawaii, Hawaii TMKs: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

Comments by Michael Reimer, Ph.D.  
May 31, 2022

## **OVERVIEW**

These comments are focused on two general subject topics: One is the overall tenor of the draft EIS and its detrimental failure to fully consider various options on a level playing field and its common use of unequal interpretation of discussion points when stating a conclusion for that topic. The second is a specific topic regarding the Army addressing toxicity caused by its use of the land and the disinformation given to downplay that potential toxicity and support the preferred action conclusion. That use of disinformation is representative of the discussion for all environmental resources addressed in the draft EIS and leads to misrepresented conclusions.

I am sure that comments by others will be germane in addressing additional issues.

While it is reasonable to expect that the draft EIS would be written and interpreted in the light most favorable to provide justification for the preferred option of the U.S. Army in retaining the State-owned land lease for Pōhakuloa Training Area (PTA), it is also reasonable to expect that the information and reasons given for this preference and the rejected alternatives would be interpreted fairly and not misstated in conclusions. That does not seem to be the case.

It becomes rather easy for the draft EIS to support only one option for action when the other actions given for comparison are intentionally limited in scope. That is clearly the situation here. There are basically four action options considered. The first and last are default; the full retention of the leased land and the no action alternative where the lease is not renewed. There are two other alternatives given; modified retention and minimal retention with access.

In effect, the Alternative 2 and Alternative 3 are essentially the same. They offer removing small parcels of State-owned land from the existing lease but retaining control of access to those sites. There are 3 other alternatives mentioned but they are not carried forward in the draft EIS

What is obviously missing is a superior and comprehensive alternative. It is one that could meet all criteria required for military training and would incorporate the best of several listed alternatives. Most essential elements are available and mentioned in various other alternatives but the draft EIS fails to combine them into a reasonable

working alternative. This avoidance then tends to force acceptance toward the preconceived preferred alternative by intentionally providing flawed alternatives.

I will confine my comments to the two general subject topics I mentioned: The overall tenor of the draft EIS and a specific topic showing how disinformation is used to force acceptance of the preferred alternative, a common occurrence in the draft EIS.

The latter is a representation of the forced and unsupported conclusion. It detracts from the sincerity of purpose for a draft EIS and, by making it so obviously predisposed to its stated goal, gives the full appearance of not only being a great disservice to the U.S. Army and to all individuals impacted by the continued use of State-owned land for military training activities, but also to any and all agencies involved in the process of deciding whether to renew the lease of State-owned land.

It must be emphasized that the issue here only deals with the retention of the State-owned land lease and does not concern the overall continued operation of PTA as a military training facility in Hawaii. The current lease expires on August 16, 2029, more than 7 years from the date of the draft EIS. PTA currently consists of 132,000 acres of which 23,000 acres, less than 18 percent, are State-owned land (Section 1.1). The military in Hawaii employs 75,920 personnel including military and civilian but less than 3 percent, only 1,962, are employed in Hawaii County (Section 2.2.4).

A summary of the impact to 15 different resources specified to the 4 specific alternative action levels is found in Table ES-1. Biological Resources has 3 components. Alternative 1 is complete lease retention; Alternative 2 is 19,700-acre retention; Alternative 3 is 10,100-acre retention; and the final alternative is labeled No Action. There are 5 impact categories: Significant adverse impact; significant adverse impact but mitigable to less than significant; less than significant impact; No impact; Significant beneficial impact.

The listed impacts summarized in Table ES-1 for each resource of alternatives 1, 2, and 3 are all the same indicating either less than significant or no impact. The final alternative, the No Action Alternative, is also the same showing less than significant or no impact except for resource categories Biological, Socioeconomic, and Utilities where it is listed as significant adverse impact. However, this No Action Alternative has the only positive significant beneficial impact listed in the entire summary; it is under Cultural Resources. In the other alternative action categories in Table ES-1, this Cultural Resource is noted as significant impact but can be mitigated to less than significant impact, still far short of positive impact in the No Action alternative.

Because the No Action alternative is the most objectionable alternative to the Army, the three resource categories that received significant adverse impact should be reviewed.

## **Biological Resources**

The No Action Alternative summary for Biological Resources is found at Section 3.3.6.4. The EIS acknowledges that under this alternative the State would continue current levels of species and habitat protections within the land not retained. It states there would be minor adverse impact from increased hunting and public access to the land but beneficial impacts on vegetation, wildlife, and protected species from ceased training. Beneficial impacts would also accrue from lease compliance actions (e.g., reforestation), which would be conducted in accordance with Army obligations upon lease termination. There is nothing producing outlandishly negative impacts given in those reasons. The State and County have the means to manage habitats successfully as they do so in other areas of the County and credit for that ability should be acknowledged. The Army is merely an agent on leased land following those State and County regulations.

The major reason giving concern for significant negative impact is that the EIS states the Army would no longer have access to the impact areas and training ranges south of the State-owned land. That, it claims, would severely constrain the Army's ability to maintain and monitor that land and therefore there would be new significant impacts on protected species on U.S. Government-owned land that could no longer be accessed.

This singular reason therefore leads to the conclusion that, "in total, the impact would be significant." Frankly, this is bogus and flies in the face of logic, reason, and common sense. Of course the Army will have access to the land south of the State-owned land and they can still continue to use the U.S. Government-owned land for training activities. There is no reason what the U.S. Army does to currently address biological resources on U.S. Government-owned land cannot be continued.

## **Timely Segue**

This is an opportune time to discuss a common reason continuously given by the draft EIS that claims significant negative impact for many resource evaluations.

That reason is lack of access between U.S. Government-owned parcels that the state-owned land currently provides. The draft EIS notes on many occasions that the Army would enter into negotiations or consultation with various entities to clarify or to provide some continuing action to address resources if the No Action alternative is chosen. In fact, such a consult is given in section 3.3.6.4 for this No Action Alternative for biological resources. "The Army would need to re-initiate consultation with USFWS regarding the BO conservation measures for this area."

The Army simply needs to negotiate with the state right-of-way passage through some of the State-owned land to allow access to various U.S. Government-owned sites. For example, a limited right-of-way corridor could be established in training areas 17 and 18 to connect Ke'āmuku and the Impact Area-Training Area parcels. Figure 2.4 for

Alternative 3 shows connectivity also is possible through training areas 13 and 14 for these two parcels. Similarly, a limited right-of-way passage could be negotiated for connectivity between the Cantonment parcel and the Impact Area-Training Ranges through training area 5. These suggestions can be graphically seen in Figure 2.4 for Alternative option 3. Further, sections of the Old Saddle Road and the Daniel K. Inouye highway provide access between the containment area and Ke'āmuku and within a few hundred feet of the impact area and training ranges.

### **Biological Resources Continuation**

In short, the failure of the draft EIS to even consider these simple, common sense inclusive options for the No Action Alternative reveals absolute bias and a blatant attempt to surreptitiously reject the No Action Alternative. In reality, the No Action Alternative has no less negative impact for Biological Resources than any other option and, for most reasons provided, it is beneficial impact (Table ES-1). In fact, all other action alternatives should be downgraded as they cause significant harm as noted in section 4.4.2, "Biological resources management programs at PTA have been beneficial; however, increased risk of wildfires, caused by training activity, have destroyed individual plants and have altered habitat, preventing recovery of some native species."

The positive effect on impact in the No Action Alternative is even extended beyond Biological Resources as noted in Section 3.11.6.4. "Biological Resources Section 3.3 does not identify any adverse impacts to populations including low-income or minority populations. Because there would not be impacts to populations, there would be no impact on environmental justice under the No Action Alternative." That in itself should upgrade the No Action Alternative for Environmental Justice from less than significant impact to at least no impact as stated in this discussion. That makes the No Action alternative option superior to all other alternatives for the Environmental Justice resource.

In sum, the classification of Biological Resources as implying significant adverse impact for the No Action Alternative is disingenuous and forced exclusively by one contrived but easily remedied reason. The classification of Biological Resources for the No Action Alternative must be realistically upgraded to minimally reflect no significant impact or even to significant beneficial impact with successful negotiation on for right-of-way pathways. This conclusion is based on the discussion in section 3.3.6.4 of all other issues giving it the preponderance of logic and reasoning that it would benefit from the No Action Alternative.

### **Socioeconomics Resource**

The Environmental Impact Resource of Socioeconomics is given a significant adverse impact rating for the No Action Alternative as shown in table E-2. The criteria shown in

section 3.10.5 are used to assess whether an alternative would result in potential significant impacts on Socioeconomics include the extent or degree to which an alternative would result in the following:

- Substantial change(s) in the local or regional population or demographic distribution
- Substantial change(s) in local or regional economic indicators such as employment, spending, or earning patterns
- Substantial indirect impact(s), such as impacts on housing availability and public facilities.

The summary of the impacts of the No Action Alternative are in section 3.10.6.4. They state that new long-term, significant, direct and indirect, adverse impacts on Socioeconomics would occur from total loss of ongoing activities on the State-owned land, as well as a loss of ongoing activities within the impact area and training ranges and limited use of the cantonment property.

These claims are largely unsupported by the discussion leading to this conclusion. It falsely states that there will be a total loss of activities on State-owned land. Yet in the Biological Resources discussion (4.4.2), the draft EIS states that there will be an increase in various recreational activities on the State-owned land including hunting. The land would also be available for extension of critical protected habitats. The cantonment area and impact area are still U.S. Government-owned property so there is no reason for there to be loss of ongoing activities in those sectors. Any suggestion that activities are degraded by loss of contiguousness is alarmist in that negotiations can be initiated to retain right-of-way connectivity passages, as previously presented. Any impact to the cantonment area can be offset by a contractor-supported relocation of the cantonment area and supporting utilities to U.S. Government-owned land. Because the U.S. Army seeks modernization and upgrading of cantonment facilities, this would most probably be a more cost effective way to accomplish that goal and it would certainly be beneficial to the overall financial and economic impact to the County. In effect, it creates jobs in the civilian sector. It would be a superior benefit all around, to the military and to the County. In fact, the draft EIS states in this section, "New short-term, negligible, beneficial impacts would occur from conducting lease compliance actions within the State-owned land." Although seemingly undervalued by being characterized as negligible, it is at least beneficial.

Regrettably, the draft EIS also makes the statement in the No Action Alternative for socioeconomic discussion that, "the Army would no longer be able to provide community services that extend beyond the installation such as local firefighting support, local emergency services, and community relations events." This has the full appearance of a veiled threat that if the retention of the lease is not granted, then the U.S. Army will cease humanitarian support to the County. As the U.S. Army would be continuing training activities at PTA even without the continued total control of State-owned land, there is nothing in any of the alternatives that would require the cessation of continuing the civility of U.S. Army support for County residents. In fact, it should be noted that some fires at PTA are caused by U.S. Army activities and State resources

are available to assist with those emergencies. A recent fire started by a muzzle blast is described in Section 3.3.4.3. There is also no change in the location of the closest emergency medical facilities (Section 3.16.4) by the No Action alternative.

Because the use of PTA for training will be continued, other economic impacts are negligible. For example, when troops are detailed to PTA for training under austere conditions, they do not use local residential facilities. Permanent and civilian employment will be continued as the training continues unless it, too, will be used as a threat to force lease extension. There were not specific instances detailed in the draft EIS of any significant training operation that would have to be curtailed because of the loss of the State-owned land out of U.S. Army control so it is reasonable to presume there would be no change in impact. In Hawaii County, the U.S. Army supports 1962 employees with 120 civilians employed at PTA. This is only 2.3 percent of the 88,098 employed in the County (Section 3.10.4), but it is not known if all of these are full time positions. In that same section, the draft EIS states “troops training at PTA are housed in troop billeting (i.e., Quonset huts) within the Cantonment of the installation;” There is, therefore, no housing economic impact to the County even if training is reduced. The cantonment area remains on U.S. Government-owned land.

There is no significant impact on any of the three criteria used to evaluate Socioeconomic impact. Therefore the concluding claim, “Overall, that impact would be significant and adverse,” for the Socioeconomics resource section of a No Action Alternative is unsupported by the discussion of the three criteria used for evaluation 3.10.5). There is no substantial change in regional population or demographic distribution; there is no substantial change in local or regional economic indicators such as employment, spending or earning patterns; and there are no substantial indirect impacts on housing availability or public facilities.

In sum, the concluding claim is again a misrepresentation of the discussion and reasons presented. It is disingenuous as it is not supported by the preponderance of information. It is another clear example of a disingenuous conclusion ignoring the information presented. Therefore, as there is no obvious change in impact level from the other 3 alternatives, the rating of the Socioeconomics resource here must be upgraded to at least that of less than significant impact, consistent with all other Alternatives.

### **Utilities Resource**

A third Environmental Resource given a significant adverse impact rating is Utilities, discussed in section 3.15.1. Utilities mentioned in 3.15.4 are electricity, potable water, fire protection water, wastewater, storm water, nonhazardous solid waste, liquid fuel, and communications. The No Action Alternative is in section 3.15.6.4.

As in previous discussions of conclusions suggesting significant adverse impacts, the draft EIS completely overlooks the obvious. The resolution is found in Alternative 3,

minimum retention and access of 3.15.6.3. Basically, it says that the U.S. Army would “continue to use, access, maintain, and repair U.S. Government-owned utilities within the State-owned land but at moderately reduced levels. Likewise, use of non-U.S. Government-owned utilities within the State-owned land and U.S. Government-owned and non-U.S. Government-owned utilities in the U.S. Government-owned land would continue to occur but at moderately reduced levels.” Moderately reduced levels are not defined but it must be presumed that the access to the utilities would allow the utilities to remain functional.

There is no reason that at this same level of access, maintenance and repair could not continue for a limited time under the No Action Alternative. There are 7 years remaining on the lease and the draft EIS states the U.S. Army would need 10 years to make alternative arrangements. Section 1.3.3 notes that “Critical facilities (e.g., BAX, ammunition storage locations), utilities (e.g., electricity, potable water, communications), and infrastructure (e.g., roads, firebreaks/fuel breaks) are located on the State-owned land. Section 2.1.1 provides additional detail. Federal directives, such as 10 U.S.C. Section 2852, Military Construction Projects: Waiver of Certain Restrictions, and AR 405-10, Acquisition of Real Property and Interests Therein, specify that to carry out military improvements or modernization efforts, a long-term interest (i.e., 25 years) in the land must be acquired.” The 25-year interest would not apply to improvement and modernization on U.S. Government-owned land so that should be a preferred objective.

The modernization and improvements under the No Action alternative would occur on U.S. Government-owned land that will meet the 25-year requirement. It is reasonable to suggest that the same negotiation for continued maintenance could be applied to the No Action alternative for a minimal period after lease expiration, if needed. Such is probably not needed as the U.S. Army, noting its need for PTA to address rapid response to critical situations, could surely construct replacement utilities in less time than 7 years, including permitting and EIS preparation. The common mantra, complaint of lack of contiguous access, has been debunked previously. Of course, because the U.S. Army is forcing the Full Retention Alternative, it is not in their best interest to be supportive for any other alternative.

In sum, by applying the same negotiated access for maintenance and repair to the current facilities as in other alternatives, this No Action alternative would have the same impact rating, less than significant. Specifically, the advantage is to the U.S. Army as it would have the opportunity for upgrading and maintenance of existing facilities on U.S. Government-owned land.

### **Summary Evaluation of Significant Adverse Impact Claims for No Action Alternative**

The bias of the draft EIS is extreme. A simple reading of the No Action alternatives clearly shows that the conclusions of significant adverse impact applied to the three environmental resources are not supported by the discussion. Every one of those

resources has forced negative results for which, even if accepted, would have simple mitigative solutions. The preponderance of the evidence presented is in fact more supportive of the No Action alternative than other alternatives discussed.

The draft EIS states that the U.S. Army could undertake mitigation measures for actions other than full retention of the state-owned land in section ES-11. Besides the limited alternative action levels, others should be presented in the draft EIS.

As clearly stated in the draft EIS, Section 3.9, "All resource areas are expected to experience some impact, less than significant or significant but mitigable to less than significant, from implementation of any of the action alternatives. In general, there are anticipated beneficial impacts associated with decreased military activities on State-owned land not retained. Table 3-24 in Section 3.17 provides a text summary of impacts and additional information."

### **An Obvious But Never Mentioned Alternative**

PTA is not the only U.S. military base that provides the similar training opportunities as the 5 reasons given in this statement for retention (Table 2-2). Fort Carson, Colorado and its proximal training areas would provide similar training experiences. It has similar climate, similar winds and precipitation, adjacent mountains for high-altitude training experience, Butts Army Air Field (4,573-foot runway) similar to Bradshaw Air Field (3,700-foot runway) at PTA and nearby Peterson Air Force Base airfield for larger aircraft training as Ellison Onizuka Kona International Airport is now used. It is also of similar size, albeit 5,000 acres larger at 137,000 acres at PTA, but has the advantage of a proximal site of 235,000 acres, Piñon Canyon Maneuver Area, for additional training. In addition, it will not present the potable water and wastewater problems and expenses that PTA currently experiences.

The draft EIS is somewhat misleading in various statements that only PTA can provide those austere high-altitude training conditions (Section 1.2.3; 1.2.4; 1.2.5). Even though the tropical conditions at Schofield are not available in Colorado, the environmental conditions of PTA are available. There is no argument presented that the tropical and high altitude environments are needed simultaneously as indeed they are not available without relocation between islands. In many ways, Fort Carson is superior as it is larger and it does not have the water problems at PTA, it does not present utility or biological problems as with an isolated island environment. Other high altitude training centers of the U.S. Armed Services are in Vermont and California.

### **PTA For Training, Not Troop Deployment**

Although the draft EIS addresses only State-owned land at PTA, the U.S. Government-owned land is still available for training. Basically, even if all training at PTA were halted, the equivalent training areas are available elsewhere, even within proximity to

the Pacific Rim. The tropical environment would still remain on U.S. Government-owned land on O‘ahu. The joint agency and community use would still continue at PTA on U.S. Government-owned land particularly when facilities are upgraded and modernized on the Ke‘āmuku parcel.

PTA is used for training. It is not a military base for troops on standby for rapid deployment to regions of conflict with rogue regimes within the Indo-Pacific region. This distinction is intentionally blurred in the draft EIS. This is discussed in Section ES-2 and ES-6. “The geographical location of Hawai‘i is a strategic one for national defense and rapid deployment of military forces, and the island plays a key role within the U.S. Indo-Pacific Command area of responsibility to help achieve U.S. national security objectives and protect national interests. PTA is the only U.S. Army Major Training Area in Hawai‘i, making it the U.S. Army’s primary ground maneuver tactical training area supporting home-station, joint, and multinational training in the State.” The response faction is stationed on O‘ahu. Neither alternative 2, 3, No Action, or a combination would affect this deployment.

Although the U.S. Army brings up the issue of encroachment on their training lands, they already have in place effective mechanisms to deal with that concern. Section ES-11 addresses this issue. “The Army would consider adding fencing and signage to minimize encroachment from adjacent non-U.S. Government-owned land (Alternatives 2 and 3).” This methodology could easily be extended for any alternative. It must be kept in mind that some encroachment threats to limiting training are caused by the Military’s own actions, such as threats posed by its own use of materials such as munitions, unexploded ordnance, and other toxins. Section 3.2.4.3 states “Encroachment stems from environmental (for example, noise, endangered species, cultural resources, unexploded ordnance [UXO], and munitions constituents [MC]), social (for example, urban sprawl), and economic (for example, changing land values) influences.”

Simply, if the U.S. Army would clean up the toxic remnants after each training exercise, there would be less U.S. Government-owned land unusable contributing to this type of encroachment.

### **Example of Unsubstantial Reason for Full Retention**

The needs for the Full Retention Alternative Proposed Action are stated in Section 1.3.3. “The Proposed Action is needed to preserve limited maneuver area, provide austere environment training, enables access between major parcels of U.S. Government-owned land in PTA, retain substantial infrastructure investments, allow for future facility and infrastructure modernization, and maximize use of the impact area in support of USARHAW-coordinated training.”

Section 2.4.4, describing the No Action Alternative, attempts to paint a bleak picture impacting training but all activities described as impending gloom and doom could be

moved to other areas of U.S. Government-owned land at PTA or other areas out of Hawaii County or out of state without loss to U.S. Army Hawaii (USARHAW).

An issue brought up in Section 2.1.2 is that only the State-owned land has soil suitable for maneuver exercises and provides the ability to dig and excavate survivability positions for personnel and equipment (USARHAW, undated). While the “bare lava that dominates much of the rest of PTA” would certainly provide the austere training challenges the U.S. Army says it needs for training (Section 1.3.3), there are other soil areas particularly on the U.S. Government-owned land of the Ke‘āmuku parcel. The dominant soil area on State-owned land is the Ke‘eke‘e loamy sand Series. As denoted in the Soil Survey of the Island of Hawaii by the U.S. Department of Agriculture Soil Conservation Service (1973), the Ke‘āmuku parcel contains large expanses of sandy loams in the Kilohana and Waikaloa Series. Thus, soils suitable for survivability training are available on U.S. Government-owned land.

### **Major Component of Consideration Missing From Draft EIS**

The draft EIS lacks a major critical component needed for discussion of lease alternatives, especially full retention consideration. That component is a fair value for the cost of the lease. The draft EIS states that PTA is the only land available for its training use in Hawaii (Section 1.3.3). That makes it a valued property. The simple economic principle of supply and demand gives added value to that property. Another consideration is that the use of the land by the U.S. Army is a taking in that it contributes to its destruction or secession for alternative uses. In effect, the U.S. Army is taking value from a land resource. This is considered by many states to be an extraction consideration, often applied to removal of resources of value, such as mineral or oil and gas removal. Fees or taxes are applied. These are also known as severance or impact taxes. These extraction taxes are in addition to a fair value of the specialty land used by the acre for commercial purposes. Although it is difficult to estimate the total fair value fees when considering destruction of the land within terms of the lease, commercial use of the land is more easily calculable. The draft EIS notes the facilities alone on State-owned land have a value of \$200 million (2.1.1). That can be used to determine a fair tax rate plus land use plus the extraction tax. At any rate, it is possible that the yearly total fees may be in a millions of dollars range. The current lease cost noted in Section 3.2.4.1 of “Compensation to the State is a nominal \$1.00 for the 65-year term of the lease.” That amount is no longer realistic. Fair value consideration must be included in the Socioeconomic resource cost and applied to any new lease action. This fair consideration of lease value is missing from the draft EIS determination of impacts.

### **Immediate Consultation Needed Before Final EIS**

The following is a situation regarding cooperation with Native Hawaiian groups that the U.S. Army should engage now. It is found in ES.11. The U.S. Army states that it could

undertake mitigation measures for actions other than full retention of the state-owned land in section ES-11. “The Army could propose mitigation measures to reduce the severity of adverse impacts from the Proposed Action. These potential mitigation measures are summarized below and in Table 3-25 in Section 3.17 of the EIS. Land Use: The U.S. Army would consider adding fencing and signage to minimize encroachment from adjacent non-U.S. Government-owned land (Alternatives 2 and 3). Cultural Resources: Through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources(Alternatives 1, 2, and 3). Human Health and Safety: Negotiation of an agreement with the State to allow the U.S. Army to monitor the State-owned land not retained for wildfires and assist wildfire responders with wildfire suppression (Alternative 3).”

What is quite unfortunate but revealing of insincerity of Alternative actions discussed in this draft EIS is that the U.S. Army states that it would consider “Through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources(Alternatives 1, 2, and 3).”

Considering consultation is not sufficient. This consultation should be done now and not wait for a final EIS. No decision on lease extension should be made without these consultations and agreements as those agreements are critical to lease extension in any form.

In addition, in other sections of this draft EIS, the U.S. Army seems to threaten that fire and emergency services would not be provided but here, in ES.11 it states “The Army could propose mitigation measures to reduce the severity of adverse impacts from the Proposed Action.” Again, the offer that it “could propose” is woefully insufficient. It “shall propose” should be required and obtained in writing before any final EIS is prepared. ES.11 continues, “Human Health and Safety: Negotiation of an agreement with the State to allow the U.S. Army to monitor the State-owned land not retained for wildfires and assist wildfire responders with wildfire suppression (Alternative 3).” This is in sharp contrast to the applied threat in section 2.2.4 and 3.10.6.4 to not be a willing partner with State Agencies when it comes to health and safety of the population and for stewardship of the ‘aina if the No Action Alternative is selected.

Besides the limited alternative action levels, others should be presented in the draft EIS as suggested in the above discussions.

### **Example of Toxin Risk Understated for Justification Purposes**

A major failure of the draft EIS is that it attempts to force justification of the full retention option by downplaying and intentionally understating risks of the residuals of its training operations.

I will address one toxin used by the U.S. Army at PTA. That is the use in training of weapons containing uranium; it is a heavy metal known to be toxic as well as a radioactive material. This is a highly controversial material in weapon use, not only because of the inhumane destruction it can cause with nuclear weapons, but also because the toxicity and radioactivity of the metal is often downplayed. Some of the referenced material in this section is found at that Nuclear Regulatory Commission (NRC) Adams Public Library, accessible on-line. Those references have a number starting with the letters ML.

A comment often made is that the amount of depleted uranium (DU) present is so small that it does not pose a health risk. In fact, a common approach to justify reasoning for asserting minimal health risk is to intentionally select methods for investigation that minimize the chances of finding it. Then it is easy to say that none was found or the amount found is below the critical exposure amount listed by some federal agency. One would hope that a reviewer of methods and techniques would be familiar enough with this type of dodge that the approach is rather transparent. For a good example of this type of dodging, look at Section 3.5.4.1 regarding organic contaminants of concern including hydrocarbons. Sampling has shown the presence of contamination that exceeds DOH and U.S. EPA standards but “because the direct exposure pathways for groundwater are considered incomplete within the State-owned land, an EPC exceedance of the DOH EALs for protection of groundwater was not considered to pose an unacceptable risk to human health (USACE-POH & USAGHI, 2017b).” “Based on this result, TPH-DRO is not a COC at the sampled location.” One must question if a different sample location would have such fortune.

PTA was one of the training areas where troops were deployed to practice with the Davey Crockett nuclear weapon. The U.S. Army originally denied that DU weapons were used at PTA but a civilian looking at records of materials shipped to PTA found that shipments of DU munitions were made. The U.S. Army then acknowledged that DU weapons were used and several surface surveys found remnants of DU projectiles at both PTA and Schofield. The training use at PTA was during the 1960s.

The Davy Crockett weapon was a small low-yield nuclear bomb compact enough to be fired by a team of as few as three soldiers on a battlefield. It was not a rocket-powered device but was shot by means of a piston from a small-caliber recoilless rifle that could be set up on a tripod or jeep mounted and fired toward advancing enemy troops. The range was not very great, only a mile or two, and it was difficult to aim the nuclear device. In order to validate the aim, a separate small-caliber firing device was used to shoot a projectile called a spotting round. The spotting round was made of a DU alloy in order to have the same weight characteristics for trajectory as the bigger enriched uranium nuclear bomb. When it impacted, an explosive charge ignited phosphorous giving off a puff of smoke so the aiming could be confirmed or adjusted.

Uranium is an element that has found its way into the military arsenal as a weapon of destruction. Uranium occurs as a trace element naturally in rocks, soils and water around us; this natural uranium has three isotopes, all similar chemically, and all of

them radioactive. There are some minerals that have high concentrations of uranium and they are categorized as ore. These minerals are a starting point for extracting purified uranium from those ores. The most fissionable isotope, the one used for nuclear bombs, can then be separated out and the enriched isotope form is then configured to make nuclear bombs. The leftover uranium metal with the reduced fissionable isotope is called depleted uranium (DU). This residual metal has been used to make bullets and artillery shells. It is still radioactive.

Uranium and its oxidized forms are toxic to humans. For a summary discussion see: <https://wise-uranium.org/utox.html#:~:text=Inhalation%20of%20uranium%20for%20workers%20%28based%20on%20radiological,%20%20450%20%204%20more%20rows%20>

DU toxins are not confined to U.S. Government-owned land at PTA but can also impact State-owned land and surrounding farm and residential lands. The reason for this expanded area of contamination is that depleted uranium is subject to being formed into dust or aerosols that are readily transported in the air. This aerosolization can be accomplished very easily by oxidation, proximal projectile explosions from training, abrasion from wind, military vehicular traffic, foot traffic, rotor wash from helicopters, and uptake by plants that are burned in fires that occur frequently at and near PTA, and carried as component of the smoke. Once in particulate form, it can also be resuspended into the air again and again after it is released from the original projectile.

The amount of nuclear material used and remaining at PTA can only be estimated as the U.S. Army has not released full records of its use. Possession of this nuclear material requires a license that is given by the U.S. Nuclear Regulatory Commission (NRC). The Davy Crockett was decommissioned and not used in practice since 1969. However, the remnants of its spotting-round firing and possible DU materials from dummy rounds (not containing enriched uranium) are still present at PTA.

In this draft EIS, the amount of DU spotting rounds is listed as 30-100 rounds for each of four firing ranges, or a maximum of 400. That contrasts with the over 600 rounds given by former estimates at PTA by Cabrera, a contractor for the U.S. Army who found the firing and impact sites for Davy Crockett training, and the 2000 rounds required for troop qualification estimated by a former Hawaii Army Garrison commander at a Hawaii County Council hearing on the use of DU at PTA. The number of 714 rounds, the amount in the discovered shipping inventory, was used in various exposure calculations by the U.S. Army contractors (see Adams library ML15161A459). There is also evidence that additional DU was used in the dummy main warhead rounds as a photograph of a rear tail assembly taken by the contractor scoping for DU is shown to have color (yellow) suggestive of oxidized uranium (See Adams Library: ML092950352, photos 4-9 and 4-10). This would indicate that some dummy rounds contained DU rather than the fissionable enriched uranium warhead. That is consistent with the reasoning to use DU in the spotting rounds for trajectory similarity rather than a similar dense metal.

The manner in which misinformation (opinion or not verified) is catapulted into disinformation (intentionally false or misleading) is rather common in this draft EIS. Aerosols mentioned previously are a relevant example. Aerosols are very small particles in the size range of nanometers to micrometers. For particulates in air, the U.S. EPA has two size ranges they commonly use for dangerous particulate exposures, a fine particle PM 2.5 and a course particle PM10, meaning 2.5 and 10 micrometers in diameter. The head of a pin is about 1,000 micrometers in diameter so these EPA classifications are quite small. The longest length of a human red blood cell is about 10 micrometers. Even smaller are nanometer-size particles, such as the ultrafine particles of smoke, automobile emissions, and viruses.

The draft EIS states in section 3.5.4.12 that “The spotting rounds did not aerosolize upon Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement 3-81 impact (NDCEE, 2008; USACE-POH & USAG-HI, 2017a).” This is propagation of a falsehood. I know of no study that was done to show that spotting rounds when exploding or impacting with the basalt rocks at PTA do not aerosolize. There are numerous studies that show DU shells aerosolize when impacting hard targets and basalt is certainly a hard material. A recent reference to this aerosolization upon impact of DU munitions is found at:  
<https://www.sciencedirect.com/science/article/pii/S0265931X19304722>.

It is a peer-reviewed article by Ole Christian Lund and others in the *Journal of Environmental Radioactivity*, volume 211, January 2020. It is entitled “Nanometer-micrometer sized depleted uranium particles in the environment.” It describes studies of aerosolization on impact of DU munitions and even aerosol production from DU burning at an ammunition depot in Kuwait. The authors state, “Later studies have largely supported that the DU penetrators on impact will disintegrated (sic) into particles with size within the respiratory fraction (Cheng et al., 2009; Danesi et al., 2003; Salbu et al., 2003b, 2005b). Thus, resuspension and subsequent inhalation should be a pathway of concern.”

The earlier reference, NDCEE, 2008, quoted by the draft EIS is a commentary on DU at PTA by Professor Ken Rubin at the University of Hawaii. It includes no references to other publications. He makes a statement that it is unlikely that DU aerosolizes during firing but then goes onto say that “Rupture or fragmentation of the M101 spotting round during impact would have exposed DU fragments to the environment. These fragments would subsequently oxidize and further disaggregate at a rate that depended on the specific environment where they were used.” This later comment by Professor Rubin noting DU could oxidize and aerosolize was conveniently ignored by the draft EIS.

In effect, it is dominantly the oxidized DU form that aerosolizes. Oxidized DU typically ranges in color from black to greenish yellow to a yellow color and that has been seen on Cavy Crockett munition fragments located at PTA (contractor reports Cabrera Report, July 24, 2009, Adams library ML092950352) so it is obvious that DU does oxidize in the PTA environment. It should be noted here that the contractor report notes “The aluminum fin with the partial DU spotter round body attached (figure 4-2) as well

as the DU fragments that were recovered, were given to USAG-HI for storage and disposal.” Although an inquiry had been made by the author of these comments to the draft EIS, there was not a response as to the location of these fragments today. Removal would have required the Nuclear Regulatory Commission (NRC) approval and it is not clear that such permission was ever given. This problem should be addressed before any decision is made on lease renewal consideration.

These oxidized fragments are typically ultrafine particles that are aerosol size and can become airborne from any one of a number of actions, including in the plumes of high explosive shells detonated in the impact areas. There is a whole science dedicated to aerosol transport and it has other relevance in Hawaii regarding the VOG created from lava eruptions. Small particles of DU can take days to settle if carried to hundreds of feet altitude in the plume of an exploding artillery shell.

Another use of disinformation in this draft EIS to favor the preferred retention of the lease of State owned land at PTA is the claim that sampling of air particulates has not found any DU. The draft EIS relies on a conclusion based on air sampling during 2009. The report is found here:

<https://home.army.mil/hawaii/application/files/5815/5961/1869/mar10.pdf>

The sampling was conducted at three sampling locations in March 2009. The analysis for particle collection was only for uranium and not depleted uranium. It was not conducted during periods of high explosive training in the Davy Crockett impact areas. Thus, the sampling and analytical methods were selected to not find DU.

A similar sampling and analytical design to not find DU is in place for monitoring soil collected at PTA that has been approved by the Nuclear Regulatory Commission (NRC). This program was spoon-fed to the NRC to approve but lacked specific descriptions of the analytical method and the sampling site location. Because the NRC bought into the program trusting the military to do what is right, the draft EIS now presents comments that suggests concurrence. Ideally, the site would be a repository for soil that was carried downstream from the DU impact sites. That site selection was based on balderdash. First, the site is over 5 miles away from the impact sites, predominantly on U.S. Government-owned land, and there is no connection of drainage system from the impact sites to the collection site. There are several lava berms in the way that would prevent any direct sediment-carried flow. Second, this draft EIS notes in that the rock base at PTA is highly permeable for surface water so it is highly unlikely that any sediment transport from the impact areas would reach the distant sampling site (3.5.6.1 and 3.9.4.3 citing report by Mitsunaga, 2010). Third, the selected definition of the criteria to state whether DU was present in the soil samples is unreasonably selected. It would require the uranium concentration in the sample to contain over 60 percent DU. The analyses of some samples have shown probable DU presence of up to 30 percent. This presence in the soil samples collected is most probably from airborne transport and deposition rather than sediment transport. Nonetheless, the presence of DU is indicated by the uranium isotope ratio. It is denied because it does not fit the high bar definition selected by the military. The military definition of the presence of DU is that the uranium of a sample must contain at least 50 percent

uranium as DU (see Adams library 15161A459). The U.S. Army acknowledges that this definition is fraught with great uncertainties with the analytical method chosen. There are other more definitive detection methods available but that could more likely find DU and that is not the objective of the U.S. Army. It is highly unlikely that nanometer or micrometer diameter aerosols of DU oxides would be in sufficient quantity to equal the natural uranium concentration in a 200-gram sample of soil or sediment, but they would still be there and could be respirated if they become airborne. The issue of sediment sampling and the conclusion that it indicates no transport of DU at PTA is unquestionably ludicrous when such requirements for the definition of DU presence are deliberately designed.

In the Final Environmental Radiation Monitoring Plan (ERMP) of 3 February 2012, there is the statement in that "As discussed in Section 3.3.2.2, no surface streams, lakes or other bodies of water are within the boundaries of PTA; and no perennial streams are within 15 miles. Thus, no sedimentary material is available for sampling." That document can be found at the NRC Adams library number ML12064A506.

It is difficult to characterize the health risks from exposure to DU. Various studies indicate a range of health risk from minimal to pronounced. It is expected that the specific study embraced by those who do not want liability for causing exposure are those studies showing minimal risk and the studies showing pronounced risk are embraced by those who are concerned about unnecessary exposure to radioactive materials. There are risks known from exposure to uranium and various agencies have set guidelines for various exposures. The U.S. EPA follows a model for exposure that says exposure to any form or level of ionizing radiation increases health risks. This is called a linear-no threshold model. Such exposure can come from medical procedures such as x-rays and injections with radioactive dyes, to flying, to living at higher altitudes. These seem to be minimal exposures. It is reasonable to ask then, what is your exposure to inhalation of an oxidized DU particle as small as one micrometer in diameter. Such a particle might contain as many as 300 million uranium atoms, much more by a factor of millions than contained in a basalt particle of the same dimension. DU oxides are also more insoluble so they can reside in your lungs for decades. The International Atomic Energy Agency says, "The size of the uranium aerosols and the solubility of the uranium compounds in the lungs and gut influence the transport of uranium inside the body. Coarse particles are caught in the upper part of the respiratory system (nose, sinuses, and upper part of the lungs) from where they are exhaled or transferred to the throat and then swallowed. Fine particles reach the lower part of the lungs (alveolar region). If the uranium compounds are not easily soluble, the uranium aerosols will tend to remain in the lungs for a longer period of time (up to 16 years), and deliver most of the radiation dose to the lungs." See: <https://www.iaea.org/topics/spent-fuel-management/depleted-uranium>

A major consideration is that usually radiation exposures are calculated for the whole body. If a specific organ is involved, when such calculations are made, the radiation dose appears highly diluted. In the case of radioactive particulate inhalation, the radiation dose can be entirely received by the lung, specifically by just the few cells

around the particle, year after year after year. The cells impacted by the energy of the alpha particle released by the decaying uranium the cells can repair, the radiation can kill the cells, or they can have genetic mutations and reproduce continuously with those mutations propagating. Merely alluding to some maximum exposure or intake standard set by some regulatory agency is not adequate comparison when the radiation is highly localized and from a much more concentrated toxic form.

There is a principle regarding radiation exposure noted by many federal agencies including the U.S. EPA and the Nuclear Regulatory Commission (NRC). It is called ALARA.

As defined in Title 10, Section 20.1003, of the *Code of Federal Regulations* (10 CFR 20.1003), ALARA is an acronym for "as low as (is) reasonably achievable," which "means making every reasonable effort to maintain exposures to ionizing radiation as far below the dose limits as practical, consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest."

Perhaps the best example of using a model to determine risk from DU should come from the U.S. Army's own calculations. This example comes from the NRC Adams Library document ML15161A459. A contractor for the U.S. Army (Morrow, J.W., 2008, *Potential air quality impacts of aerosolizing M101 spotter rounds at Pohakuloa Training Area*, Honolulu, Hawaii), considered several scenarios and made several determinations of the amount of DU aerosols that might be released by nearby High Explosives. The U.S. Army notes the contractor's highly conservative scenario resulted in a DU activity in air of an amount 50 percent greater than the NRC effluent standard. One issue of relevance to note is that the model used soluble uranium for the calculation, definitely not a conservative factor. The U.S. Army backtracks and suggests that model was too conservative and quickly adopts a less conservative scenario so that the NRC standard is not exceeded. It claims the DU air concentrations "are authorized by law and will not endanger life or property or the common defense or security." I am sure not many people would be thrilled to know that their exposure to toxic material is authorized by law. This brings up an interesting issue that people are then unwitting participants in an experiment to subject them to DU exposure, a point presented by Dr. Lorrin Pang, MD, MPH, who suggests that permission is required by international accord to participate in such studies (<https://vimeo.com/19153948>).

Another enigma of the U.S. Army's attempt to downplay the exposure comes from the fact that it claims that not all DU spotting rounds have aerosolized because one was found mostly intact at PTA. So, by extension of that singular observation, the amount of DU available for airborne inhalation is minimal. Yet, the contractor scoping surveys specifically designed to find the DU spotting rounds at PTA have found evidence of only

three or four rounds. The draft EIS never explains where might be the other intact rounds.

The Code of Federal Regulations 10 CFR 20.1301 not only sets the limit of exposure to the public from a licensed source of radiation but also requires monitoring or calculation of possible exposures. The U.S. Army also states it will not conduct any air sampling. The U.S. Army chose the calculation pathway. It convinced NRC to agree to that choice. Naturally, by not making measurements, it cannot demonstrate compliance with the dose limits for individual members of the public as required in subpart 20.1301. This falls into the category of avoiding problems because 'if you do not look, you will not find.' There are certainly available more sophisticated analytical techniques that could determine the presence of DU in the uranium analyses, but that increases the risk of finding it. The important thing to remember is, it is the inhaled particles that put you at risk. Those respirable-sized particles can be carried hundreds of feet into the air from plumes resulting from a high-explosive detonation and transported scores of miles, especially in wind-driven turbulent air. A confirmed example of such airborne DU transport is found in: Lloyd, N. S., Chenery, S. R. N. & Parrish, R. R. 2009. The distribution of depleted uranium contamination in Colonie, NY, USA. *Science of the Total Environment*, 408 (2), 397-407.

In Section 3.5.4.12, the military makes the statement that "If the land use of the DU ranges remains military, DU cleanup is not necessary." This statement reveals their callous approach to toxins in general that the U.S. military has toward health and safety of soldiers and civilians. A condition of any lease renewal action must require immediate cleanup of training debris.

These and other pitfalls in the logic of the draft EIS are not new. Many have been presented in a July 24, 2017 letter from the author of these comments to Ms. Amy Snyder, the Senior Project Manager of the NRC Materials Decommissioning Branch.

Removing the DU from PTA can reduce any risk. An estimate was given to the NRC for such a cleanup and it was estimated to be \$60 million dollars, a small price compared to the \$7.5 billion dollars a year the draft EIS estimates the military contributes every year in Hawaii (Section 3.10.4).

In this one topical area of the environmental resource section, just 1 in 15 sections, I have documented how misinformation has been allowed to become disinformation, intentionally and purposely designed to deceive.

There are other issues as well such as the claim that high explosives will not be used in DU areas. Yet, in a document Programmatic Approach for Preparation of Site-Specific Environmental Radiation Monitoring Programs, attachment 8 specifically asks the NRC not to require air sampling during U.S. Army use of high explosives (HE) in the RCAs. The RCAs are the impacts areas of the Davy Crockett spotting rounds. Although there is a Department of Defense directive 4715.11 (2004) that prohibits the use of high explosives in the DU zones, there is an exception that it is allowable for national security

objectives. There is no confirmation in this draft EIS that high explosives have not been used in DU zones or will not be used. The reference to the directive is apparently made as a deflection of the facts.

There is the statement claiming that DU is 40 percent less radioactive than natural uranium. That is true only for a split second after DU has been purified from natural uranium; within 6 months, the activity of the DU due to the ingrowth of radioactive progeny has increased about half as much as the original decrease (<https://www.wise-uranium.org/rup.html>). Such a claim without clarification is designed to intentionally mislead.

It might be understandable that there might be one misstatement that was overlooked in the review of the draft EIS but there are too many here to be coincidental. From this one topic of environmental toxin as an example, the use of disinformation to reach the conclusion that the full retention of the State-owned land is the leading recommendation is revealed. Clearly, the preparers of this draft EIS should be knowledgeable of the facts and such disinformation used to reach the conclusions should have been caught and corrected. Such propagation of disinformation is a designed tactic to mislead those entrusted to make the proper decision regarding the continuation of the lease of State-owned land at PTA.

## **SUMMARY**

The actions presented in a draft EIS are chosen to intentionally skew the selection of the final recommendation toward the choice the U.S. Army wants. As such, the draft EIS is fatally flawed and must be completely rewritten before a final EIS is written and any action on lease extension is considered.

The draft EIS has failed to provide clear and convincing evidence that State-owned land is needed to continue the training operations at PTA. All functions of State-owned land can be removed to U.S. Government-owned land at PTA with the advantage of providing the opportunity of upgrading and modernization of those facilities. The cantonment area and airfield are already on U.S. Government-owned land. The BAX facility is already configured as digital and can be relocated to any segment of U.S. Government owned land. In fact, the draft EIS completely ignores the possibility of using other military facilities that would be superior to PTA for the training aspects it says are needed. Fort Carson, Colorado is an excellent alternative or adjunct. In addition, PTA is training only, not a base for rapid deployment of troops in the Indo-Pacific region.

A simple solution is available for the concern expressed by the draft EIS about connectivity among the U.S. Government owned parcels at PTA if the State-owned land lease is not renewed. The State can provide limited rights-of-way among the U.S. Government-owned parcels. This would be a superior best-action alternative. One

connector already exists as the draft EIS states that the Daniel K Inouye Parkway is the connector route between Ke‘āmuku and the cantonment area and airfield.

Another issue is the fair value for leasing the land. A fair value equivalent to that of tax rates for improved commercial property use should be paid for the use of the land as well as financial consideration for taking its value for other future purposes.

The draft EIS suggests that consultation and agreements might occur if the State-owned land lease is renewed. Those consultations and agreements must be in place before any lease extension is considered.

With the seven years remaining on the existing lease, there is adequate time for the U.S. Government to move all facilities to U.S. Government-owned land. Minimally, a 3-year extension could be granted to meet the U.S. Army stated 10-year time-frame. The 25-year period stated as needed for use after construction then becomes moot.

The implication, if full retention of the lease is denied, to no longer provide support for civil needs, such as fire protection or medical response, is a veiled threat. It is a true picture of the lack of sincerity in claims of stewardship and cooperation by the U.S. Army. If any State-owned land is leased to the U.S. Army, a full and comprehensive agreement of stewardship with specified penalties for non-compliance must be included in any lease agreement.

As with current condition of non-lease renewal, if any alternative is chosen for the U.S. Army to retain part of the State-owned land, then there must be a comprehensive environmental analysis and cleanup of the land, not to meet some regulatory standard of acceptable risk, but mitigated as close as possible to the original condition. The statement in the draft EIS in Section 3.5.4.12 that says “If the land use of the DU ranges remains military, DU cleanup is not necessary,” is an intolerable and abysmal statement that expresses the absence of underlying respect for all land and culture. It ignores the transport of toxins to non-U.S. Government-owned lands, and shows complete lack of honesty about being good stewards of both culture and the ‘aina. There are frequent references in the draft EIS to stewardship regulation but merely referencing those regulations is no demonstration of compliance or action. The draft EIS noted toxic leaks or storage facilities on State-owned land, including waste dumps and leaking hydrocarbon materials, trying to downplay the severity in both the short-term and long-term, but these areas should be mitigated to a better standard than some regulatory maximum contamination level as they could pose a threat to any future civilian use, including ground water contamination.

While it is not the purview of the State to direct U.S. Army policy, it is the State’s responsibility to protect the land, not to impose unnecessary risk to health and safety to its citizens, and not to burden them with expenses that should be paid by users of State land and facilities. Yet, a truly objective reading of the draft EIS indicates that the No Action alternative is superior for the U.S. Army and the State to pursue. Many conclusions in this draft EIS are intentionally distorted and misleading and clearly, in

some respects, substantially at odds with its own discussion. The intentional misstating of the conclusions from the preponderance of beneficial impacts for the No Action discussions hides the beneficial advantage for the U.S. Army and the State to not renew the lease.

**In conclusion,** based upon the best objective interpretation of factual information presented in the draft EIS, the No Action alternative will be the better alternative for the State, its citizens, and its visitors.

## Alina Reyes

The army's use of Pōhakuloa as a training ground guarantees the destruction of the beautiful nature of the islands. Not only does this nature serve the natives and locals as a resource and home, but those who visit the islands. To desecrate this land that does not belong to the army is disrespectful to the 'āina (love of the land) those who inhabit the land share, the state of Hawai'i that they borrow from, and the natives whom the state has stolen this land from in the first place. How can you say you are protecting the freedom and rights of the people of this country when your actions only endanger the safety and home of these people?

# Sarah Rice

I urge the U.S. Army to respect native voices on this issue.

# Christie Ritter

Please listen to the Hawaiian native people who want this sacred land to be returned to them.

# Christopher Roehrig

No more Pohakuloa. 60 years of blowing up Hawaii is enough. We are an island. Go blow up the mainland which is thousands of times larger.

## Peter Rucci

I fully support extending the lease to the US Army at Pohakuloa, and for that matter , Makua Valley. Training areas, especially live fire areas , are critical for soldiers to gain and maintain proficiency with their weapons. As we now see in Ukraine, the weapon skills of our soldiers are still invaluable and certainly not outdated. In fact, they may be tested in Ukraine sooner than we think, and we mustn't be blamed for not giving them the best training available. We have too much military in Hawaii to disallow them from their warfighting training. I have driven on Saddle Road -- it is a moonscape -- it can't possibly be of any value to anyone except the military. Let it be so. The state closed down Kahoolawe only because of protests. Now it sits vacant with no other purpose. With no water wells, it will always be essentially a rock sticking out of the ocean. Now there is no site for all of the ships and aircraft stationed in Hawaii, or transiting through, to gain valuable and realistic target practice. Closing Kahoolawe was really a terrible decision. Please don't make another bad decision.

Closing Makua valley to the Army would similarly be a poor decision. It is such a pristine area of the island right now -- beautiful. Within days of kicking out the Army, it will be filled with homeless encampments, trash, and filth. Anyone traveling up through the west side of Oahu will observe the complete lack of pride native Hawaiians have for their land. Despite their insistence on protecting their "aina" they simply don't. Nanakuli, Waianae, and Makaha are unfortunately just embarrassing and disgusting eyesores. Please don't let Makua valley become one, too.

**From:** Peter Rucci [REDACTED]  
**Sent:** Saturday, April 9, 2022 6:42 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** Support for the Army

I fully support extending the lease to the US Army at Pohakuloa, and for that matter , Makua Valley. Training areas, especially live fire areas , are critical for soldiers to gain and maintain proficiency with their weapons. As we now see in Ukraine, the weapon skills of our soldiers are still invaluable and certainly not outdated. In fact, they may be tested in Ukraine sooner than we think, and we mustn't be blamed for not giving them the best training available. We have too much military in Hawaii to disallow them from their warfighting training. I have driven on Saddle Road -- it is a moonscape -- it can't possibly be of any value to anyone except the military. Let it be so.

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V/r,  
PJR

## Laura Safranski

I am writing in support of option #4 and allowing the lease to expire naturally. I realize the land cannot be returned back return it to the state it was prior, I still support #4...

You've heard a variety of reasons to end the lease, including cultural, environmental, spiritual, the dire need for residence statewide, etc...

I don't take making public testimony lightly. It's a vulnerable place to be with a responsibility to educate oneself. I copied a statement I copied from your website. The last sentence clearly says that your presence vanishing will cause adverse impacts? Yet the first sentence says continued use results in significant adverse impacts.

I again chose the 4th option, please end the lease. I realize you may feel the need to prepare for war takes precedent 24/7, as evidenced through your daily life as Military Personnel, but I still beg you to reconsider ..

"...continued public access restrictions on land used for traditional and customary practices will result in significant but mitigable adverse impacts to cultural resources. These significant impacts can be mitigated through appropriate consultation with Native Hawaiians and/or other interested groups. Impacts can also be mitigated through provision of public access to promote and protect cultural beliefs, practices, and resources. Impacts to other resources are less than significant for all action alternatives. The No-Action Alternative would have significant adverse impacts on biological resources, socioeconomics, and utilities."

## Dave Sansone

Aloha Kakou. My name is Dave, D-A-V-E, Sansone, S-A-N-S-O-N-E. And, yeah, I just want to say thank you for hosting this. It's been awhile since we've had any public comment hearings. One thing I have noticed over the years is it's a public comment thing where we basically we come here, we talk, we go home, and usually nothing changes. I'm guessing about 5 percent of the time I have gone to a public comment hearing something good happens. With the military, never. So, yes, I mean, let's just back up to the beginning. So no substantive -- unsubstantive comments will be considered. I think the illegal occupation of these islands, this Kingdom nature here, this independent state is a very important piece of evidence that you need to consider. Because if you go along with the status quo and do the rubber stamp, including the people at DLNR, who are basically part of the facade of the fake state that we have here, you are all potentially taking on war crimes. Who would we be leasing this 23,000 acres out to for another dollar for what, 65 more years or so? What kind of legacy have they had? Well, let's see. Kaho'olawe, an entire sacred island bombed but with unexploded ordinances. Red Hill, pollution everywhere. The world's largest polluter, U.S. military. Largest climate criminal, U.S. Military. Largest humans rights abuser, U.S. military, and its puppet governments that we have right now. And also, we're threatened by nuclear weapons. You know, we had that false missile alert. People were hiding their kids in sewers because they were afraid for their lives. The U.S. military's presence here puts this independent neutral country at risk. This is not to disrespect anybody in the military. I have relatives in the military. This is about standing up for what's right and being brave and having courage and doing what's right. So I say no, let's not train more people to go and repress other people's rights. We have almost 50 million people and family in Afghanistan and Yemen alone. Think about the countless others. A hundred thousand kids dead in Iraq because they bombed their water systems. So I understand why people join the military, for economic reasons and family reasons. But you need to wake up, open your mind, open your eyes, and get your shit together, because we've got to take a stand. And we need more people. We only have a few people here, the same old as every time. So thank you for your time.

# Doris Segal Matsunaga

See attached comments

<https://home.army.mil/hawaii/index.php/ptaeis/project-home>

June 6, 2022

Dear Sir or Madam,

We are writing to express our concerns regarding the continued use of Pohakuloa for live fire ammunition training and other military exercises. We are aware that only 23,000 of the 132,000 acres are State land leased to the US Army; and that it is only that smaller portion that is the subject of the current draft EIS.

It is our understanding that this land came into the possession or use by US military during WWII. Given that the emergency conditions of WWII no longer exist, we would like to see the full acreage cleaned of unexploded ordinance and any other military created debris and returned to the State of Hawaii for access and use by her residents.

However, if occupation and use of the State-leased land by the US Army must continue beyond the current lease period under any of the scenarios outlined, the US Army must (1) compensate the State at a much higher level than currently for that privilege, and (2) prepare for a future return of this land to the state by becoming better stewards of said land. While Pohakuloa Training Area may look like a wasteland good for nothing but target practice to the untrained eye, it is a precious resource to us, the residents of Hawai'i Island and the State of Hawai'i.

Since we understand that live fire ammunition exercises are ongoing, we urge the US Army to immediately begin a program of clean-up-as-they-go; that is, following each live fire exercise, an ordinance clean-up team practices their skills by going in and cleaning up the site, such that it becomes safe for civilian use.

This clean-up-as-they-go program should also be built into any lease renewal that may occur.

We are grateful for the good work that soldiers and service members have done fighting Hawaii Island wildfires and assisting at Covid -19 testing sites. At the same time, we are disturbed by the legacy of a wartime military occupation. In the Waimea community, 31,000 acres leased to the US military during WWII are still to this day being surveyed for and cleared of unexploded ordinance, so that land can be safely used by residents.

Doris and Peter Matsunaga, Waimea, Hawaii

## Gregg Shankle

To: PTA Review Board Aloha. Our names are Gregg & Ronelle Shankle and we reside in Waikoloa Village, Big Island Hawaii. In our opinion PTA and all the personnel attending training there are good neighbors and should be allowed to continue operations. During the last rangeland fire PTA and or Army personnel and equipment provided great aid toward containment of the fire which demonstrates that PTA is a good neighbor. Other than occasionally being behind a slow moving uphill convoy we have no negative comments regarding PTA. We fully support PTA, our young military men and the training mission there. We enjoy seeing and hearing the various occasional aircraft that participate in PTA activities. Please count us as in full support of continuing PTA operations.

**From:** Gregg Shankle [REDACTED]  
**Sent:** Wednesday, May 25, 2022 12:59 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Fwd: PTA Citizen Comments

----- Forwarded message -----

**From:** Gregg Shankle [REDACTED]  
**Date:** Wed, May 25, 2022, 12:54 PM  
**Subject:** Re: PTA Citizen Comments  
**To:** <[ALTR-PTA-EIS@g70.design](mailto:ALTR-PTA-EIS@g70.design)>

To: PTA Review Board

Aloha. Our names are Gregg & Ronelle Shankle and we reside in Waikoloa Village, Big Island Hawaii.

In our opinion PTA and all the personnel attending training there are good neighbors and should be allowed to continue operations.

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We fully support PTA, our young military men and the training mission there. We enjoy seeing and hearing the various occasional aircraft that participate in PTA activities.

Please count us as in full support of continuing PTA operations.

Gregg & Ronelle Shankle  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Geoff Shaw

My name is Geoff Shaw, G-E-O-F-F, S-H-A-W. First of all, you know, we are in the Pacific ocean. And I don't know if you guys understand what the word Pacific means, but I think you are pretty contrary to what that word means. I think that that's important, it's important to remember. As far as this EIS goes, this Draft EIS, I think you could just throw it away and start over again, because it just doesn't really cover what needs to be covered. It just covers whatever is convenient to you to make your case, but it doesn't cover what all these other people are talking about, and that's -- and all that is important to understand. And until you do that -- I mean, to kind of create an example. Does it go into what having these military facilities here in Hawai'i, the danger that it creates in a nuclear world, does it go into that? I didn't see that. I haven't read the whole thing, so maybe it does go into that. But that's a -- you know, that's a very important consideration, because I don't think that Hawai'i would be a target if there wasn't all this military stuff going on. But, unfortunately, it is, and we have to consider that. Also, another thing, to get specific, that I think should be pointed out. The lands aren't owned, they were seized. We've been in meetings where the military seems to kind of be proud that they seized those lands and that they are seized lands. They say it over and over again. And since that's the reality that they are given, they should own it. You know, they are seized lands. They are not owned. If I go take somebody's car, I don't own it. I seized it, and that's what you guys did. I think that that executive order that seized the land is probably -- probably wouldn't hold up in court, especially considering the thing back in '92. But anyhow, you know, I think that that's an important thing to consider is that when you are talking about the lands that were seized, called them seized lands, I mean, it's just how it is, you know. You don't own it. You don't own any of this here. I mean, the state land, the state doesn't own the land. The state really isn't a legitimate entity. I mean, unfortunately, that makes Hawai'i a very dysfunctional place, and it would be better if they actually dealt with all that. But, you know, it's our reality, and that's what we have. When it comes to the water issues, I mean, the fact that they are trucking all this water up here, you know, like my understanding is that the military right now is supposed to be into all this green stuff, you know. But they don't even talk about the fact that all these trucks are transporting this water, the fuel that has to be used to do that, or any of that, you know. If you guys weren't up there, it wouldn't have to happen, you know. I mean, I agree with the other people that even though you found water, and we wonder why you aren't using the water underneath Pohakuloa, don't drill any wells. But you are lying to us, and that's very obvious, because I know that if you weren't contaminating that water you would be using it. So that's just so obvious that you can't even ignore it. And I don't care what excuse you make up or whatever. I mean, if you had the water there you would be using it, if it wasn't contaminated. And so, you know. Okay. Well, that's bout it. Thank you.

## Geoff Shaw

Geoff Shaw. And this is a point kind of going back to what Jim was talking about. When I was looking at two different maps, one map had like a quarry from precontact days that was a -- and then the statement about that quarry is that there were hundreds of different historical and cultural features about this quarry. And on another map it showed that same spot as being the area that they did the Davey Crockett training. And if that is the case, that needs to be explored. That needs to be made evident in your EIS, I think, because it is actually on the state land. And I don't really agree with concentrating on just the state land. I think that the whole totality of the Pohakuloa land should be included in everything, because, you know, I think that even you guys agree that it is a total thing, and not enough in this EIS is done to talk about the effects of the impact area. You know, it's all one big ball of wax, and, you know, we need know more about what's happening there in that impact area, how like the wildlife, you know. The one guy was talking about the wildlife, you know. The endangered species are probably actually navigating into that impact area because they don't want to be around humans. They know that humans are bad. I'm sorry, but the animals, you know, like when they go feral they want to get away from humans. And those endangered species, they don't want to be around humans, so they are going to go where humans don't go, and that's the impact area, and that's not being studied. I guess those are the two points I wanted to make.

## Geoff Shaw

This so-called EIS is merely an attempt to justify continued use of leased state lands for training and in no way clarifies what the actual impacts are. The army should at least find an agency that cares one iota about the environment because this agency does not. If they cared about endangered species then there would be discussion of strategies to protect all the specific endangered species located in the entirety of PTA instead of the generalities presented in this travesty of an EIS. The cultural resources are not considered from the perspective of the affected culture and once again nothing specific, only generalities. This is not an instance that a correction here and there will fix this document, a complete do-over should be done with actual concern for the environment and cultural significance being the focus, not perpetuating the war machine that is destroying our eco-systems.

**From:** Geoff Shaw [REDACTED]  
**Sent:** Monday, June 6, 2022 3:25 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Response

This so-called EIS is merely an attempt to justify continued use of leased state lands for training and in no way clarifies what the actual impacts are. The army should at least find an agency that cares one iota about the environment because this agency does not. If they cared about endangered species then there would be discussion of strategies to protect all the specific endangered species located in the entirety of PTA instead of the generalities presented in this travesty of an EIS. The cultural resources are not considered from the perspective of the affected culture and once again nothing specific, only generalities. This is not an instance that a correction here and there will fix this document, a complete do-over should be done with actual concern for the environment and cultural significance being the focus, not perpetuating the war machine that is destroying our eco-systems.

# Noel Shaw

Aloha,

I'm asking that the US Army no longer pursue use of Pōhakuloa Training Grounds. The space has been used far too long to train for wars we Hawaiians do not support. Further, the cheap lease hold cost has unjustly enriched the US Military when they are the most funded arm of the US governing branches.

The adverse impacts it has on our 'āina and the well-being of each of us who have ancestral ties to these spaces are tantamount.

The lease is up and it's time for Pōhakuloa to rest and regenerate. It's also time for her to be used as space to feed and heal our communities.

Mahalo,  
Noel

## Carl Sholin

I'm a cultural resources professional with 13 years of professional experience in archaeology. Five of those years I practiced in Hawai'i. I support the "No Action" Alternative. According to the draft EIS, PTA is to "(provide) logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community" (1-9). It's my belief that the US Army has been delinquent in its responsibility for environmental and cultural stewardship and has not partnered with the local community. This is evident in the draft EIS since it finds that all alternatives would result in cumulative adverse impacts to natural and cultural resources.

Additionally, the State land is zoned as a conservation district, and the military use of it is designated as nonconforming. While the EIS states that the HRS 13-5 provides a provision for "authorization of additional uses" it does not articulate what the limits of those additional uses are under state law. Therefore the document does not establish that there is a statutory right to use by the military, only that there is a vague loophole that they're exploiting against the spirit of the law. With regard to cultural resources, the EIS states that under Chapter 6E, the determination of effect would follow the EIS process (1-17). However, this is a federal undertaking and, therefore Section 106 of the NHPA is applicable not Chapter 6E alone. Typically, Section 106 compliance would precede a finding of impact of an EIS. The EIS needs SHPD concurrence with an assessment of effect, before it can adequately address the cultural resources concerns presented in this document. Thank you for your time.

June 7, 2022

Submitted by: Jeannette Soon-Ludes, PhD | Honoka‘a, Hāmākua District, County of Hawai‘i

## **Comments on the Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area (PTA)**

### **Purpose and Need Statement**

Purpose and need statement does not address the obligation of the Army to conduct itself as a responsible tenant of lands held in the public trust by the State of Hawai‘i. In addition, alternatives considered do not fully explore sites outside of the Hawaiian archipelago. Specifically, the draft EIS does not explore actions that involve the relocation of training or training features under the rationale that such actions would require separate NEPA compliance. However, failure to explore relocation alternatives does not help the Board of Land and Natural Resources weigh the impacts on the natural, cultural, and human environment against the stated but unconfirmed needs of U.S. security and defense strategies.

### **Socioeconomics**

The draft EIS states several facts about Army economic expenditures in relation to the Pōhakuloa TA and the impact of these expenditures on the County of Hawai‘i. These facts include:

- Army expenditures support 1,962 employees in the County of Hawai‘i, including military personnel, civilians, and contractors (p. 3-142)
- Army expenditures accounted for approximately \$92M of labor income in the County of Hawai‘i, including military personnel, civilians, and contractors (p. 3-142)
- Army expenditures in the County include local purchases of potable water, equipment, and other services, such as solid waste disposal, porta johns, and custodial services (p. 3-142)
- Regional airports are used to transport troops and various groups, including DoD, state, and local agencies contribute to the local economy by traveling to PTA for training (p. 3-142)

The persuasive purpose of these facts is to frame the socioeconomic impact of DoD presence at Pōhakuloa in net positive terms. However, these facts aggregate disparate categories and ignore significant details that would more fully represent the degree and quality of economic impact. Of the 1,962 employees supported by Army expenditures in the County of Hawai‘i, for example, the type of employee is not disaggregated between military personnel, civil service, and contractors. This is significant for several reasons.

1. Military personnel do not necessarily pay income taxes in the state in which they are stationed. As such there is no way to ascertain how much of the stated \$92M in labor income generated in the County benefits the State.
2. There is no disaggregation and description of the type of civil service employment connected with Army expenditures in the County. As a result, there is no way to determine which jobs would disappear without Army presence (i.e. essential to army activities) and which jobs are community-focused and potentially remain without Army presence at PTA.
3. There is no detail regarding the number, economic value, and location of central offices for contracts awarded for Army activities within the County. Consequently, there is no way to ascertain the extent to which the economic value of those contracts results in real benefit to the County.

The facts also frame local expenditures and travel to PTA as positive economic impacts of the Army presence in the County of Hawai‘i, generally, and Pōhakuloa specifically. However, for both labor and additional expenditures, there is no cost-benefit analysis that takes into consideration that military spending has been found to have an adverse impact on long-term economic growth.<sup>1</sup> Taken as presently drafted, the limited facts support a problematic analysis that portrays a continuation of the present lease as having “long-term, moderate, direct and indirect, beneficial impacts on socioeconomic resources in the region” while an end to the military activities at Pōhakuloa are projected to result in “new long-term, significant, direct and indirect, adverse impacts on socioeconomics would occur from total loss of ongoing activities on the State-owned land, as well as a loss of ongoing activities within the impact area and training ranges and limited use of the Cantonment” (p. 3-146). For the reasons outlined above, this limited analysis without appropriately disaggregated data is a disservice to the people of the County of Hawai‘i for whom Army activities at Pōhakuloa have the greatest socioeconomic impact.

Moreover, for Kanaka Maoli (Native Hawaiians), the draft EIS is a grave continuation of colonial erasure of the indigenous values and practices of our past, present, and future. In connection with Cultural Resources and Environmental Justice, the framework of the draft EIS for investigating the socioeconomic impacts of continued Army presence at Pōhakuloa does not attend to indigenous-centered initiatives for social and economic well-being, such as those articulated in the ‘Āina Aloha Economic Futures Declaration.<sup>2</sup> The reasons for this type of erasure are many, always coming back to the ways that colonialism fails to recognize the

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<sup>1</sup> **Does Military Spending Matter for Long-run Growth?** Giorgio d’Agostino, J. Paul Dunne & Luca Pieroni. Pages 429-436 | Received 26 Apr 2017, Accepted 26 Apr 2017, Published online: 05 May 2017 at <https://www.tandfonline.com/doi/abs/10.1080/10242694.2017.1324723>.

<sup>2</sup> ‘**Aina Aloha Economic Futures Declaration**, Amy Kalili et al. Retrieved 5 June 2022 from: <https://www.ainaalohafutures.com/declaration>.

humanity of the colonized, especially when the native people of a land present themselves as active agents in times and places that have been irrevocably impacted by settler colonialism.<sup>3</sup>

These comments are submitted for consideration in preparation of the final Environmental Impact Statement, with a request for 1) Expanded Purpose and Needs Statement to address present obligations and future out-of-state alternatives; 2) A cost-benefit analysis that includes disaggregated data and factors in the demonstrated negative impact that military spending has on economic growth; and 3) An assessment that integrates Kanaka Maoli perspectives on socioeconomic wellbeing.

Thank you for this consideration.

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<sup>3</sup> **From a Native Daughter: Colonialism and Sovereignty in Hawai'i**, Haunani-Kay Trask. University of Hawai'i Press: Honolulu, Hawai'i, May 1999.

## Kapono Souza

I strongly oppose renewing the Pohakuloa lease. Both the state of Hawaii and US military have done a poor job at managing Hawaiian lands and at a dollar a year it is a gross abuse of stewardship of Hawaii Trust Lands. This arrangement provides zero return on investment other than making Hawaii citizens less secure by having a large military presence in Hawaii, a contaminated ecosystem, and cost prohibitive cleanup. Hawaii does not need to be this Weaponized and does not serve to benefit Hawaii's people. Do not renew the Pohakuloa Range Lease.

## Matthew Souza

Cultural artifacts that reflect Kanaka Maoli or Hawaiian history are largely being ignored by the United States government who while illegally occupying the islands of Hawaii and have in fact no treaty of annexation or legal plebiscite under which native Hawaiians give their consent to be governed by an occupying force. Any attempt to use United States law or processes to force such administrative rules or legally binding jurisdictional regulations are in fact a war crime without any treaty or consent by the occupied country and the subjects being governed.

## Mele Spencer

I am a member of the Japanese Chamber and Hawaii Chambers. I support the Pohakuloa Training Center.

**From:** Mele Spencer [REDACTED]  
**Sent:** Friday, April 15, 2022 3:16 PM  
**To:** G70 - ATR PTA EIS  
**Subject:** Pohakuloa Training Center

I am a member of the Japanese Chamber and Hawaii Chambers. I support the Pohakuloa Training Center.

Mele Spencer  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Lance Stevens

My name is Lance Stevens, L-A-N-C-E, S-T-E-V-E-N-S. I'm born and raised in Waimea, and I come in support of the renewal of the leased lands. And that's because I have got, you know, 27 years I work up there. I work with an awesome bunch of people. And I know we got the environmental impact statement and all the information. I see it. I see these guys work hard. We work with a great team, the environmental group, DPW, Police, Fire, and everyone else that's up there to ensure that our troops train safely, that everything is done the correct way, in accordance with our mandate from Congress, and that they follow the rules. And, you know, I got to enforce that. As a police officer up there, I'm making sure they do what they are supposed to do. And then, of course, you know, our commanders, as great as they are, they come in two years, maybe three years, if they are lucky. But us guys that get to work up there and work with the soldiers, work with the Marines, the Navy, and the Air Force, and HPD and other law enforcement, the FBI, it's awesome training for us. And that's to make sure that we can provide a safe environment. We serve and protect, and we ensure that -- you know, I was raised by a dad that served in the Army. He was in the paratrooper unit, fought in the Korea war. He always instilled in us whatever job you do you do the best that you can. And that's -- I'm so grateful. I have been blessed. You know, God has blessed me. 27 years up there. My tour of duty coming to the end. You know, you get older, things happen. So I'm off the road. I'm in the admin position, but I'm going to try and do everything I can to help facilitate a good working environment, as well as the other people that I work with up there. And we want to make sure that everybody has the information they need and they do those things they do. And again, you know, I'm just grateful for that opportunity. And I felt strongly. I work here. That's my boss over there. But got nothing to do with that. I just felt strongly about my mom and dad raised us to be patriotic citizens, do what we got to do. I got the opportunity to serve in the Air Force, and I might have made a career out of it, except my height and weight didn't match their standards. I have to be 179, and my whole service I think I was 200, 205 pounds. So I got my honorable discharge, and because of that, you know, I worked the ranch many years. It's tough work. The pig. It's good, but it ain't that great. I had my family to take care of, and I think -- that's personal, yeah. But my reason for bringing that up is I was able to serve -- I feel proud. I got to serve the country. I got to meet these men and women that wear their uniform and protect us, holding their oath to protect these United States and our Constitution, to keep it in place, to prevent these other people, socialists, communists from invading. You see what's going on in Ukraine. China is threatening Taiwan. Is that it? Three minutes. Well, thank you for the opportunity and mahalo.

## Megan Stokes

It is time for this land to be returned to the Native population of Hawaii. The army's use of the land has disturbed the environment in the past. This was necessary for a time when there was a Pacific war front, but is no longer more important than protecting the land.

## Kaleiheana Stormcrow

I do not support the lease retention at Pōhakuloa Training Area. I am a field biologist, and when I am doing field work in the area I can hear and feel the bombs going off. There is no possible way that they can be annihilating land like that and not harming the endangered plants and birds that live there, and in the nearby areas. PTA has run its course. End the lease, remove all the unexplored ordinance and give the land back to Hawaiians.

## Nathan Strain

I grew up in Hawaii. Everything from the military has been constant lies and environmental destruction. The military lied about returning Kaho'olawe in a habitable state, and everybody knows about the decades of lies and shoddy practice that led to the Red Hill disaster. At this rate I honestly wonder why the US Military is allowed to operate in the State Of Hawaii at all. I do not trust the statements about the impacts of training at Pohakuloa, nobody should, not after the years of statements and "studies" about Red Hill. The land should be returned to the state.

# Claire Sweeney

The military has enough land. Leave these islands to the people.

## Manu T

while there is a million places for the military to train, there is only a finite amount of the 'āina left, please do your parts to protect it and move your training ground elsewhere

## Jane Taylor

I am not in favor of any form of military occupation continuing on the Big Island. It seems wrong to choose such an absolutely fragile and unique ecosystem for such degrading activity. There must be less unique places that can serve the military. All military use should be discontinued. My suggestion is that the military be required to clean up its mess (oversight required as they have not proved all that trustworthy) and return all of the big island training areas to pristine status. I further suggest that those areas become part of the National Park system with a mandate to protect both unique biological and geological aspects as well as cultural. Neither the county nor the state of Hawaii seem equipped to care for this land - hence that latter suggestion.

## Megan Taylor

I hike in this area and passing by guns being fired is unnerving and feels extremely unsafe. It would be preferable to decline renewal and move such activities off this island. It is a sacred place unsuitable for such activities.

# Sally Taylor

It is time for a complete review of military land use in the Hawaiian Islands. The Pohakuloa Training lands should be returned to the State of Hawai'i.

# Sherri Thal

Aloha,

The situation at Pohakuloa is dire. The military has been occupying 23,000 acres of Hawaiian land illegally for nearly sixty five years for just one dollar. Every part of that statement is a travesty!! The EIS fails to address the illegal occupation as well as explain the unexploded ordinance littering this sacred Hawaiian site. The EIS fails to address the fact that NOTHING that the Military has fired off has EVER been cleaned up! The EIS does not give a solution to guaranteeing oversight by the Hawaiians to preserve the 'aina and artifacts. The EIS fails to address the simple fact the military presence in Hawaii is completely misaligned with the practice of Aloha and Aloha 'Aina.

I choose the EIS option number 4, the No Action Alternative. Please, give the 'aina back to the Hawaiian people.

Thank you,

Sherri Thal

Megan Thayne

Please find my attached comment letter.

May 29, 2022

Mr. Michael Donnelly  
PTA Public Affairs Officer  
Department of the Army; Defense  
P.O. Box 3444  
Honolulu, HI 96801-3444

**RE: DEIS comments for the Army Training Land Retention at Pōhakuloa Training Area (PTA) in Hawai'i**

Dear Mr. Michael Donnelly:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at Pōhakuloa Training Area in Hawai'i. I am a graduating senior at Portland State University in Oregon studying Environmental Science and Management. As part of my Environmental Impact Assessment class this term, we have been exploring the mechanics of NEPA, specifically the process of assessing environmental impacts under NEPA. I have been assigned to comment on a DEIS using foundational skills we learned in class by evaluating the shortcomings or strengths of the impact analysis. This letter serves to comment on the climate change analysis of the DEIS and the scoping process as both an engaged citizen and emerging professional.

**CLIMATE CHANGE ANALYSIS**

CEQ regulations require that direct, indirect, and cumulative effects are analyzed in an EIS. Further, as the growing risks of climate change have become more recognized, regulations have extended considerations to include both the potential effects of a proposed action on climate change and the potential effects of climate change on the proposed action<sup>1</sup>. NEPA requires that climate change analysis is implemented when “(1) identifying the purpose of, and need for, a proposed action and defining alternative actions that could meet that purpose and need, (2) describing the area affected by the proposed action and alternatives, and (3) evaluating their impacts on the environment and measures to lessen those impacts<sup>2</sup>.”

The DEIS states that the Proposed Action is a real estate action that would enable the continuation of ongoing activities on the State-owned land. The purpose of the Proposed Action is to enable USARHAW to continue to conduct military training on the State-owned land within PTA to meet its ongoing training requirements. The DEIS also states that “the availability of freshwater, potential for coastal flooding, stability of ecosystems and biodiversity, and the health of Indigenous populations could be adversely impacted from ongoing climate change.” Additionally, the DEIS states that “coastal flooding is not a threat to PTA given that the installation is several thousand feet above sea level.” What is not addressed in the DEIS, however, is how these two climate change impacts can be reconciled. While effects of climate change do not impact the viability of the Proposed Action, they will affect the future habitability of land now occupied by Indigenous populations. This suggests that displacement is likely in

<sup>1</sup>Foley Hein, J., & Jacewicz, N. (2021). Implementing NEPA in the Age of Climate Change. *Michigan Journal of Environmental & Administrative Law*, (10.1), 1.

<sup>2</sup>Webb, R. M., Panfil, M., Jones, S. H., & Adler, D. (2022). Evaluating Climate Risk in NEPA Reviews: Current Practices and Recommendations for Reform.

coastal regions and that land well above sea level will be needed to house displaced populations. It does not seem like the DEIS considers the dynamics of climate change in the designation of alternatives. For example, how might the displacement of coastal residents impact future land use of the military? Will the land in the Proposed Action be needed to relocate displaced Indigenous communities? Can you explain why climate change analysis was not implemented when identifying the purpose of, and need for, a proposed action and defining alternative actions that could meet that purpose and need?

### **SCOPING PHASE**

Public comment periods are an important aspect of the NEPA process. The purpose of the scoping process is to engage the public in deciding what issues are within the scope of the analysis and can serve as a way to anticipate impacts, select alternatives, and develop mitigations. The preparation of the DEIS should be informed by comments received from cooperating agencies during this process. During the scoping phase, the EPA submitted a comment encouraging that “different land retention methods” and “varying time periods for land retention” be incorporated into the “range of alternatives to compare impacts of the different methods.” The alternatives listed in the DEIS only range in retention size and fail to provide alternatives that analyze the impacts of different retention methods and varying temporal scales. Why did you choose not to reflect the input from the EPA in your alternatives selection since the purpose and need statement does not preclude these types of alternatives? Also, the DEIS mentions plans to consult Native Hawaiians for mitigation efforts but there is no representation from this group in the creation of the DEIS. Can you explain why you chose not to consult with Native Hawaiians in conjunction with or prior to the drafting of the purpose and need for the Proposed Action?

### **CONCLUSION**

The NEPA process promotes informed decision making and sharing information with the public<sup>1</sup>. Considering the risks of climate change--especially for Indigenous populations--and the highly controversial presence of the military in Hawai'i, it seems prudent to conduct a more holistic, specific, and actionable climate change analysis<sup>2</sup> as well as incorporate substantive concerns from the public and cooperating agencies into the consideration of the Proposed Action and Alternatives. This DEIS does not contain a sufficient climate change analysis and the scoping phase failed to meaningfully engage the public and cooperating agencies in the selection of alternatives and mitigations for the DEIS.

I appreciate the opportunity to provide comments on the DEIS and I hope my input has been beneficial.

Sincerely,

Megan Thayne

<sup>1</sup>Foley Hein, J., & Jacewicz, N. (2021). Implementing NEPA in the Age of Climate Change. *Michigan Journal of Environmental & Administrative Law*, (10.1), 1.

<sup>2</sup>Webb, R. M., Panfil, M., Jones, S. H., & Adler, D. (2022). Evaluating Climate Risk in NEPA Reviews: Current Practices and Recommendations for Reform.

# David Thielk

Aloha,

It is my belief that the army should not be allowed to renew their lease of those lands. Those are our native lands, and the army cannot be trusted to treat those lands with the proper care and respect the people of Hawaii expect of them. The military has been known for their poor management of the Hawaiian lands which they oversee, as just a few months ago the military proved its inability to prevent very serious and dangerous grievances from occurring at Red Hill. Their management of the Red Hill situation was abysmal, and they are ignorant for allowing it to continue for so long. But even with the contaminated water at Red Hill seemingly under control, can we trust the military to keep it that way? Looming in very recent memory are the brutal and cruel deformations of our islands Kaho'olawe and Molokini at the hands of the navy. The navy dragged their feet in the cleanup of our sacred island, doing a lazy, sloppy, and incomplete job, the consequences of which are still felt today. The military could not be trusted to clean up their mess at Kaho'olawe, so why should we trust them to properly contain future water contaminations at Red Hill? Should anything similar happen in any of their other Hawaiian facilities, how can we trust them to resolve it properly? Let us not forget our small island Ka'ula and the many thousands of native birds slaughtered in the name of gunnery training. In what way is that necessary for the training of their soldiers? The argument that our lands are needed for the increased survival of their soldiers is unfounded and foolish. They may easily receive equal, if not superior training at facilities elsewhere, without the need for the devastation of our wildlife.

In short, this is not just about the army, but the armed forces as a whole. They have proven untrustworthy in their management and jurisdiction over Hawaiian lands and are wholly and utterly incapable of showing the respect our lands deserve. It is for these reasons that I believe the army should not be allowed to hold their lease of these 23,000 acres of Hawaiian lands, and they should be returned forthwith.

Mahalo,  
David Lihau Kai Thielk

# Steven Thomas

Aloha Mai Kakou,

O wau 'o Steven Thomas,

Aloha Everyone,

My name is Steven Thomas.

I am descended from the line of King Liloa and the progenitors of the House of Keawe. I have lived in Central O'ahu my entire life and I have experienced the colonization of mind and culture.

My kupuna have been made to accept the criminal act of the stealing of our country by your country in violation of treaties and of international law" as stated in the Apology Bill of 1993 (Public Law 103-150).

Subsequently, we have been made to accept the so-called "necessity" of leasing thousands of acres of our land for military training purposes.

I say enough already. Go blow up your own country. Stop killing and desecrating mine.

I have been in Makua Valley as well as around Pōhakuloa. The mana of our ancestors is still there and still very strong but the 'āina is crying out. Crying out for me to do something.... say SOMETHING!

But I fear this is merely a formality and the military/government machine will do whatever they want anyway.

I've heard the word "compromise" come up with regard to similar land lease issues in the past here in Hawaii, but I've learned that it usually results in some kind of a token offer in return for continuing on with the originally planned use... most times, our people are outnumbered by those who have absolutely no knowledge of what they're doing to the land.

So again, I would urge you to take your military training back to your country.

My people still have a chance to resuscitate this 'āina, and we are the only ones who inherently know how to do this. It's in our bones. But....

America

"He ali'i ka 'āina, he kauā he kanaka"  
The land is chief, the people are the servants

Mahalo

## Kupaianaha Thurman

With the use of the United States military in which the United States federal government oversees them. The military base know as Pōhakuloa Training Area (PTA) has been desecrating Hawaiian lands for over 67 years since it was first built in 1955. Positioned between two sacred mountains of Mauna Kea and Mauna Loa sits 108,863 acres of stolen land in which US military forces occupy. Leased out at the cost of \$1 per year, this is a disgrace when Native Hawaiians can't even afford to live on their own land. This area is being used for target practice to bomb and shoot millions of dollars worth of tax paying money to desecrate this land. Simply put the common people do not want this base and it's military presence on our 'āina any more. You are not welcomed here. So do the right thing and close down PTA. Kū Kia'i Pōhakuloa! Kū Kia'i Mauna!

# Melissa Tomlinson

Dear Army Personnel occupying Pōhakuloa,

I'm writing today to express my disapproval and disappointment in the very incomplete Eis draft. I did not read the whole thing because that would be a huge waste of my time, but I know without uncertainty it is incomplete because of its lack of attention to Kānaka Maoli, their culture, their spiritual practices and their land, among other reasons. It is incredibly frustrating and embarrassing knowing the history of how the U.S. military came to occupy and allow such genocide. It is past time for rectifying such violent, abhorrent behavior. It is past time for reconciliation, yet it must be done. Please leave Pōhakuloa. Please don't even attempt to renew the lease and just go. Free Hawai'i from underserving militant war and violence. The world needs this because the world needs Hawai'i and when I say this I am saying the world needs Kānaka Maoli to be free of their oppressors. All I can say as an American citizen is I agree with and support Kānaka Maoli and so many others in calling for the Army to deoccupy and demilitarize Hawai'i and go home. You do not belong there and without any doubt it would behoove everyone there to heed the words of Auntie Maxine and the many others who have been speaking out for years.

## Cherie Townsend

Hawaii is the extinction capital of the world, if you will not leave the Mauna in peace at least be stewards of the land that you occupy. Makua is a valley that you occupy but under your stewardship it is more pristine than most and the Army is responsible for that. Please do your part for Pohakuloa as well protect both from development and the onslaught of money driven greed.

## Hannah Ulm

I do not agree with the impact these operations will have on Hawaiian land. The US needs to respect the cultural sites of Hawaiian tradition, similarly to NAGPRA in the contiguous states. Whether or not these are sacred sites should not alter your conscience in this matter. Hawaii is not intended for military use. US needs to recognize its place in the world and halt its imperial influence in areas where the native peoples have no interest in participating. NOT YOUR LAND. Not your choice.

## Kaila Undisclosed

Aloha. My name is Kaila. I just wanted to submit a comment and share that the desecration of indigenous land is not only wrong but has severe environmental impacts that will last for thousands of generations. And so I hope that you can find it in your heart to restore the aina to its true splendor and you help heal. I hope it ends well. Love you. I am going to try Hawaii. \*\*\*\*ing military Hawaii.

## Marie Valencia

There's a necessity to preserve and return Hawaiian land to the Hawaiian people now more than ever and the US Army should respect those wishes by not building on any Hawaiian land anymore and further consider returning any land taken.

# Johnny Angel Victorino

Aloha Mai kākou

I am writing testimony against the renewal of the US military's Pohakuloa lease. I am also speaking behalf of my Ohana, both friends and family. The desecration of pristine native land and species have been not been held accountable for too long. Too long have the mortars and RPG training practices shake our island. Too long have the Palila bird and the Nai'o tree suffered from explosives and bullets. Nearly 200000 acres lended to the US military for them to make irreparable damage to both earth and water. There is no action or attempt of action that could mend the massive holes they leave on our mountain. What about Hawaiian perspective? What about Aloha Āina? What about taking care of our resources that lie within this Little Rock we call home? Does the military account for all the bullet casings or metal shrapnel spread across the PTA? Doesn't that effect our natural environment? The Military doesn't incorporate a Hawaiian Perspective into their usage of our land so why should they benefit from Hawaiian Land! As a local boy, born and raised on Moku O Keawe,

I STRONGLY advise you no longer let US military to use Pohakuloa as a playing ground. There are hundreds of families of Hawaiian bloodline waiting for their piece of land. Just a piece, not a base, not a ranch, or a preservation, just a piece. So please listen to the people of this land.

Victorino Ohana

## Kaukaohu Wahilani

Aloha. My name is Kaukaohu Wahilani. K-A-U-K-A-O-H-U, W-A-H-I-L-A-N-I, and I hail from Pao, Waianae Valley, on the Island of O'ahu, and I am here to use my testimony in opposition to the extension of the lease for Pohakuloa and the further desecration of the Piko of Makua Keawe. Like Uncle Kalani Flores has said at the ending of the meeting that we have (indiscernible) the army was just the actions that have been done, continues to be done to desecrate our aina. You know better. You tried war all these years. Let's do peace and love. So this is my testimony. Please take it under advisement. Kakou pui (ph.), mahalo nui, aloha.

## Diane Ware

The Environmental Impact Statement should thoroughly analyze the alternative of moving training from Pōhakuloa to a less sensitive area outside of Hawai‘i, in case the military does not retain control of the 23,000 acres.

Losing this acreage would severely restrict training, since the area hosts vital facilities for electricity, drinking water, communications, and roads. Why was all this was sited here under a temporary lease (expiration in 2029)?

Why does the military need Pōhakuloa, when it already has access to thousands of acres of land, and hundreds of square miles of ocean and airspace, around Hawai‘i? Military training causes serious impacts at Pōhakuloa since it is a sensitive area with 50 at-risk species, and with tremendous cultural significance.

Why should the public rely on claims that the military cannot manage without Pōhakuloa? The same claims were made for Kaho‘olawe and Kapūkakī (Red Hill).

Why should the military be entrusted with this land? A recent court decision (Ching case) foundation that the military failed to meet obligations under its current lease for the area. They failed to clean up unexploded ordnance, junk cars, an old tank, shell casings, white phosphorous, and rubbish. There have been three fires in the past seven years. Only about half of the needed archaeological surveys have been done. And they claim they have not found even one traditional cultural property at Pōhakuloa.

The military has also been negligent elsewhere. At Waikoloa, unexploded ordnance has not been cleared for decades. On Kaho‘olawe, one out of every four surface acres has not been cleared of unexploded ordnance. At Kapūkakī (Red Hill), the military claims the water is now safe, but people returning to their homes report continued problems.

Thank you for the opportunity to comment.

## Braeden Watanabe

Though I believe that there is a cultural aspect to the land as recognized in Hawaiian tradition, I believe that the training and military activities that take place on Pohakuloa are deemed as essential and necessary, and outweigh the "damages" and detriments of these activities on Hawaiian culture. While cultural preservation and honoring tradition is important, I believe that it is essential for military personnel to have the resources needed to train, in the occurrence of any war or threat.

# J. Watanabe

June 7, 2022 U.S. MAIL

ATLR PTA EIS Comments P.O. Box 3444 Honolulu, HI, 96801-3444

Re: Public Comment On Army Training Land Retention at Pohakuloa Training Area Draft Environmental Impact Statement, Island of Hawaii, Hawaii TMKs: (3) 4-4-015:008, (3) 4-4-016:005, (3) 7"004:007, (3) 3-8-001:013 & (3) 3-8-001 :022

To Whom It May Concern:

Below are my public comments on the above draft EIS, submitted today, June 7, 2022, before the deadline of 11:59 pm HST.

Comments:

1. The Army's draft EIS fails to identify any prior NEPA evaluation of the environmental impacts to the State owned/leased lands, except for a conclusory statement on p. 1 -15, Section 1.4.1, which provides that "[t]he Proposed Action is a real estate action (i.e., administrative action) that would enable continuation of ongoing activities on the retained State-owned land. Current activities within the State-owned land were previously analyzed in separate NEPA documents, as applicable; therefore, continuation of current activities is not re-evaluated in this EIS." I searched the Army's draft EIS document, including the appendix and references, and found no prior NEPA evaluation of the use of State owned/leased lands for the following activities on p. 2-2: PTA Battle Area Complex Digital live-fire range for mounted, dismounted, and aviation training; Ammunition Holding Area, where ammunition is temporarily stored while a military unit is training; Firing Point Location used for live-fire and non-live-fire training by indirect fire weapons (i.e., artillery, mortars, and rockets); 14 Multi-purpose live-fire range Landing Zone Cleared area for landing and takeoff of helicopters and tilt-rotor aircraft; and Drop Zone Cleared area used to drop equipment and personnel via parachute from aircraft.

According to the Army's draft EIS, the "lease for Army use of State-owned land was signed in August 1964" (p. 1 -17). NEPA was enacted in January 1970. If prior NEPA analysis of the impacts of Army activities on the State owned/leased land was conducted, please identify the NEPA document and make it available for public review, so the public has the opportunity to review and comment.

If there is no such prior NEPA analysis, then the Army has failed to comply with NEPA and must prepare another draft EIS to include the required environmental NEPA analysis of the impacts of Army activities on State owned/leased lands that Army failed to analyze.

2. Given the Army's failure to comply with NEPA at Makua Military Reservation, the Hawaii public has legitimate concerns about the Army's compliance with environmental laws, such as NEPA. The proponent of the Army's draft EIS for PTA, Daniel Misigoy, Colonel, U.S. Army Commanding, lacks integrity and has demonstrated a willingness to violate federal laws, including Army regulations to achieve his personal aims. This is based on personal experience. With such a person leading this draft EIS, it is hard to place any trust in the Army's compliance with federal environmental laws or Army's own regulations. For these reasons, I object to the Army's use of PTA.

Very truly yours.

J. Watanabe

June 7, 2022

**U.S. MAIL**

ATLR PTA EIS Comments  
P.O. Box 3444  
Honolulu, HI, 96801-3444

**Re: Public Comment On**

Army Training Land Retention at Pohakuloa Training Area  
Draft Environmental Impact Statement, Island of Hawaii, Hawaii TMKs: (3)  
4-4-015:008, (3) 4- 4-016:005, (3) 7-1-004:007, (3) 3-8-001:013 & (3) 3-8-001:022

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Very truly yours,

J. Watanabe

## Hoku Webb

When your lease is up in 2029 you will have had the land for 65 years, perhaps it is time again for the Native Hawaiians and residents alike to access the land -- in 65 years from 2029 you can lease again.

In terms of environment impact, I can only assume (because I probably do not have access to the land) that training for war is nearly as destructive to the land than war itself -- and it is happening over historical and cultural land.

## Justine Weingartner

I urge you to listen to native Hawaiians and remove all US military from land that does not belong to them nor hold cultural significance.

## Kerry Wells

So my name is Kerry Wells. That's K-E-R-R-Y, W-E-L-L-S. I'm a citizen of Waimea. I live on the Puu Nani subdivision, and I have two children, two boys, and they are little. They are eight and 11. When the training activities are happening, which I realize is not on the leasehold land, it's on the training range area, the bombs, we can hear them from the house, and it shakes the house, and my son cries, my 8 year old. And he doesn't really understand what's going on, so I have to explain, you know, that they are bombing. It's really concerning, and so I'm asking that a noise study be conducted. And I realize this EIS only covers that leasehold land, but I would really like a noise study conducted on the bombing activity that's happening. I don't think a noise study was conducted for this EIS, and I know that what's going to happen is that the noise study, if it's done in this area, will probably find that the noise contours are zero. So I am asking if there is some way, and I'm trying to think of a way, to get a noise study done. And I know that the noise contours would probably reach my house. It shakes my house when the training is being conducted, which is roughly, I believe, every three to six months and it's pretty much every day, day and night, and that's, you know, every like a two-week period during that time. And then during RIMPAC, that activity increases substantially. So it would be great if that noise study could be conducted during RIMPAC activities. So yeah, that's my main comment right now. I really do appreciate everybody coming. I was hoping there would be more people here. I work for NAVFAC Pacific, and I'm in the environmental division there. I do NEPA. So it's -- I wish there was more people, because that's part of the process of EIS is the public being involved. So right now this is my comment is just that noise study, and thank you for letting me speak. I really appreciate. Like I said, lots of powerful speeches being made tonight. So thank you.

## Tristyn Wiehl

I'm here tonight. I wasn't really prepared to speak, but I feel called to do so. I really want to mahalo all the kupuna in the room who have come before me and shared their thoughts and opinions. I really appreciate you folks. Sorry I'm a little bit nervous. I just wanted to start by saying that at the beginning of this talk you folks mentioned that Hawai'i needs the Army and the Army needs Hawai'i, and I don't believe that that's true. I heard what you followed it up with, and it mostly sounded to me like the reasons why the military needs Hawai'i, not really the other way around. I don't see there being a reciprocal relationship in place. I wanted to mention that we can hold multiple realities in our minds at the same time. We can understand, as bruddah said earlier, why people join the military, for economic reasons. I know I'd be making a lot more now as a college graduate if I was in the military, but that's not what my heart has called me to do. I do appreciate the formality of this meeting. I mean, it's just that, though, it is a formality, and I think, as other people have said, we don't necessarily feel that things that we say are actually taken into consideration when decisions are made, especially when it comes to the military and aina. I apologize. I didn't introduce myself fully. I'm from O'ahu, Mililani specifically. I also agree that, you know, if I wasn't here tonight my words would just be on a sheet of paper or a voicemail. Although that's great opportunities for other people to contribute I think it means a lot more when we can stand in front of you and maybe you can feel our mana and maybe even see some of our tears, because I know I can't necessarily hold it in. As a first generation in Hawai'i, I feel like my duty is to support kanaka and perpetuate their voices, because my family is not from this place, and I am also a product of a Diaspora. You can see my hair. Obviously, I'm part African. And, you know, I don't have those connections to my homeland and my family, and that is a direct impact of colonization, which we all know is carried out predominantly in a lot of cases through the military. I just want to mention that there is some work being done, right, to restore this aina in part by organizations, maybe some funding by the military. I'm not sure how much you guys put in, but I know recently Mauna Kea Watershed Alliance was doing an outsizing, and I will make this quick. There is a bird corridor, right? How are we supposed to have any effective bird corridor between two mana when there is something cutting them in half? So I just again appreciate everyone else who came before me. Any restoration is going to be undermined by continued desecration. So Mahalo.

Renee Winchester

Pohakuloa is our hawaiian land, not military, please consider this

## John Witeck

I urge the Army to shut down Pohakuloa and clean up the wastes there and restore all 133,000 acres to civilian use--and to the indigenous people of Hawai'i. The military can find other training areas that don't involve squatting on and ruining the land of these islands. This land was taken without due process, without purchase, and through an executive order in 1964. This constituted an enormous theft. The U.S. government, via Congress and President Bill Clinton, apologized to Hawaiians for the illegal overthrow of the Hawaiian government. Now it's time that the lands taken from the Hawaiian people and used for military training and bombing be returned to native Hawaiians and the people of Hawaii as the island of Kahoolawe was some decades ago. Please do not allow the military's misuse of Pohakuloa and several other extensive sites in the islands to continue. Thank you for hearing my opinion on this matter. It is time do PONO, to make things right, and restore this land to peaceful, civilian uses.

John Witeck

Good statement, Danny!

**From:** John Witeck [REDACTED]  
**Sent:** Tuesday, June 7, 2022 7:02 PM  
**To:** dlimay7@aol.com; G70 - ATLR PTA EIS  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Re: Statement in Opposition to the Lease Renewal on Pohakuloa Training Area

Good statement, Danny!

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, June 7, 2022, 3:17 PM, [dlimay7@aol.com](mailto:dlimay7@aol.com) wrote:

The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!

Peace, Aloha & Imua!

Danny H. C. Li (Kea'au, Hawai'i); [REDACTED]

## Adriana Woods

My name is Adriana Woods. I go by Luna. I am from Columbia, and I have lived here 12 years. I am also a U.S. citizen. I have blood on my hands. No. I pay taxes. I have blood on my hands. Do I choose to give my taxes to the U.S. Army? I do not. Neither do I choose to give it the Columbian Army, who has committed many atrocities. I have been to 34 countries, and I chose to come to this country, the Hawaiian kingdom. Mahalo nui loa. Aloha kakou. I have aina, my husband and I. That was the dream. Three acres. We grow banana, pineapple. I work at Pahoia Elementary School. I'm a yoga instructor. I'm a performer, and I performed at the Hilo Palace Theater and inspired children to be dancers and acrobats. I have helped elderly people here to be flexible and work on their breath. I have picked up hitchhikers. I have been a hitchhiker before we had money here. We work hard. My husband is a carpenter. He builds homes for local people, not just tourists. I have earned it. It was not easy to move here. Even though I'm a U.S. citizen and (indiscernible). What have you done besides pollute? What have you done? Thank you for being here and listening. He's on his phone the whole time, this gentleman. Yes, you. You have been on your phone the whole time. You are not listening. MS. Okay. I'm sorry. But I feel like are you really listening? If you are, like the other man, what's really going to happen? I don't need to tell you what's going on this island. I have been here 12 years. And just like the Mainland, worse on the Mainland, there is so much gun violence with 15 shootings on the Mainland. Mainland, why do we call it the Mainland? Like this is its little finger. This is its own entity. I'm rambling. Okay. I will do research for a book. Okay? And in my book, it's a novel, I have been looking up Pohakuloa, and one thing it says is if the depleted uranium gets to reach a very high temperature it can aerosolize the depleted uranium. I'm like, okay, (indiscernible) using now if create that high temperature. Maybe they are not that hot. But do you know what would cause that really high temperature? Do you know what you are on? Do you know? Have you seen the heart, the pu'uwai of this island and of all the islands? Pele, the lava. You don't think the lava is going to come and poosht, what's it going to do? It's going to obliterate your camp, whatever you have got going on. I mean, it could totally change. There is many kinds of uranium, you know that. I had to look it up. There are many kinds, and they could change, depending on if they get oxidized or not, if they lose an atom, they gain an atom, blah, blah, blah. Anyway, all I want to say is I see Pohakuloa as like a system of trails, like in the Alps, like this is the alps in Europe, and they have these trails where tourists can walk, stay at a cabin, get some really good local food and then keep walking or bicycling to the next cabin. There could be hunting and tourism that's healthy, not just people driving around, going to resorts and leading unhealthy lives of just getting drunk and being tourists. And that's the other side of this issue is tourism. You know, my mom has lived on Maui for 20 years, and I couldn't even be there without trespassing on somebody's resort. I couldn't even go park anywhere without trespassing because tourists are there, and they have priority over residents, who are just Pahoia school teachers and yoga teachers and carpenters and farmers and whatever you all do that's honest. I don't understand. But I just thought I give my two cents, because -- Yeah, so kapu. I think there is a sign, I saw it somewhere on your land -- not your land. On the land that you are leasing for a dollar, which is some sort of sick joke. But the sign sets kapu. Kapu. The military sign says kapu, but the military sign is using an olelo word, which means sacred, and it means holy, and it means no trespassing. That is so fucked up. That's really weird that you are using the word kapu. Like the only word you know is no, no trespassing. I would love to see Pohakuloa turn into a system of hiking trails like in the Alps. That's my dream. I'm setting that intention. Mahalo.

## Amy Woods

I do not approve of the military's intention to keep using these lands. The eco system in Hawai'i is so fragile and we must do everything possible not to continue the degradation and desecration of the native lands and animals here. We must immediately start to restore the land

Janice Workman

Stop the desecration on pohakaloa

Rocio Yao

Military training is hurting the land! Please demilitarize Hawai'i

## S Yee

The 133,000-acre Military Toxic Area (PTA) is located in the center of Hawaii Island at an elevation of 6500 feet. It's an area that has been bombed and abused by all branches of the US military for more than 70 years. Millions of live-rounds are fired annually at PTA. A wide range of toxins, including Depleted Uranium (DU) radiation, have been spread throughout the land. All of us on the Big Island, residents and visitors alike, people, plants and animals, are downhill and downwind from PTA.

Of the 133,000-acres at PTA, the military wants to renew a State lease of 23,000 acres. The bulk of the land at PTA, more than 84,000-acres were simply seized by a presidential executive order. I say NO to the lease renewal. I say yes to require a comprehensive independent assessment of the toxic military mess at PTA, guaranteed federal funds to do a thorough clean up, and the shut down and return of the entire 133,000-acres to the Hawaiian people. Enough is enough! Bombing the aina is the ultimate desecration. I urge others to express their thoughts publicly, and to the military Environmental Impact Statement (EIS) process

**From:** S Yee [REDACTED]  
**Sent:** Monday, June 6, 2022 10:05 AM  
**To:** G70 - ATR PTA EIS  
**Subject:** EIS Testimony

To Whom It May Concern,

**The 133,000-acre Military Toxic Area (PTA) is located in the center of Hawaii Island at an elevation of 6500 feet. It's an area that has been bombed and abused by all branches of the US military for more than 70 years. Millions of live-rounds are fired annually at PTA. A wide range of toxins, including Depleted Uranium (DU) radiation, have been spread throughout the land. All of us on the Big Island, residents and visitors alike, people, plants and animals, are downhill and downwind from PTA.**

**Of the 133,000-acres at PTA, the military wants to renew a State lease of 23,000 acres. The bulk of the land at PTA, more than 84,000-acres were simply seized by a presidential executive order. I say NO to the lease renewal. I say yes to require a comprehensive independent assessment of the toxic military mess at PTA, guaranteed federal funds to do a thorough clean up, and the shut down and return of the entire 133,000-acres to the Hawaiian people. Enough is enough! Bombing the aina is the ultimate desecration. I urge others to express their thoughts publicly, and to the military Environmental Impact Statement (EIS) process**

Sincerely,  
S Yee

## Unidentified Caller #16

*Recorded April 27, 2022, 8:00*

Hi. A couple of issues about noise remediation. I am thinking that we should be pushing for perhaps outside-the-box thinking, if there is a way that they can train people using virtual explosions instead of real ones so that they are not dislodging things underground and so that they don't scare us, who live in Waikolao and Kukio, and so that they are not leaving more depleted uranium or whatever all you were leaving there in the area, because anything that is not made out of lava is a newly introduced substance that has to be cleaned up. So that is one of my main concerns. And the other aspect is cleaning up what's already there. I understand there is some depleted uranium. The EIS is very vague about what it says it's going to do to deal with that. I think that's it. Thanks.

## Unidentified Caller #17

*Recorded April 27, 2022, 8:04*

Aloha. I'm a Hawaiian citizen calling to submit my comment on using the Pohakuloa as a military training area. It has a significant adverse impact on our aina and our cultural practices and resources.

## Unidentified Speaker

I come to speak against your presence here. I think that you know what you are doing is wrong. Thank you.



# **Petition Letter**



# Pōhakuloa Training Area Environmental Impact Statement Testimony [Petition Letter]

We call for the termination of the lease of 23,000 acres of Hawai'i public trust land at Pōhakuloa Training Area (PTA) to the U.S. Army. This land was leased for \$1 to the Army in 1964 for a term of 65-years. In violation of the terms of the lease, the Army has damaged native ecosystems, left unexploded ordnance, depleted uranium, and other contaminants, and harmed Native Hawaiian cultural sites. Although the lease expires in 2029, the U.S. military is seeking to renew the lease as quickly as possible. Over the years the military have destroyed, destructed, and used the area of Pōhakuloa as their target practice. Through this our native ecosystems, plants, animals, environment, and cultural and sacred Hawaiian sites have been destroyed. If they continue, a vital part of our island will be destroyed, unsafe, and uninhabitable for all., The military has shown over the years that their priority is not to take care of the environment, area they are in, the native plants and animals, and Hawaiian cultural sites around them. They prioritize war and using our land for their target practice over their impacts on the lands they occupy., I call for the return of the 23,000 acres of State leased land to the Kanaka Maoli and that it not be leased again to the Department of Defense for destruction through bombing, artillery fire and other military types of destruction.

## Form Letter: List of Signers

|                           |                        |                         |
|---------------------------|------------------------|-------------------------|
| Ahia, Mahealani           | Asta, Matt             | Braun, Al               |
| Ahia, Noelani             | Astrid                 | Brittany                |
| Ahonui                    | Atkins, Trevor         | Brown, Shantee          |
| Akana, Bri                | Au, Julie              | Bugbee, Ian             |
| Akiona, Kylie             | Awai, Cailee           | Burch, Karly            |
| Akuna, Sami L.A.          | Aynur                  | Butler, Alyssa          |
| Alban, Ian Jonathan       | Azama, Bronson         | Butterworth, Kiersten   |
| Alegado, Rosanna 'Anolani | Ball, Ada              | Caitlin                 |
| Amos, Tsuyuno             | Barrett, Eden          | Callison-Burch, Vanessa |
| Amy                       | Barrett, Thomas        | Campbell, Pono          |
| Anderson, Donovin         | Bartoletti, Darcy      | Cariaga, Leimomilani    |
| Anderson, Ryan            | Beauregard, Marc       | Carlos                  |
| Andre                     | Begley, Jesse          | Carvalho, Kiana         |
| Angione, Lea              | Bettencourt, Lurline   | Case, B. Pua            |
| Anonymous Submission      | Bezilla, Grace         | Cave, Jamie             |
| Ari                       | Billingsley, Nataka    | Chojnacki, Rachel       |
| Ariana                    | Blankenfeld, Ka'iulani | Clarke, Kaala           |
| Askew, Mahiemainalani     | Bobilin, Jonah         | Clawson, Thys           |

|                             |                                    |                        |
|-----------------------------|------------------------------------|------------------------|
| Cloutier, Kylie             | Fuller, Matthew                    | Jakob                  |
| Cobar, Joanne               | Gaceta, Cody                       | Jasmine                |
| Colon, Keisha               | Gallagher, Jessica                 | Javar, Debra M         |
| Colosimo, Emily             | Garcia, Micah                      | Jayda                  |
| Conner, Margaret            | Gedge-Kaeo, Kanoe                  | Jenkins, T             |
| Coyote, Tara                | George, Garrett K.                 | Jeszabel               |
| Crystal                     | Giesick, Faith                     | Johansson, Paula       |
| Daielle                     | Gionson, Esai                      | Johnstone, Karen       |
| Dalbon, Gerard              | Kawa'O'Makali'i Roman              | Jolyn                  |
| Davis, Donna                | Gomez, Shannon                     | Jones, Brett           |
| Davis, Samuel Nohea         | Gonzalez, Paola                    | Jones, Jennifer        |
| Del Real, Isabella Huerta   | Gouveia-Ortiz, Celina Marie Kahala | Julia                  |
| Devi, Shanti                | Grace, Jacquelyn                   | Julie                  |
| DeYoung, Frank              | Grace, Jacquelyn Noelani           | Jung, Ellyn            |
| Dichner, Catherine          | Greene, Patricia                   | Jussaume, Ilea         |
| Domen, Adin Nahoa           | Guidry, Andrea                     | K, Marisha             |
| Dorian                      | Haia, Iwalani                      | K, Olivia              |
| Dullanty, Malialani         | Haley                              | K., Sunshine           |
| Duncan, Hallelujah          | Han, Sunny                         | Kaahanui, Vasthi       |
| Elicker, Jordan             | Hanawahine, Kianna                 | Kahele, Krystal        |
| Ellsworth, Mike             | Hannalore                          | Kaiawe, Tia            |
| Enomoto, Sheridan Noelani   | Hanson, Laurel                     | Kaila                  |
| Enrique                     | Hao, Anna                          | Kailiwai-Ray, Debralee |
| F, Kristen                  | Haugh, Kawena                      | Kaleialohaokuupuuwai   |
| Fellows, Sid                | Hieshima, Makala                   | Kamalani               |
| Ferrer, Aes                 | Holani, Charlene                   | Kamuela                |
| Flores, Kapulei             | Holladay, Patricia                 | Kanealii               |
| Flores Yoro, Summer         | Hoopii, Tori                       | Kanui, Makaiwa         |
| Foster-Blomfield, Kaiwahine | Hoopii Jr, Richard                 | Kastein, Kalika        |
| Fraga, Kehaulani            | Hoover, Joshua                     | Kate                   |
| Freitas, Cindy              | Huihui, Crystal                    | Kaupe, Makana          |
| Fujita, Blayne              | Imtiaz, Hina                       | Kawelo, Jacob          |
| Fukumitsu, Navahine         | Isaak, Kapuakea                    | Kawelo, Kupono         |

|                                     |                              |                         |
|-------------------------------------|------------------------------|-------------------------|
| Kazlauskas, Katherine               | Marks, Jordan                | Neil                    |
| Keakealani, Roberta Ku'ulei         | Martin, Nancy                | Nichols, Ursula KimLin  |
| Kealoha, Chris                      | Martina                      | Noble, Ben              |
| Kelai, Kara                         | Martins, Momilani            | Noelani                 |
| Keliinoi, Mona                      | Mas, Moira                   | Nonohe                  |
| Kelling, Kalehuakea                 | Masse, Brittany              | Norris, Lehua           |
| Keohokapu, Jonah                    | Mathews, Alyssa              | Oberholzer Dent, John   |
| Kiana                               | Mathis, David Jesse          | Oshiro, Tracie          |
| Kirby, Candice                      | Matthew                      | Osick, Martina          |
| Kramer, Kris                        | McCarley, Rebecca            | Oto-Pale, Emma Ulalia   |
| Kupahu, Micah                       | McGuire, Ashlie              | P, Tatiana              |
| Kushi, Makana                       | McKeague, Noeula             | Paikai, Ala'i           |
| Kuster, Lorien                      | McLaughlin, Briana           | Paiva, Kale'a           |
| La Torre, Trevor                    | Medeiros, Alfred Keaka Hiona | Parsons, Amy            |
| Langinbelik, Aji                    | Medeiros, Brennen            | Passantino, Trase       |
| Langinbelik, Sariah                 | Melissa                      | Patel, Sweta            |
| Lee, Desiree                        | Melody, Christine            | Pestana, Kainoa         |
| LeMans, Hannah                      | Mendes, Hannah               | Petrovic, Rain          |
| Leucht, Emily                       | Mic, Sarah                   | Pie, Solely             |
| Lila                                | Michaloski, Joe              | Pleasant-Rede, Nictoria |
| Lilinoe                             | Mihajic, Isabela             | Plumridge, Mir          |
| Linder, Kali                        | Miller, George               | Plunkett, Ryan          |
| Lipat, Dr. Chris                    | Miller, Holly                | Pupuhi, Kekoanui        |
| Louis, Renee Pualani                | Mix, Emma                    | Quenga, Kaina           |
| Lydia                               | Mohala                       | R., Mailelauli'i        |
| Macmlan, Ashley                     | Monasi, Mariana              | Ramirez, Maricarmen     |
| Macusi, Kamea                       | Moniz, Christian             | Ramones, Ikaika         |
| Maielua, Blossom Pualani<br>Lincoln | Montas, Noelani              | Rapoza, Sean            |
| Maikui, Eva                         | Moore, Bryan                 | Ray, Matthew            |
| Makaila, Lillie                     | Nakalatia, Josephine         | Raynor, Niccolas        |
| Makalua-Yee, Michelle               | Nakamura, Malia              | Reddish, Blair          |
| Makinano, Nicholas                  | Nakayama, Naholowaa          | Reeves-Bachman, Kainani |
|                                     | Neeley, Gina                 | Resuma, Camela          |

|                           |                             |                        |
|---------------------------|-----------------------------|------------------------|
| Resurrection, Joanna      | Sobocinski, Jess            | White, Angela          |
| Reynolds, Marni Suu       | Sonoda-Palr, Healani        | Wiedenbein, Tom        |
| Reynolds, Mia             | Souza, Chanel               | Williams, Jamie        |
| Rivera, Madeline          | Spencer, Kekaha             | Wong, Trinity          |
| Rizzo, Anna Hali'a        | Starr, Sarah                | Wright, Colonel Ann    |
| Robertson, Todd           | Stauber, Emmaleah           | Zigler, Jennifer       |
| Rojas, Tara               | Stoner, Wailani             | Zulueta, Jacinto Kaleo |
| Rose, Abigail             | Suthard, Alli               |                        |
| Ruth, Hannah              | Sylva, Brayden              |                        |
| Samantha                  | Szczepanski, Jozef          |                        |
| Sanchez, Bella            | Tachera, Naomi              |                        |
| Santos, N                 | Tai, Sarah                  |                        |
| Sayre, Debora             | Tam, Mary                   |                        |
| Sean                      | Thomas, Carn                |                        |
| Sekona                    | Thompson, Amberlene         |                        |
| Selina                    | Tomlinson, Melissa aka kini |                        |
| Shari                     | Tré                         |                        |
| Shaw, Noel                | Turalde, Leomana            |                        |
| Sheala                    | Tyler                       |                        |
| Shearer, Jacob            | Valenzuela, Shana           |                        |
| Sheffield, Ana            | Vecchi, Cas                 |                        |
| Shiozaki, Allison Nemenyi | Veras, Kelli                |                        |
| Silinski, Shanyn          | Vicente, Noelani            |                        |
| Simbre, Courtney          | Vincent, Jontei             |                        |
| Simmons, Seq'hiya         | Wai                         |                        |
| Sleightholm, Jennifer     | Waiyanuhea, Lorraine        |                        |
| Smart, C                  | Waite, Bhaj                 |                        |
| Smith, Brady              | Walund, Sage                |                        |
| Smith, Elle               | Waracka, Amber              |                        |
| Smith, Karina             | Watts, Angel                |                        |
| Smith, Maureen            | Welch, Kalana               |                        |
| Smith, Melissa            | Whaken, Ariana              |                        |
| Soares, Robert            | Whigham, Ammon              |                        |

# **Responses to Draft EIS Comments**



## Appendix D

# RESPONSES TO DRAFT EIS COMMENTS

This appendix contains all public and government agency comments submitted during preparation of this EIS, and responses to the comments. Section 1.6 of the EIS summarizes the public input process for the EIS. The 60-day public comment period for the Draft EIS began on April 8, 2022 and ended June 7, 2022. Oral and written comments were received. Following the guidance in the NEPA and HEPA regulations for EIS public input, the EIS preparers reviewed all submissions and identified substantive comments. Responses have been prepared for the substantive comments, and where substantive comments were used to refine text in the EIS is generally noted in the responses.

Commenters are directed to **General Response 1** for comments not considered to be substantive, which acknowledges that the comment was received and reviewed.

### **General Response 1**

Thank you for providing input to the ATR PTA Draft EIS. The Draft EIS was prepared to analyze the potential environmental impacts of the proposed action and alternatives presented, based on public comments during the scoping process. In determining whether a comment on the Draft EIS is substantive, the EIS preparer “consider[ed] the validity, significance and relevance of the comment to the scope, analysis or process of the EIS (HAR Section 11-200.2-26[a]).” For the Draft EIS, comments considered substantive and provided with specific responses are those that pertain to the proposed action, submitted alternatives, information, and analyses and the summary thereof; present new, reasonable, alternatives or changes to an alternative; provide new information relevant to the analysis; question the accuracy of specific information and provide a rationale for questioning accuracy; or question the methodology and/or assumptions used in the analysis and provides support with specific reasons to question the methodology. Statements not considered to be substantive do not pertain to the proposed action or alternatives; pertain to locations or activities at PTA, but outside of State-owned Land; pertain to impacts associated with activities at PTA, but outside of State-owned Land and not associated with the proposed land retention action; comment about general military, policy, actions, or impacts; comment on landownership issues outside the context of State and federal laws; recommend use of land that does not support the purpose and need; or that provide broad, open-ended questions.

## Responses to Draft EIS Comments

| Commenter  | Submitted By                   | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Response                                                                                                                                                                                                                             |
|------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| James Kwon | U.S. Fish and Wildlife Service | <p>Dear PTA Project Team: The U.S. Fish and Wildlife Service (Service) received your notification of the opportunity for agency comment on March 28, 2022, for review of the U.S. Army's (Army) Draft Environmental Impact Statement (DEIS) for Army Training Land Retention (ATLR) at Pohakuloa Training Area (PTA), Hawaii Island, Hawaii. The Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA in support of continued military training. The Service offers the following comments to assist you in your planning process so that impacts to trust resources can be addressed. Our comments are provided under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C 1531 et seq.). Based on review of the documents provided, ATLR PTA DEIS Volumes I and II, and information in our files, we offer the following comments for your consideration. The proposed action is a real estate action that would enable the continuation of ongoing activities (military training; facility, utility, and infrastructure maintenance and repair activities; resource management actions; and associated activities such as emergency services) on State-owned land. Alternatively, no new activities (e.g., military construction, operations and maintenance, training) are proposed. Impacts of ongoing activities to threatened and endangered species and designated critical habitat are addressed by existing consultations in accordance with section 7 of the ESA (Enclosure).</p>                                                     | <p>Thank you for noting that existing consultation, in accordance with section 7 of the ESA, covers ongoing activities at PTA.</p>                                                                                                   |
| James Kwon | U.S. Fish and Wildlife Service | <p>Enclosure – List of Recent ESA Section 7 Consultations at PTA USFWS. 2003. Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light)(12200- 2003-F-0002). . 2007. Informal Section 7 Consultation on the Disposal of Two High Explosive Rounds at Pohakuloa Training Area (12200-2007-I-0088). . 2008. Reinitiation of Formal Section 7 Consultation for Additional Species and New Training Actions at Pohakuloa Training Area, Hawaii (12200-2008-F-0278). . 2013. Informal Consultation and Formal Consultation with a Biological Opinion for the Construction, Maintenance, and Operation of an Infantry Platoon Battle Area and Installation-wide Impacts of Military Training on Hawaiian Geese (<i>Branta sandvicensis</i>) at Pohakuloa Training Area, Hawaii (01EPIF00-2012-F-0241). . 2013. Informal Consultation for Urban Close Air Support, Pohakuloa Training Area, U.S. Army, Hawaii (01EPIF00-2013-I-0364). . 2013. Informal Consultation for Four New Landing Zones, Pohakuloa Training Area, U.S. Army, Hawaii (01EPIF00-2013-I-0363). . 2014. Informal Consultation for Exploratory Well Hole No. 2 in the Keamuku Maneuver Area, Hawaii (01EPIF00-2014-I-0083). . 2017. Biological Opinion for Installation of Sewer Line Through Pohakuloa Training Area Interpretive Garden (01EPIF00-2017-F-0306). . 2020. Informal consultation for Predator Control at Band-rumped storm petrel colony during the breeding season, Pohakuloa Training Area, Hawaii (01EPIF00-2020-I-0286).</p> | <p>We appreciate confirmation of the existing Army consultation for activities at PTA. Those that pertain to species and/or activities on the 22,750 acres of State-owned land proposed for retention are the focus of this EIS.</p> |

## Responses to Draft EIS Comments

| Commenter     | Submitted By                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jean Prijatel | U.S. Environmental Protection Agency | <p>The DEIS emphasizes that the Proposed Action is a real estate action that would enable continuation of ongoing activities on the retained State-owned land; however, the DEIS does not evaluate or specify how impacts would differ among the potential land retention estates (title, lease, easement, and license). The decision on the type of land retention estate to be used is deferred to the period after the Record of Decision is signed when the Army negotiates with the State regarding this decision. The impact assessment is based on land retention via title (ownership through fee simple title) only, reasoning that this option would have the most impacts because it would not include potential conditions associated with the other land retention estates.</p>                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>The impact assessment requirement under the National Environmental Policy Act is meant to inform decision-makers of impacts prior to decision-making. The DEIS evaluates the question of how much land would be retained, but not how the land would be retained. Both questions will be the subject of decision-making; therefore, we recommend both questions be considered in the impact assessment, particularly because it is not clear whether the post-ROD negotiation and decision-making process would include the opportunity to compare impacts or allow for public involvement. We recommend the final EIS include discussions for those resources where important impact differences exist among land retention methods. We suggest this occur for environmental justice, and for impacts from munitions and explosives of concern (MEC), which includes unexploded ordinance, discarded military munitions, and munitions constituents, but other resource areas may also call for such evaluation. Please see our attached detailed comments for additional discussion of our suggestions on this and other topics, including cultural resources and climate change effects.</p> | <p>Selection of the land retention estate(s) and method(s), and any associated State terms, would occur after completion of the Record of Decision and would not be subject to public involvement. The Army anticipates the EIS and ROD to cover the range of impacts that would occur under any selected land retention estate and method, and any associated State terms would only decrease adverse impacts or increase beneficial impacts.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p>                                                                                                                                                                                                                                 |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>Impacts from Land Retention Methods We note that the DEIS is a joint federal and state impact assessment and the Hawaii EIS Preparation Notice in 2020 indicated that the DEIS would only evaluate title (full ownership), because that land retention method would result in the greatest impacts. Our scoping comments (October 8, 2020) suggested that alternatives could be created to compare impacts of the different possible retention methods; however, the DEIS states that the appropriate land retention estate and method would be determined after the EIS process during negotiations with the State of Hawaii. It is not clear whether any impact assessment would be part of the post-EIS negotiations and decision-making, nor whether the public would be invited to comment.</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>Selection of the land retention estate(s) and method(s), and any associated State terms, would occur after completion of the Record of Decision and would not be subject to public involvement. The Army anticipates the EIS and ROD to cover the range of impacts that would occur under any selected land retention estate and method, and any associated State terms would only decrease adverse impacts or increase beneficial impacts.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p>                                                                                                                                                                                                                                 |

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| Jean Prijatel | U.S. Environmental Protection Agency | There are important differences in potential impacts from different land retention methods for at least two impact areas: environmental justice and MEC (munitions and explosives of concern, which includes unexploded ordinance, discarded military munitions, and munitions constituents). We recommend these impacts be disclosed and compared in the FEIS, even if not evaluated as full NEPA alternatives. Our concerns and recommendations are discussed below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Jean Prijatel | U.S. Environmental Protection Agency | Environmental Justice We appreciate the discussion in the DEIS regarding the history of land tenure, documented in the Land Use section. There are continuing effects from this history that weigh on members of the Native Hawaiian community, expressed through comments during scoping, that are not captured in the EIS; these remarks were reiterated during public meetings for the DEIS. 1 These comments reference cultural attachment to the land, distress that their native lands were wrongly taken, and a general sense of historical inequity. The comments specifically describe the \$1.00 fee paid by the Army in 1964 for the 65-year lease as an example of inequity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EIS revised to better characterize, and mitigate as available, the continued effects on Native Hawaiians in the broader context of historic inequities, cultural land values and access to traditionally important or sacred sites.<br><br>EIS revised to clarify the actions PTA has been taking to strength its relationships with the Native Hawaiian community.<br><br>NEPA and other environmental planning documents and existing management measures can be found in Appendix E.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Jean Prijatel | U.S. Environmental Protection Agency | While the post-EIS negotiations could offer the opportunity to remedy historical injustices, without a clear documentation of differing impacts among land retention options in the EIS, some impacts may not be fully considered. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.<br><br>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.<br><br>EIS revised to better characterize the continued effects in the broader context of historic inequities, cultural land values, and access to traditionally important sacred sites. |
| Jean Prijatel | U.S. Environmental Protection Agency | Recent Executive Orders direct the entire Federal Government to advance equity and racial justice for underserved communities including Native Hawaiian/Pacific Islander communities. Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021) directs federal agencies to evaluate whether their policies produce racially inequitable results when implemented, and to make the necessary changes to ensure underserved communities are properly supported. Executive Order 14031: Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders (May 28, 2021) seeks to eliminate barriers to equity and justice for these populations. We also note that the Department of Defense's Equity Action Plan, pursuant to EO 13985, includes a strategy "to advance equity and rectify past harms" resulting from environmental and other impacts from defense activities on ancestral lands. 2 These directives and DoD's Equity Action Plan should be considered in the context of the project to help guide decision-making. | Thank you for your comment. Please see Section 3.11 of the EIS for information on Environmental Justice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| Jean Prijatel | U.S. Environmental Protection Agency | Additionally, the guidance document Promising Practices for EJ Methodologies in NEPA Reviews 3 may be helpful to consult when determining how non-chemical stressors (e.g., chronic stress related to environmental or socio-economic impacts) amplify impacts. "The cumulative ecological, aesthetic, historic (emphasis added), cultural, economic, social, or health effects of a proposed action can arise from and also include non-chemical stressors" (Promising Practices, p. 32).                                                                                                                                                                                                                                                                | <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> <p>EIS revised to better characterize the continued effects in the broader context of historic inequities, cultural land values, and access to traditionally important sacred sites.</p> |
| Jean Prijatel | U.S. Environmental Protection Agency | Recommendations: In the FEIS, consider how the permanent loss of State land through fee simple retention differs from retention through non-permanent mechanisms such as leases, etc. and discuss impacts related to these land retention mechanisms. Consider how these mechanisms could be received by the public, including communities with environmental justice concerns, in the unique historic context of the affected environment.                                                                                                                                                                                                                                                                                                               | <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> <p>EIS revised to better characterize the continued effects in the broader context of historic inequities, cultural land values, and access to traditionally important sacred sites.</p> |
| Jean Prijatel | U.S. Environmental Protection Agency | We recommend that conclusions regarding environmental justice impacts attempt to reflect the mental and emotional health impacts and the larger cumulative sense of loss and injustice, and not only the impacts to specific resources (e.g., transportation, recreation/hunting, or to cultural resource access). After reviewing comments on the DEIS and identifying these additional military land use impacts on environmental justice, identify mitigation measures in the FEIS. Examples could be establishing regular communication channels to strengthen relationships with the Native Hawaiian community, and in consultation, exploring other State-owned military lands that may be underutilized and could be repurposed for community use. | <p>EIS revised to better characterize, and mitigate as available, the continued effects on Native Hawaiians in the broader context of historic inequities, cultural land values and access to traditionally important or sacred sites.</p> <p>EIS revised to clarify the actions PTA has been taking to strengthen it's relationships with the Native Hawaiian community.</p> <p>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| Jean Prijatel | U.S. Environmental Protection Agency | <p>Munitions and Explosives of Concern It appears that lease conditions could offer some resource protections regarding MEC that would be absent under fee simple retention. The DEIS does not include a discussion of the differences in management of MEC under fee simple ownership by the Army – pursuant to the Resource Conservation and Recovery Act (RCRA) Military Munitions Rule – and under a lease with the State that could contain conditions to address contamination while the range is still active. While future negotiated lease conditions are not known, some reasonable assumptions can be made for the purposes of the assessment. The DEIS includes such assumptions, for example on page 3-83 it states, "If the State-owned land were to be retained via lease, it is assumed a lease compliance monitoring plan would be implemented by [Department of Land and Natural Resources] to confirm lease compliance, particularly with respect to military munitions and MEC." Statements like these in the DEIS allude to possible differences in environmental impacts from MEC under different land retention methods, but the impacts are not assessed nor presented in a manner that evaluates their comparative merits.</p> | <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some U.S. Government-owned facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> <p>Army standards for managing munitions and explosives of concern are the same regardless of the land retention estate. EIS revised where applicable based on assumed lease/easement conditions and applicable State processes/administrative requirements for managing munitions and explosives of concern on the State-owned land retained via lease.</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p> |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>Recommendation: Include a table or discussion in the FEIS that presents a comparison of impacts from managing unexploded ordinance, discarded military munitions, and munitions constituents for the different land retention methods. Identify assumptions as applicable.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Army standards for managing munitions and explosives of concern are the same regardless of land retention estate. Section 3.5 revised to identify differences for managing munitions and explosives of concern on retained State-owned land based on assumed State conditions for the different land retention estates.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>The DEIS identifies long-term, adverse impacts associated with ongoing training activities (p. 128), 4 but concludes that these impacts would be moderate but less than significant under its current management and mitigations via Army cultural resource programs and the 2018 Programmatic Agreement pursuant to the National Historic Preservation Act. Impacts to traditional and customary practices and cultural access were evaluated for the first time in the DEIS and determined to be long-term, adverse and significant due to current access restrictions (p. 3-63). The DEIS conclusion is "significant but mitigable" with mitigation being consultation with Native Hawaiians and providing access to promote and protect cultural beliefs, practices, and resources. While the cultural resources section does not state whether this mitigation would reduce impacts to less than significant, the environmental justice section of the DEIS concludes that providing access for traditional and customary practice would reduce impacts for cultural resources to less than significant (p. 3-152).</p>                                                                                                                         | <p>The Environmental Justice Section 3.11 in the EIS has been updated to align with the information in the Cultural Resources Section 3.4.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Jean Prijatel | U.S. Environmental Protection Agency | <p>It is unclear whether this conclusion is supported by the Native Hawaiian community. For example, for Makahiki, a ceremonial practice, the Cultural Impact Assessment reveals that Native Hawaiian practitioners have continuously sought access within the project area, and in recent years, practitioners have been allowed limited day access with escorts to conduct the ceremony (App. E p. 310).</p> <p>Recommendation: Disclose in the FEIS whether the impacted Native Hawaiian community agrees that proposed mitigation is sufficient to conclude impacts to access are less than significant. We recommend continued coordination with Native Hawaiian practitioners to ensure mitigation measures allow for the most authentic practice during access opportunities, and a commitment to such measures in the Record of Decision.</p> | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>According to the Army Climate Assessment Tool, drought is by far one of the greatest climate change threats to PTA and is predicted to be the greatest threat by 2050 (p. 3-91). The DEIS also states that wildfire risk at PTA is relatively low, despite other statements that "wildfires at PTA are considered frequent and the average yearly wildfire occurrence from 2012 through 2017 was 37 per year" (p. 3-205). The DEIS acknowledges the connection between fires and military activity; however, the climate change analysis does not mention increased wildfire risk, nor its connection with predicted increased drought at PTA.</p>                                                                                                                                                                                                 | <p>Section 3.6.4 revised to include PTA-specific wildfire information, which is not in the Army Climate Assessment Tool. Sections 3.6.4 and 3.6.6 revised to note that predicted increased drought has the potential to result in increased wildfires, which would impact local air quality.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>The DEIS also states that unlike the criteria pollutants, greenhouse gases (GHGs) are global pollutants that have no impact on local and regional air quality (p. 3-89). While it's true that GHGs are pollutants with global impact, the sentence as written implies GHG emissions are not a local or regional concern, despite indirect air quality impacts from climate change caused by GHGs. We note that the 2018 Intergovernmental Panel on Climate Change Report 5 indicates that regions that experience excessive periods of drought and higher temperatures will have increased frequency of wildfires and more windblown dust from soils. It also states there is robust evidence from models and observations that climate change is worsening ozone pollution.</p>                                                                   | <p>Section 3.6.3 (Region of Influence) revised to include local impacts from climate change.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>The criterion used to assess whether an alternative would result in potential significant impacts on GHG emissions is the "extent or degree to which an alternative would meaningfully (measurably) contribute to the potential impacts of global climate change" (p. 3-92). This is not a reasonable methodology for a cumulative impact such as climate change and does not appear to be consistent with the 2016 CEQ climate change guidance ("CEQ recognizes that the totality of climate change impacts is not attributable to any single action, but are exacerbated by a series of actions").</p>                                                                                                                                                                                                                                           | <p>Section 3.6.5 greenhouse gas emissions significance criteria revised as follows: "The criteria considered to assess whether an alternative would result in potential significant impacts on climate change include the following:</p> <ul style="list-style-type: none"> <li>• Comparison of the extent or degree to which the Proposed Action alternatives would emit greenhouse gases. Although there are no recognized thresholds for when greenhouse gas emissions would be significant, it can be assumed that Proposed Action alternatives with greater greenhouse gas emissions would have a greater contribution to the cumulative impact of ongoing global climate change.</li> <li>• Consideration of impacts on the Proposed Action alternatives from ongoing changes to climate patterns. Such impacts would be significant if future climate patterns impaired or precluded an aspect of a Proposed Action alternative."</li> </ul> |
| Jean Prijatel | U.S. Environmental Protection Agency | <p>Recommendation: Include a discussion of wildfire risk, and its relation to drought and air quality in the climate change impact analysis in the FEIS .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Section 3.6.4 revised to include PTA-specific wildfire information, which is not in the Army Climate Assessment Tool. Sections 3.6.4 and 3.6.6 revised to note that predicted increased drought has the potential to result in increased wildfires, which would impact local air quality.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| Jean Prijatel    | U.S. Environmental Protection Agency                         | Clarify the statement regarding GHGs and how they relate to local air quality impacts to include the indirect impacts to local air quality identified above and in the IPCC Report. We recommend improving the impact assessment and conclusions by discussing GHG emissions relative to State GHG emission reduction targets, consistent with CEQ Guidance, and how current training can reduce emissions going forward.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Section 3.6 revised to include the Army's Climate Strategy, DoD Climate Adaptation Plan, and solar panels at PTA ranges.</p> <p>Section 3.6.2 revised to note the Hawaii greenhouse reduction plan in Hawaii Administrative Rules 11-60.1-201 is not applicable to PTA because it is for sources that emit at least 100,000 tons per year of CO<sub>2</sub>e, whereas PTA only has the potential to emit less than 2,600 tons per year of CO<sub>2</sub>e and its actual emissions are much less.</p> <p>Section 3.6.6 revised to note that predicted increased drought has the potential to result in increased wildfires, which would impact local air quality. Section 3.6.6 revised to clarify PTA would continue to implement existing BMPs to reduce greenhouse gas emissions.</p> |
| Jean Prijatel    | U.S. Environmental Protection Agency                         | Utilities - Wastewater The DEIS states that portable latrine facilities are permanently sited at the Battle Area Complex (p. 3-195). We understand that State of Hawaii regulations generally prohibit the use of portable toilets in permanent situations (See section 11-62-06(e) of Hawaii Administrative Rules) . 7 Recommendation: Work with the Hawaii Department of Health to confirm approval of the permanent portable latrines and include this information in the FEIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Section 3.15.2 updated to include state regulations for portable latrines. Section 3.15.4 revised to include additional information on the portable latrines at the BAX, which are permanent and not permitted. PTA works with Hawaii Department of Health to maintain installation compliance with wastewater system regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Mary Alice Evans | State, DBEDT, Office of Planning and Sustainable Development | The Office of Planning and Sustainable Development (OPSD) has reviewed the transmitted material, and have the following comment to offer: 1. Coastal Zone Management Act (CZMA), Federal Consistency We acknowledge that Section 3.2.2, page 3-6 of the DEIS declares the need for a CZMA federal consistency review. The DEIS states "Section 307 of the federal CZMA requires federal agency activities and development projects affecting any coastal use or resource to be undertaken, in a manner consistent to the maximum extent practicable, with a state's CZM program." It goes on to affirm that the Army has initiated coordination with the State to meet CZM consistency review requirements. We can confirm that the USAG-Hawai'i federal consistency determination for the Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai'i was received on July 23, 2021 and that our office deemed it to be incomplete by written notice dated July 27, 2021, in accordance with 15 CFR § 930.41(a). Our office received no further response or information. Please provide your consistency determination in accordance with Subpart C of 15 CFR 930. The CZMA federal consistency review period can begin upon our receipt of all necessary information. | The Army has submitted its application for federal consistency review in accordance with Subpart C of 15 CFR 930, Federal Consistency with Approved Coastal Zone Management Programs, to the State of Hawaii Office of Planning and Sustainable Development. The office will review and provide its determination that the Proposed Action will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Zone Management Program.                                                                                                                                                                                                                                                                                         |
| Mike Carberry    | Hawaii State DoD                                             | Concerned with the term - "negligible adverse impacts" who is making use of this term and has these negligible impacts been determined by any regulatory authority that they are indeed negligible? Any increase in impervious surfaces will increase stormwater runoff and increase depositional movement of sediment, nutrients, etc - including movement of trace metals. Where is the wastewater being discharged?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The characterization of existing conditions for water resources is based on information presented in Section 3.9.4.1 and impact terms presented in Section 3.1.4. No regulatory assessment of existing conditions is available, which is normally the case.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Karl Bromwell    | Hawaii State DoD                                             | In general, there could be further indetification of the required clean-up effort necessary in the No Action Alternative column. For example under land use the beneficial impact identified under the No Action Alternative would not be realized by human receptors in the long-term 10-15 years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Table 3-24, Potential Environmental Impacts, has been revised. The table relies on refined text from Section 2.2.4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Alexa Jacroux    | Hawaii State DoD                                             | All maps - Recommend representing Bradshaw Army Airfield and FARP's as a linear or point feature instead of as an area on all maps.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | The presentation of Bradshaw Army Airfield and FARPs on the figures is based on the Army's GIS data. No change is necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Alexa Jacroux    | Hawaii State DoD                                             | Recommend adding Cooper Air Strip and BAAF to maps                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Bradshaw Army Airfield is presented on the figures in the EIS when relevant. Cooper Air Strip is not identified on the maps in the EIS due to operational security concerns, as noted in Section 2.1.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Alexa Jacroux    | Hawaii State DoD                                             | Figure 3-12 clean up legend                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Inconsistent capitalization revised in legend.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Alexa Jacroux    | Hawaii State DoD                                             | Figure 3-14 a map with simple, legible labels and a legend would be helpful.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Figure 3-14 has been revised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Responses to Draft EIS Comments

| Commenter   | Submitted By     | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Shawn Naito | Hawaii State DoD | Recommend identifying Ammunition Holding Areas, Ammunition Supply Points, and Explosive Safety Quantity Distance (ESQD) as applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Ammunition supply point and ammunition holding areas are not identified on Figure 2-1 for operational security reasons, as noted in Section 2.1.1. Explosive Safety Quantity-Distance arcs are not identified on Figure 2-1 because they are not facilities. Explosive Safety Quantity-Distance arcs are identified in Figure 3-25.                                                                                                                                        |
| Shawn Naito | Hawaii State DoD | For Alternatives/Screening criterion, recommend adding a short description for criterion at the top of the table. E.g. Criterion 1: Collective Training; Criterion 3: Long-Term Access; Criterion 4: Long Range/Ind Weapons; Criterion 5: Cost Effectiveness                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Map font resolution has been improved.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Andrew Choy | State, DHHL      | <p>History of Land Ownership</p> <p>DHHL appreciates that the DEIS references DHHL ownership of TMK (3) 3-8-001:103 &amp; (3) 3-8-001:022 (approx. 250 acres) and as such these parcels are under the jurisdiction of the Hawaiian Homes Commission. The DEIS should mention and acknowledge that the subsequent leasing of these two TMK parcels by the State Board of Land and Natural Resources (BLNR) to the Army without the consent of the Hawaiian Homes Commission was and unauthorized use of Hawaiian Home Lands. Further, the DEIS should note that the re-issuance of a 65-year lease by the BLNR to the US Army cannot move forward until this matter is resolved to the satisfaction of the Hawaiian Homes Commission.</p> | <p>EIS Section 3.2.4.1 describes the land ownership of these two TMKs as "owned by the State and managed and administered by DHHL", which is based on the best information of the U.S. Government.</p> <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p> |
| Andrew Choy | State, DHHL      | In order to resolve the issue, the applicant and approving agency should allocate their own time and resources to conduct a robust and meaningful consultation process with the Hawaiian Homes Commission and its native Hawaiian beneficiaries on proposals to resolve the matter of unauthorized use of Hawaiian Home Lands. DHHL staff time and resources should be prioritized to implement the Hawaiian Homes Commission Act rather than be used to clean-up the historic mistakes of other agencies.                                                                                                                                                                                                                               | <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p> <p>Consultation with Hawaiian Homes Commission and its native Hawaiian beneficiaries to resolve use of State-owned land is beyond the scope of this EIS.</p>                                           |

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| Commenter      | Submitted By                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Andrew Choy    | State, DHHL                  | <p>Hazardous and Toxic Materials and Wastes</p> <p>The EISPN for this project acknowledged the presence of hazardous materials within the project area of PTA including the presence of uranium and other harmful substances. Hazardous materials like uranium may decompose over time into tiny sediment particles. The DEIS references a short-term air monitoring program at PTA during January 2006 and 2007 to determine the impact of fugitive dust from training and activities at PTA. As a neighboring land owner, DHHL is very concerned that the presence of hazardous materials within the project area when decomposed could easily be transmitted to neighboring lands via wind, rain run-off, and other methods. Water table testing and air quality testing should be part of a long-term monitoring program incorporated into PTA activities. Annual reports of air quality monitoring and water table testing should be submitted to the State DOH and DHHL.</p> <p>Relationship to Plans, Policies, and Controls DHHL Appreciates references to its related plans and policies.</p> | <p>Section 3.5.4.11 notes that the migration of munitions constituents at PTA is limited due to limited surface water and groundwater pathways because of low rainfall, lack of perennial streams, and the deep depth to the groundwater aquifer.</p> <p>Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land. Section 3.5.6 notes the Army would continue to follow the Nuclear Regulatory Commission-approved Safety and Environmental Radiation Monitoring plans to monitor for potential depleted uranium migration. Conditions of the Nuclear Regulatory Commission-approved Safety and Environmental Radiation Monitoring plans clarified in Section 3.5.4.12.</p> <p>Section 3.6.4 revised to note that activities within the State-owned land have changed some since fugitive dust monitoring was conducted in 2006-2007; however, the type and quantity of activities have not significantly changed so fugitive dust generation is expected to be comparable to the 2006-2007 monitoring event. The fugitive dust monitoring was discontinued in 2007 because a year of monitoring showed the levels to be well below state and federal limits. There are no planned changes to training activities or frequency in the State-owned land.</p> <p>Section 3.6.4 revised with requirements for control of fugitive dust in Hawaii Administrative Rules Section 11-60.1-33. Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p> <p>Under the Proposed Action, the Army would continue to manage hazardous substances and hazardous wastes in accordance with applicable Army, federal, and state regulations.</p> <p>Section 3.9.4 revised to clarify that there are no groundwater wells within the State-owned land or impact area. PTA has no groundwater extraction wells.</p> |
| Kristen Caskey | State, DOH, Clean Air Branch | <p>Aloha, Thank you for the opportunity to provide comments on the subject project. Based on review of the Army Training Land Retention at Pohakuloa Training Area Draft EIS, CAB has no further comments at this time. Please see our standard comments at: <a href="https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022.pdf">https://health.hawaii.gov/cab/files/2022/05/Standard-Comments-for-Land-Use-Reviews-Clean-Air-Branch-2022.pdf</a></p> <p>Please let me know if you have any questions or concerns.</p> <p>--- Kristen Caskey, EHS <a href="mailto:Kristen.caskey@doh.hawaii.gov">Kristen.caskey@doh.hawaii.gov</a><br/>Clean Air Branch Hawaii State Department of Health</p>                                                                                                                                                                                                                                                                                                                                                       | <p>We understand that the Hawaii State Department of Health Clean Air Branch has provided their standard comments, and has no further comments at this time. Text added to EIS Section 3.6 regarding requirements for control of fugitive dust in Hawaii Administrative Rules Section 11-60.1-33.</p> <p>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project BMPs are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| Commenter      | Submitted By            | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Sven Lindstrom | State, DOH, HEER Office | <p>1. Although the lease agreement states that the Government will have 60 days to clean up unexploded ordnance (UXO) and munitions debris (MD) after surrendering the land back to the state, this is not sufficient time to conduct a thorough evaluation and cleanup of munitions hazards at the site. The HEER Office oversees clean-up activities at DoD sites in Hawaii under a DoD-State Memorandum of Agreement (DSMOA) Cooperative Agreement. The HEER Office does not oversee clean-up at active ranges. Cleanup of former munitions site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process required by DoD takes years, sometimes decades to complete. Investigation of potential munitions hazards and clean-up while the Army still controls the property is preferable so that the State will not be forced to wait an indeterminant amount of time to recover the property following the expiration of the lease agreement. The HEER Office recommends that language be included in the DEIS to encourage the Army to begin munitions response activities on the state-owned land as soon as possible. In the event that the lease is extended, the HEER Office recommends that a requirement be included in the lease to conduct ongoing UXO investigations and clean up during the lease period and a final UXO cleanup prior to the return of the land to the State.</p> | <p>The Army agrees that 60 days is not sufficient time to conduct appropriate cleanup activities. In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>Section 3.5 revised with relevant information regarding the Department of Defense and State Memorandum of Agreement Cooperative Agreement, which does not apply until the remediation process begins.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p>                                                                                                             |
| Sven Lindstrom | State, DOH, HEER Office | <p>2. The DEIS references an Environmental Condition of Property (ECOP) study, but this document was not made available on the project website. The HEER Office requested this document from Army Garrison Hawaii, but it was not provided. According to the DEIS, the ECOP identified potential munitions-related hazards on the state-owned land, as well as other potential environmental hazards. The HEER Office recommends that the Army address all of these hazards and provide documentation to the HEER Office for our records. The sites that are described as former Munitions and Explosives of Concern (MEC) sites or ranges should be assessed and cleaned-up under CERCLA since the Environmental Protection Agency (EPA) Military Munitions Rule only exempts operational ranges for EPA regulations. If a new lease is to be prepared for the state-owned land, the HEER Office recommends that a requirement of the lease include the identification and cleanup of all environmental hazards on the state-owned land.</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>The purpose of the Environmental Condition of Property report is to establish baseline environmental conditions at PTA, and the report was prepared to formulate an opinion of the environmental condition of the Subject Site (State-owned land leased by the Army). To the extent feasible, the Army has made relevant resources available to the public. Additional Army documents are located at:<br/><a href="https://home.army.mil/hawaii/index.php/ptaeis/public-info">https://home.army.mil/hawaii/index.php/ptaeis/public-info</a>.</p> <p>Comment noted. The Army will work with HDOH, HEER to address potential future remediation activities in accordance with CERCLA.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur in State-owned land not retained, following the CERCLA process.</p> <p>As an operational range, PTA is under the Military Munitions Rule. After the lease expires, State-owned land not retained would no longer be under the Military Munitions Rule.</p> |

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| Sven Lindstrom | State, DOH, HEER Office | <p>3. Section 1.2.5 of the DEIS states that more than 20,000 acres of the state-owned land is designated as "maneuver area." The HEER Office recommends that this area be investigated for historic munitions use prior to the end of the lease and cleaned-up if necessary. In fact, Section 3.5.4.11 states that "there is a potential for MEC to be found anywhere on the State-owned land," so this recommendation should extend to all the state-owned land. The HEER Office also recommends that any future lease include a requirement to investigate and cleanup munitions across the state-owned land, including at current and former maneuver areas, and to restrict future activities in maneuver areas on state land such that munitions use is not allowed or requires cleanup following use.</p>                             | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>As an operational range, PTA is regulated by the Military Munitions Rule. After the lease expires, State-owned land not retained would no longer be under the Military Munitions Rule.</p> <p>EIS revised to state the lease requires the Army to make every reasonable effort to remove or deactivate all live and blank ammunition from completion of a training exercise or prior to entry by the public, whichever is sooner. The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>As noted in Section 1.5.2, State decisions following acceptance of the EIS may include the land retention estates and methods as well as associated terms (e.g., lease compliance conditions) in any new real estate agreement.</p> |
| Sven Lindstrom | State, DOH, HEER Office | <p>4. Figure 1-3 depicts many "Firing Points" located within the state-owned land, with the impact area located on Federal Government property to the south. According to Section 2.1.2, 91% of the firing points at the Pohakuloa Training Area are on the state-owned land. Munitions Constituent (MC) contaminants such as heavy metals, explosives, and propellants are often associated with firing points; discarded military munitions (DMM) can also sometimes be found at or near firing points. The HEER Office recommends investigating and cleaning up of these firing points prior to the end of the current lease period and, should the lease be extended, making ongoing investigation and cleanup of firing points a requirement of the new lease agreement.</p>                                                           | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>As an operational range, PTA is regulated by the Military Munitions Rule. After the lease expires, State-owned land not retained would no longer be under the Military Munitions Rule.</p> <p>EIS revised to state the lease requires the Army to make every reasonable effort to remove or deactivate all live and blank ammunition from completion of a training exercise or prior to entry by the public, whichever is sooner. The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>As noted in Section 1.5.2, State decisions following acceptance of the EIS may include the land retention estates and methods as well as associated terms (e.g., lease compliance conditions) in any new real estate agreement.</p> |
| Sven Lindstrom | State, DOH, HEER Office | <p>5. Section 3.5.4 discusses the findings of the ECOP. Several of these sites, including the Former Bazooka Range(s), the Former Tank Gunnery Range, the Potential Former Burn Pan, and the Former Davy Crockett Weapons System Range are not in HEER Office's files. The HEER Office recommends that the Army provide documents for these sites to the HEER Office and engage the HEER Office regarding the investigation and cleanup of these sites. The HEER Office recommends that cleanup of all the sites in the ECOP on state-owned land, including potential depleted uranium contamination associated with the former Davy Crockett range, be conducted prior to returning the land to the State. The HEER Office further recommends that investigation and cleanup of these sites be prioritized in any new lease agreement.</p> | <p>The Army will collaborate with DOH, HEER Office in a good faith effort about how it manages active ranges.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>As an operational range, PTA is regulated by the Military Munitions Rule. After the lease expires, State-owned land not retained would no longer be under the Military Munitions Rule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Sven Lindstrom | State, DOH, HEER Office                       | 6. Section 3.5.6.4" Please clarify here and elsewhere in the document (e.g., Section 3.8.6.4) that in the event of a No Action Alternative, the Army would retain responsibility for ongoing management of the POTA-06 former landfill on the state-owned land and an agreement will be required to allow the Army access for necessary inspection and maintenance of the controls at that site. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sections 3.5.6.4, 3.8.6.4, and 3.15.6.4 revised to State the Army would maintain ongoing management of the POTA-06 former landfill on State-owned land if the No Action Alternative is selected, pending an agreement allowing the Army access for necessary inspection and management. When the lease expires, maintenance of the landfill and land use controls may be negotiated in the transfer of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sven Lindstrom | State, DOH, HEER Office                       | 7. Table 3-24 describes conditions under Alternative 1 as "Adverse impacts from continued contamination but minimized with the management of MEC and radioactive contaminants." Please include a description of current management of MEC and radioactive materials on the state-owned land. Previous descriptions of these hazards did not describe any active management of these hazards other than possibly restricted access. ??                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Sections 3.5.4.11 and 3.5.4.12 have been revised to include a more robust description of current management of MEC on State-owned land, which includes the Nuclear Regulatory Commission license and DoD Manual 4140.72.</p> <p>Section 3.5.4.12 revised to clarify that the State-owned land only includes one depleted uranium firing location, the State-owned land does not include the four depleted uranium impact locations, and surveys did not identify any indication of depleted uranium-containing materials on the State-owned land. No radioactive materials are used on the State-owned land.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p>                                                                                          |
| David Smith    | State, DLNR Division of Forestry and Wildlife | Subject: Hawaii Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) Comments on PTA Draft EIS Alternatives The following reflects input from Administrative and Hawaii Branch staff on the PTA Draft EIS Alternatives. Staff members prefer Alternative 2 or Alternative 3. Both would allow for better public and resource management access in the area. Under Alternative 2, all leased land north of Daniel K. Inouye Highway (DKI) (a total of 3,300 acres) would be excluded from the lease renewal, returned to DLNR, and added to the Mauna Kea Forest Reserve and Kaohe Game Management Area (GMA). The PTA water tanks north of DKI should be carved out and retained by PTA. This will allow access to the forest reserve and game management area from DKI. Currently, the gates are locked from DKI. This will allow for access to hunting, recreation, and federally mandated sheep and goat removal. Alternative 3, which excludes training areas 1, 2, 10, 11, 16, 17, 19, 20, 21, and 22 from the lease, for a total of 12,900 acres would provide the above access and activities, and would further provide additional lands for management of native species and ecosystems, including Threatened and Endangered (T&E) species, forest management, and forest and outdoor recreation, including public hunting. There may be additional areas not included in Alternative 3 that would provide additional opportunities to protect and manage natural, cultural, and recreational resources if they were included in this alternative. This should be further discussed with DLNR/DOFAW. Training areas 20 and 22 are adjacent to portions of the Pu'u Anahulu GMA contain some of the highest concentration of T&E species in the area along with the highest quality forest and shrubland. Training action could pose threats to those resources. The Anahulu I conservation area contains six endangered species and at least six locally rare species (or species of concern). All lands that are to be excluded from the lease renewal should be swept for UXO and other hazardous materials prior to returning the lands to DLNR. | <p>Thank you for sharing your preference and perspective regarding Alternatives 2 and 3 and how they provide greater access opportunities.</p> <p>Comment under advisement. Alternative 3 is the minimum land retention area to meet the Army's purpose and need; however, the request to include additional lands will be considered in decision making.</p> <p>Section 3.2 addresses recreation. Section 3.3 addresses public and resource management access, game areas, hunting, threatened and endangered species, and forest management. Section 3.4 addresses cultural resources. Section 3.5 addresses hazardous substances and hazardous wastes, including munitions and explosives of concern.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |

## Responses to Draft EIS Comments

| Commenter   | Submitted By                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| David Smith | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | <p>Access 1. DOFAW would like access to rock quarries within training areas 5, 9, 13, and 21 on PTA lease land for DOFAW projects on adjoining managed lands such as road and firebreak maintenance, provided that the materials are safe from hazardous materials. 2. Water wells on leased land could provide water to DOFAW for forest restoration, fire suppression, plant nursery, and facilities. 3. Appropriate signage marking the boundary of PTA should be posted. 4. DOFAW would like public and management access to Pu'u Anahulu GMA from DKI through the Army's fee simple land (Keamuku) in three locations. 5. The public, DLNR, and the Hawaii Police Department should be provided access to the military shooting range for firearms training. 6. Units 20 and 22 of the State-owned lease lands abut Pu'u Anahulu GMA. DLNR-DOFAW has a fence in progress along this boundary (REPI-funded fencing, the fence will attach to PTA fence on the boundary). DOFAW is in the process of getting access permits so that DOFAW and PCSU staff may utilize the PTA/Pu'u Anahulu boundary road. The road is primarily located on the State-owned lease lands but also crosses over the boundary into Pu'u Anahulu GMA. An access buffer along that road would allow DOFAW staff and their contractors to access these areas without needing to get permits for access or contact range control when they are accessing the area. Permits are annual and require a criminal background check, which is cumbersome. 7. We recommend allowing non-exclusive use of the leased areas that are outside of the fenced portions bordering Pu'u Anahulu ahupua'a.</p>                                                                      | <p>The suggested mitigation measures are not associated with potential impacts from the Proposed Action or connected actions (e.g., lease compliance issues); therefore, they are not addressed in the EIS. The Army will take DOFAW's suggestions under consideration. The Army appreciates its cooperative and collaborative relationship with DOFAW for areas such as the hunting management and game populations, wildfire prevention and suppression, and wildlife research.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| David Smith | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | <p>Hunting 1. DOFAW requests DoD provide mammal and bird hunting on lease land on days when there is no training. Details of how PTA and DLNR will cooperate on hunting should be more clearly defined. Feral sheep and goats are overgrazing the existing vegetation and causing damage to native dry forests. Animal numbers should be significantly reduced, preferably with increased public hunting.</p> <p>Fire Suppression 1. There is a need to establish additional fire suppression dip tanks to protect PTA and surrounding DOFAW-managed lands. PTA currently has 11 fire suppression dip tanks. DOFAW would suggest consideration for tanks in the following locations:</p> <ul style="list-style-type: none"> <li>a. Below Pu'u Ke'eke'e in the bottom corner of TA 20 or off old Ke'eke'e road.</li> <li>b. Near the bottom of DKI on the south side of DKI adjacent to Pu'u Anahulu GMA.</li> <li>c. A dip tank in TA 1 that would serve the eastern portions of PTA and help to protect remaining unfenced areas of Palila Critical Habitat as well as the state lease lands in that vicinity. d. A tank near the Girl Scout camp is at a high point where helicopters could fly with a full load of water down in elevation.</li> </ul> <p>T&amp;E Plant Species 2. Any federally listed plant species on state lands leased to PTA should be fenced individually or collectively where appropriate. A 50-foot managed fuel break should be installed around each plant or plant cluster and maintained for the life of the lease. Signage informing active-duty personnel, contractors, and the public informing them of the status of the area should be included and marked as appropriate for each plant or cluster.</p> | <p>As one of the signatories of the PTA Integrated Natural Resources Management Plan (INRMP), the state is welcome to reach out to USAG-HI Department of Public Works, Environmental Division to discuss suggested natural resource management measures.</p> <p>Hunting access is governed by Army Regulation 200-1 (9)(e) and DoD Instruction 4715.03 and described in Section 3.9 of the PTA INRMP. The INRMP states, "Public access for outdoor recreational activities and the harvest of game mammals and birds is permitted when compatible with environmental conditions or restrictions and the objectives of sustained multiple use and the continued accomplishment of the military's mission. All activities must comply with state, federal, and U.S. Army statutes and regulations and is controlled by the Garrison Commander (USAG-P 2016)." Applicable text from the documents added to Section 3.3.</p> |
| David Smith | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | <p>3. On pages 3-27, 3-28, and Table 3-3. The narrative and table showing the State T/E status are not current - all 20 Federal T&amp;E plants have the same status at the State level.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Species text and table 3-3 has been updated with the most current available information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| David Smith | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | <p>Page 3- 23 lists impacts of invasive plants but does not include the risk of moving invasive species to PTA from other Training Areas (i.e. Chromolaena odorata, CRB). This potential should be included in the NEPA documents.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>PTA invasive species discussion and management is presented in Section 3.3.4.2, 3.3.4.3, and 3.3.4.4. The risks of moving invasive species from other trainings areas is addressed in this section.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| David Smith | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | <p>4. The areas not retained in Alternative 2 do not have any records of T&amp;E plants. The areas not retained in Alternative 3 have a number of T&amp;E plant species and are important areas for the recovery of those plants.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your comment. Section 3.3 (Biological Resources) of the EIS has been revised to include additional information on T&amp;E species and natural resource management implementation by the Army.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## Responses to Draft EIS Comments

| Commenter        | Submitted By                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| David Smith      | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | Comments on Invertebrates 1. In Section "3.3.4.2 - Wildlife Invertebrates", the following is stated: Not much is known about invertebrates at PTA, although more than 500 species of arthropods have been identified on PTA from surveys conducted in the 1990s." This statement is inadequate, as there is no attempt to characterize the invertebrate fauna at the site. The 500 species should be adequately described with adequate avoidance, minimization, and mitigation described for impacts to each native species and/or habitat area. 2. The document states: "Two federally listed invertebrates— <i>Hylaeus anthracinus</i> and <i>Manduca blackburni</i> —have been documented on PTA. In 2004, a single specimen of <i>H. anthracinus</i> was collected at PTA but the exact location is unknown (USAG-PTA, 2020c). This bee species, typically found along coasts, was found in a <i>K. coriacea</i> fruit capsule in an unknown location and was suspected to have been accidentally transported. A 2018 <i>Hylaeus</i> survey did not record any <i>H. anthracinus</i> ." It should be noted that <i>Hylaeus anthracinus</i> is known from dryland forests, not just coastal areas, so transport to the site seems unlikely. | Section 3.3.4 has been revised to include additional information on native and protected species. Section 3.3.6 has been updated with applicable analysis. Existing management measures are addressed in Section 3.3.4.5 and best management practices and standard operating procedures are located in Appendix E. Additional information includes a summary of documented insects and arachnids to more adequately cover invertebrates and notes that a 2018 <i>Hylaeus</i> species survey that did not record any individuals. Section 3.3.4.4 of the EIS has been updated to note that <i>Hylaeus anthracinus</i> is known from coastal and lowland dryland forests (up to 2,000 feet). The dryland forests at PTA are too high in elevation to provide suitable habitat for <i>H. anthracinus</i> . The single individual collected at PTA in 2004 was suspected to be a vagrant. For additional information on this species see page 26 of 81 FR 67786-67860 Endangered Status for 49 Species From the Hawaiian Islands; Final Rule. |
| David Smith      | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | Trails 1. Ancient and Historic trails and associated archeologic features data should be shared with DLNR's Nā Ala Hele Trails and Access Program. Per HRS 198D, the Nā Ala Hele program serves as the consulting agency regarding trails. All 6E and 106 compliance processes should include consultation with the Hawai'i Island Nā Ala Hele staff. Additionally, the applicant should facilitate site visits with Nā Ala Hele staff. 2. Typically, an Archeological Inventory Survey is included in the EIS process. DLNR recommends they include an AIS in the next iteration of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | As noted in Section 1.4, HRS Chapter 6E compliance is separate from the EIS process. The Proposed Action is an administrative action; no new activities are proposed. The EIS relies on existing studies to present what is known of current conditions, and the full summary is contained in the Archaeological Literature Review (Appendix J).<br><br>Section 3.4.2 of the EIS documents the NHPA consultation process that resulted in a 2018 programmatic agreement to resolve adverse effects at PTA from ongoing activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| David Smith      | State, DLNR<br>Division of<br>Forestry and<br>Wildlife | Endangered Wildlife 1. The last final paragraph on page 3-31 discusses the occurrence of a Band-rumped Storm Petrel ( <i>Oceanodroma castro</i> ) nest discovered on PTA in 2015. Activity at this burrow was confirmed and subsequent monitoring determined the occurrence of up to eight potential nests, with video evidence of four active nests/burrows on US Government land. The last sentence on this page further speaks of the importance of this observation. We see no mention in relevant sections of the document, however, of any subsequent or further monitoring at the site or actions taken (or to be taken) to protect this probable nesting site/colony. What is the current status of these nests or what was their fate? Will there be any predicted impacts to the colony via the proposed alternatives? The description of impacts on wildlife and natural resources is vague and the discussion of avoidance or mitigation actions is limited. This needs to be addressed in the final version of the EIS.                                                                                                                                                                                                            | The 2015 band-rumped storm petrel nest was not on State-owned land, no nests have been detected on State-owned land. <b>Appendix K</b> discusses monitoring work that the USAG-PTA staff do for this species.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Darlene Nakamura | State, DLNR,<br>Engineering<br>Division                | In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.<br>---<br>Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.<br><br>In addition to comments submitted separately by Chairperson Suzanne Case, attached are responses from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.<br>Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: darlene.k.nakamura@hawaii.gov.<br>---<br>We have no additional comments.                                                                                                                                                          | Thank you for the DLNR Engineering Division's review of the Draft EIS for the Army Land Retention Project at Pōhakuloa Training Area. We understand that Division has no additional comments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Lauren Yasaka | State, DLNR, Land Division | <p>After review of the document, the Land Division finds that the document, as currently written, does not meet the requirements of Chapter 343, HRS and Chapter 11-200.1, HAR. Further, Land Division notes that given the major data gaps in the current document, should those data gaps be filled, the revised EIS may be subject to further public review and comment.</p> <p>Please keep in mind that this list is not exhaustive. The document as written is so insufficient as it relates to HEPA requirements that we were unable to review it in its entirety even though the review period was extended to 60 days.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The EIS has been substantially revised to include information from agency and public comments. For example, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1 and Section 3 has been revised to add additional information (e.g., existing management measures to reduce ongoing impacts) and better identify when no additional information or no more current information is available.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Lauren Yasaka | State, DLNR, Land Division | <p>The DEIS analyzes a fee simple acquisition by the Federal government and does not analyze a lease or other disposition scenario in which the land remains under ownership and jurisdiction of the State. As currently written, the DEIS does not comply with HRS §343-5, which states that "except for otherwise provided, an environmental assessment [or EIS] shall be required for actions that: (1) Propose the use of state or county lands...; (2) Propose any use within any land classified as a conservation district...." In its current form, the DEIS analysis is based on the Federal Government retaining the State lands via title (ownership through fee simple title) which would not trigger the need for a HEPA EIS. Furthermore, the DEIS should thoroughly analyze the lands being retained via lease and/or other type of land disposition in which the land still remains under ownership and jurisdiction of the State in order to be in compliance with HRS §343-5, as well as analyze other alternative retention methods being considered by the Applicant. While we understand that the Applicant decided to analyze the fee retention method as they believe it to be the most impactful, a lease or similar disposition with ongoing monitoring, preservation, and mitigation obligations, is a viable alternative that would require a different and more detailed analysis under HEPA. The absence of any meaningful analysis under a lease or other land disposition scenario fails to address compliance with applicable State laws which also ensures proper mitigation for probable impacts. Finally, the DEIS should more thoroughly justify its assertion that fee title ownership results in the greatest impact.</p> | <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> <p>EIS revised to include information related to ongoing best management practices, standard operating procedures, management measures, and mitigation measures to highlight ongoing environmental monitoring and conservation efforts (see Existing Management Measures added to each resource area in Section 3).</p> |
| Lauren Yasaka | State, DLNR, Land Division | <p>The DEIS makes statements throughout that allude to future projects such as modernization of "facilities, utilities, and infrastructure that will eventually require separate NEPA compliance." An additional statement is made under Section 2.2.5, subheading Alternative 6, which states "The Army must have at least a 25-year lease to permit permanent construction." While it is unclear whether such modernization projects or construction projects would occur on State land, if the intent is for these projects to occur on State land then pursuant to §11-200.1-10, "A group of actions shall be treated as a single action when: (1) The component actions are phases or increments of a larger total program; (2) An individual action is a necessary precedent to a larger action; (3) An individual action represents a commitment to a larger action; or (4) The actions in questions are essentially identical and a single EA or EIS will adequately address the impacts of each individual action and those of the group of actions as a whole." Thus, should these "future" uses be on State land, those uses would need to be adequately included and analyzed within this document or you may want to consider preparing a Programmatic EIS which would commit the Army to conducting further HEPA compliance as those future projects come on-line.</p>                                                                                                                                                                                                                                                                                                                                                                            | <p>EIS revised to clarify that the Proposed Action does not include any construction or modernization projects in the State-owned land.</p> <p>Reasonably foreseeable future actions (not related to the Proposed Action) are analyzed as cumulative effects in Section 4. Section 4.3.1 revised to clarify that no reasonably foreseeable future military construction projects (i.e., major construction costing at least \$10 million) are proposed within the State-owned land, but two smaller maintenance-type projects are proposed within the State-owned land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Lauren Yasaka | State, DLNR, Land Division | In the Executive Summary, there are missing items as prescribed under HAR §11-200.1-24(d). Specifically, ES.12 should include "Unresolved Issues" as a part of the heading to be consistent with §11-200.1-24(d)(5) and there is no list of permits or approvals as required under §11-200.1-24(d)(6). Also, as the document makes references to previous NEPA documents for Army activities on these lands, pursuant to §11-200.1-24(d)(7), there should be a list of relevant EAs or EISs considered in the analysis of the preparation of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The Executive Summary reflects that Section 5.2 has been renamed "Incomplete Information/Unresolved Issues" to reflect the content requirements of NEPA and HEPA. <b>Appendix A, NEPA-HEPA Compliance Guide</b> , has been added to identify the specific section in the EIS where information is provided as required by NEPA and HEPA.<br><br>A list of previous NEPA compliance documents for training at PTA has been added to <b>Appendix E, NEPA and Other Environmental Planning Documents and Existing Management Measures</b> . State permits and approvals required under HEPA have been added, where appropriate, in the regulatory framework section of each applicable resource in Chapter 3.                                                                                                                                                                               |
| Lauren Yasaka | State, DLNR, Land Division | Pursuant to HAR §11-200.1-24(g)(6), the DEIS shall contain a summary of "technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public..."<br>The Land Division finds that the document is insufficient in this matter. There are numerous studies and plans referenced in the document, but were not included. At minimum, any study, plan, or document referenced that is used to lay the basis of the existing environmental setting of the project or as evidence to support appropriate management practices/mitigation measures currently in practice should be included in the appendices.<br>We also note that many of the referenced studies and/or plans are over 10 years old. While there is nothing specifically written within State Statute or Rules, it has been the policy that should any of these documents be over 10 years old, they should be reviewed and updated as appropriate so that the DEIS is based on current information. Therefore, for those studies, reports, plans, etc. that have passed this 10-year threshold, we request that those studies be updated as appropriate and included. | The EIS has been revised to incorporate relevant details from the plans cited to document the best management practices (BMPs) and standard operating procedures (SOPs) employed by the Army. The Proposed Action does not propose new activities but would facilitate ongoing activities previously analyzed utilizing the studies cited in this EIS. The EIS presents existing conditions based on relevant studies. As you've noted, there is regulatory definition of time in NEPA and HEPA related to relevance of existing studies.<br><br>To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is:<br><a href="https://home.army.mil/hawaii/index.php/ptaeis/public-info">https://home.army.mil/hawaii/index.php/ptaeis/public-info</a> . |
| Lauren Yasaka | State, DLNR, Land Division | Pursuant to HAR §11-200.1-24(i), "The draft EIS shall include a description of the environmental setting...Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance)."<br><br>There are several sections within the document in which the information is insufficient and would appear that the Applicant has made little to no effort to fill in any data gaps. Examples include the following:<br><br>Under Section 3.3.4.2, subheading invertebrates, the only information provided is that "Not much is known about invertebrates, although more than 500 species of arthropods have been identified on PTA from surveys conducted in 1990s." This level of information is unacceptable, and appropriate invertebrate surveys and/or updates to existing arthropod surveys should be conducted and included in the DEIS as appropriate.                                                                                                                                                                                                    | Section 3.3, Biological Resources, has been revised to include more recent data, including but not limited to a summary of documented insects and note that a 2018 Hylaeus species survey that did not record any individuals. <b>Appendix K</b> provides additional species information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lauren Yasaka | State, DLNR, Land Division | Under Section 3.3.4.3, subheading Protected Birds, regarding the Band-rumped storm petrel, it states that "it is unknown how this species may use habitats in PTA." This information appears to be important to determine appropriate mitigation measures or management activities as it pertains to the species.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | No band-rumped storm petrel nests have been detected on State-owned land. The nest discovered in 2015 is being managed through predator control (live and lethal trapping for cats, mongoose, and rodents), nest surveys with a detector dog, and monitoring of potential nests via video surveillance. <b>Appendix K</b> discusses monitoring work that the USAG-PTA staff do for this species.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lauren Yasaka | State, DLNR, Land Division | Section 3.3.4.3 Protected Species and Areas states that the Army is preparing a programmatic biological assessment which "covers newly listed species and critical habitats." It would appear that none of this information is included within the DEIS and that this assessment would be a critical study that should be included the DEIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The Army is preparing a draft programmatic biological assessment (PBA) that addresses a broader scope than what the EIS addresses, and the PBA is not complete. Authors have included the most updated information available to the Army and applied relevant information that will be used in the PBA in the EIS. Newly listed species and Palila critical habitat are discussed within existing conditions of the biological resources section of this EIS in Section 3.3.4.                                                                                                                                                                                                                                                                                                                                                                                                           |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Lauren Yasaka | State, DLNR, Land Division | <p>Regarding archaeological investigations, the DEIS basically states that only a little over half of the State lands have been surveyed for archaeological resources. While we recognize that a Literature Review was done for the State lands in October 2021, we note that it was specifically done to meet NEPA requirements, and the information provided is not sufficient to cover the data gaps for the un-surveyed portion of State lands.</p> <p>Further, while we are not suggesting that an Archaeological Inventory Survey (AIS) be done for the remaining, un-surveyed portions of State lands, we would, at minimum, request an archaeological field inspection be done so that the entire area of potential effect (APE), which would include all the lands being considered in the lease, be covered. This would also support HRS Chapter 6E review and compliance which would support mitigation to any archaeological resources.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Figures have been added to show where surveys have been completed and the general locations and types of sites within State-owned land. Reasons for unsurveyed areas added to the EIS.</p> <p>Stipulations to take into account the effects of routine military activities on historic properties at PTA are documented in the 2018 Programmatic Agreement among the U.S. Army, the Hawaii State Historic Preservation Officer, and the Advisory Council on Historic Preservation. Undertaken in consultation with Native Hawaiian Organizations, the PA fulfills the National Historic Preservation Act Section 106 for the Area of Potential Effect including PTA. EIS Section 3.4.4.6 describes the Army's responsibilities for cultural management under the agreement to minimize impacts to sites.</p> <p>The ongoing Army activities described in EIS Section 2.1 would continue with the Proposed Action (land retention); no new activities are proposed. HRS Chapter 6E would be undertaken when a State agency issues a permit or entitlement and is separate from the NEPA and HEPA process (see EIS Section 5.3.2).</p> |
| Lauren Yasaka | State, DLNR, Land Division | <p>Pursuant to HAR §11-200.1-24(j), "The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant had decided to proceed, notwithstanding the absence of full reconciliation.</p> <p>As currently written, the DEIS does not meet the above stated requirement. We note that, the project area is located within an area now designated as the State Land Use Conservation District, Resource Subzone. However, the DEIS lacks information on how the Applicant's proposed action conforms with the purpose of the Conservation District and objective of the Resource subzone. The DEIS should be revised to include a discussion on how the proposed action and mitigating measures are consistent with the purpose of the Conservation District and the objective of the Resource subzone.</p> | <p>In compliance with HAR 11-200.1-24(j), Section 5.3 of the EIS provides the discussion of how the Proposed Action conforms or conflicts with objectives and specific terms of approved or proposed land use and resource plans, policies, and controls for the affected area. The discussion also complies with 40 CFR Part 1502.16(c) under NEPA.</p> <p>Revisions to Section 5.3 describe the administrative processes to use of the State-owned land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 1.4.1 basically alludes to the uses at PTA being non-conforming and states that "HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources." This statement is problematic as non-conforming uses within the Conservation District are regulated by §13-5-7, HAR. This section mainly allows for maintenance and repair of non-conforming uses, however, nowhere does it suggest that "additional" uses can be authorized.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>EIS Section 1.4.2 has been refined to describe the administrative processes for use of the State-owned land. Management activities for natural and cultural resources conducted by the Army as part of its ongoing activities have been added to this EIS. The Army has spent at least \$3M annually for natural and cultural resource management at PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 1.5.2 states that one of the possible decisions that may need to be made by State agencies is "if presented with a CDUP application to permit military uses of lands in the State's conservation district (resources subzone), consider allowable uses and management actions to meet the purpose of the conservation district." This is an incorrect statement as it is the Applicant's (the Army) responsibility to propose how their "uses" fit within the land uses as described in Chapter 13-5, HAR.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Sections 1.4 and 1.5 of the EIS have been refined to describe the administrative processes for military use of State-owned land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 3.2.5 states that "The current nonconforming use of State conservation district land is assumed to cease with the lease term. Army could be brought into conformance with conservation district rules as part of the land retention process following the EIS process when the land retention method is known." Please clarify how the Army could be "brought into conformance with conservation district rules."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>EIS Section 1.4.2 has been refined to describe the administrative processes for use of the State-owned land. Management activities for natural and cultural resources conducted by the Army as part of its ongoing activities have been added to this EIS. The Army has spent at least \$3M annually for natural and cultural resource management at PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Lauren Yasaka | State, DLNR, Land Division | <p>Pursuant to HAR §11-200.1-24(k), "The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described."</p> <p>The DEIS does not appear to include such a list. The closest thing that Staff could identify is Table 1-1 which is a table of "Anticipated Reviews." Unfortunately, it would appear that this is not a list of approvals, nor does it provide the status of each review.</p>                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Table 1-1 has been revised to demonstrate its compliance with HAR §11-200.1-24(k). The table has been renamed to demonstrate that all potential permits, licenses, and approvals necessary for implementation of the Proposed Action were considered. The status of each permit has been added with the location of further discussion within the EIS. Because the Proposed Action is an administrative action (a real estate action) the reviews and approvals are limited.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Lauren Yasaka | State, DLNR, Land Division | <p>Pursuant to HAR §11-200.1-24(l), "The Draft EIS shall include an analysis of the probable impact of the proposed action on the environment and impacts on the natural or human environment on the action. This analysis shall include consideration of all phases of the action and consideration of all consequences on the environment, include direct, and indirect effects..."</p> <p>As currently written, the DEIS fails to meet this requirement. The impact analysis sections for each of the Environmental Resource sections (as determined by the Applicant) are weak and are based on whether the impact is considered "new" versus an ongoing impact which would most likely continue to occur should the Proposed Action move forward. As currently written, it requires the reader to extract these continuing impacts from the existing environmental setting descriptions and it appears that even that information may not be complete. Examples of this include the following:</p> | <p>The EIS has been revised to clarify the ongoing activities (with prior NEPA documents cited) to demonstrate that the current and proposed uses are the same; and to clearly identify ongoing best management practices, standard operating procedures, management measures, and mitigation measures in support of those activities to highlight the Army's ongoing environmental monitoring and conservation efforts.</p> <p>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).</p>                                                                                                                                                                                                                                                                       |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 3.3.4.3 states that there are Incidental Take Statements to offset military activity effects on nēnē birds. However, just because Incidental Take Statements exist, does not mean that there is no impact. Rather it would appear that the continuation of military training would continue to impact nēnē birds. Another example of this is with the Hawaiian hoary bat in which there have been several incidences in which loss of roosting habitat has exceeded the annual take limit. It would appear that the continuation of military training exercises could continue to impact the Hawaiian hoary bat and its habitat. However, neither of these are addressed in the Environmental Analysis section for biological resources.</p>                                                                                                                                                                                                                                                 | <p>The reference to incidental take statements is meant to demonstrate that the Army has already formally consulted with USFWS on ongoing activities' impacts on listed species, is complying with the Endangered Species Act, and is mitigating adverse effects.</p> <p>The EIS has been revised to clarify the ongoing activities (with prior NEPA documents cited) to demonstrate that the current and proposed uses are the same; and to clearly identify ongoing best management practices, standard operating procedures, management measures, and mitigation measures in support of those activities to highlight the Army's ongoing environmental monitoring and conservation efforts.</p> <p>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).</p> |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 3.4.6.1 states that "The 2018 PA determined that...some undertakings (activities) may continue to have adverse effects on historic properties" as well as stating that "The continued presence of training personnel may also continue to impact resources through accidental damage or vandalism." However, the document still states that "the proposed action will result in no new impacts." The impact analysis of the continuation of military activities and training is not taken into account in the Environmental Analysis section for cultural resources.</p>                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The adverse effects identified in the 2018 NHPA Section 106 PA are resolved (i.e., mitigated) through implementation of the PA for Army activities. Adverse effects that have been resolved through NHPA consultation are not considered 'impacts' for the purposes of NEPA. The Proposed Action is a real estate action that does not propose new Army activities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Lauren Yasaka | State, DLNR, Land Division | <p>Section 3.7.4, subheading Noise Impacts on Community and Wildlife, states that "Noise generated on PTA is expected to cause wildlife startle, alarm, and alert behaviors, potentially causing rapid movement or flight in avoidance behavior. This could increase the risk of wildlife being struck by live fire, abandoning nest or young, receiving auditory damage, or increasing energy expenditure and food demands. It is also possible that habituation to noise or distraction caused by noise could cause wildlife to be less aware of surrounding and more prone to predation. Staff notes that none of this information is included in the Environmental Analysis.</p>                                                                                                                                                                                                                                                                                                                    | <p>Wildlife noise impacts in Sections 3.3.4.4, 3.3.6, 3.7.4, and 3.7.6 have been revised to more clearly show the potential impacts on wildlife from noise.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Lauren Yasaka | State, DLNR, Land Division | <p>Pursuant to HAR §11-200.1-24(p), "The Draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts, including provision for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources, including the acquisition of land, waters, and interests therein. Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation has been chosen from among several alternatives, the measures shall be discussed and the reasons given for the choice made. The draft EIS shall include, where possible, specific reference to the timing of each step proposed to be taken in any mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to ensure that the mitigation measures will in fact be taken in the event the action is implemented."</p> <p>Overall, the DEIS lacks adequate presentation of mitigation measures. Should the impact analysis sections be revised to be in accordance with HAR §11-200.1-24(l) and include analysis of impacts that would continue to occur due to the proposed project, that analysis may be subject to further public review and comment.</p> | <p>The EIS has been revised to clarify the ongoing activities (with prior NEPA documents cited) to demonstrate that the current and proposed uses are the same; and to clearly identify ongoing best management practices, standard operating procedures, management measures, and mitigation measures in support of those activities to highlight the Army's ongoing environmental monitoring and conservation efforts.</p> <p>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).</p> <p>In compliance with HAR 11-200.1-24(p), Sections ES.11, 1.5.1, and 3.17 revised to note that the Army would develop and implement a mitigation monitoring plan for mitigation measures selected in the Record of Decision, if deemed necessary based on the nature of the selected mitigation measures, to ensure any potential mitigation measures selected for implementation in the Record of Decision would be effective and completed in a timely manner.</p> |
| Lauren Yasaka | State, DLNR, Land Division | <p>From the portions of the document that we were able to review, we have three points of significant concern. The first is regarding archaeological resources. Although the document states that there is a potential for adverse effects on historic properties, no mitigation measures were recommended due to the Applicants adherence to standard operating procedures (SOPs), the Programmatic Agreement (PA), and the Integrated Cultural Resources Management Plan (ICRMP). However, Staff notes that no details of these plans, nor the plans themselves were included in the DEIS, thus the lack of mitigation appears to be problematic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The Army's ongoing best management practices, standard operating procedures, management measures, and mitigation measures are more fully referenced in the EIS to clarify the ongoing environmental monitoring and conservation efforts undertaken by the cultural and natural resource management teams at PTA.</p> <p>To the extent feasible, relevant resources have been made available to the public.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lauren Yasaka | State, DLNR, Land Division | <p>In addition, the CIA found that the current military activities on State lands have an adverse effect/significant impact to cultural practices. We find it strange that there are no proposed mitigation measures within the CIA report itself and the only mitigation proposed by the Applicant is "through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources." This single mitigation measure proposed in response to the CIA is grossly insufficient.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The EIS (Section 3.4.4.6) and the CIA (Section 9.1) explain that adverse effects from ongoing Army actions are minimized through compliance with the 2018 Programmatic Agreement. Section 8.0 of the CIA assesses the potential impacts based on the Proposed Action (retention of land; no new Army actions) on traditional or customary practices not previously assessed. Therefore, the CIA concludes that cultural access is the impact that would result from the Army's retention of the land.</p> <p>The CIA has been revised to incorporate additional input from Native Hawaiian interviewees.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Lauren Yasaka | State, DLNR, Land Division | <p>Also, as stated in the preceding bulleted section, there appears to be a significant impact to wildlife due to noise yet no mitigation is proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Wildlife noise impacts in Sections 3.3.4.4, 3.3.6, 3.7.4, and 3.7.6 have been revised to more clearly show the potential impacts on wildlife from noise and management measures already in place; Existing management measures are addressed in Section 3.3.4.5 and best management practices and standard operating procedures are located in Appendix E. Based on noise models, these impacts are considered less than significant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Lauren Yasaka | State, DLNR, Land Division | <p>Please be aware that due to the deficiencies and lack of data found in Chapters 1 through 3, Staff will not be providing any in depth comment on Chapters 4 and 5 as they rely on information presented in the earlier chapters. Therefore, we choose to withhold our comments on those sections until more data is made available for review and comment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Army considered all comments received and has made revisions to the EIS. Chapters 4 and 5 were updated as appropriate. The EIS meets the content requirements of HRS 343 and HAR 11-200.1. Appendix A, NEPA-HEPA Compliance Guide, has been added to identify the specific section in the EIS where information is provided as required by NEPA and HEPA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## Responses to Draft EIS Comments

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| Lauren Yasaka | State, DLNR, Land Division | There are many sections within the DEIS that discuss the NEPA requirements/process for that particular section (i.e. Section 5.6 Relationship Between Short-term Use of the Environment and Long-Term productivity), however, there is no discussion of the HEPA requirements. As this is a joint NEPA/HEPA document, what is done for one should be done for the other.                                                                                                                                                                                                                                     | HAR §11-200.1-31 provides for a single document to fulfill both NEPA and HRS Chapter 343. The Section 5.6 heading has been revised to include the HEPA nomenclature following the NEPA. Each HEPA requirement detail is generally documented after the NEPA requirement in the text. Using the example of Section 5.6, the first paragraph documents "HAR Section 11-200.1-24(m) states the discussion ' . . shall include the extent to which the Proposed Action forecloses future options or narrows the range of beneficial uses of the environment or poses long-term risks to health or safety.' "                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Lauren Yasaka | State, DLNR, Land Division | Within the Executive Summary, under Section ES.11 Potential Mitigation Measures, it says that "The Army could propose mitigation to reduce the severity of adverse impacts from the Proposed Action." The use of "could propose" is problematic as it gives the impression that the Army has a choice not to do any mitigation. This would be unacceptable from the Department's perspective.                                                                                                                                                                                                                | The remainder of text in the EIS section describes the Proposed Action's compliance with the requirements. Appendix A, NEPA-HEPA Compliance Guide, has been added to identify the specific section in the EIS where information is provided as required by NEPA and HEPA.<br><br>Executive Summary sentence revised to "The Army would continue to implement mitigation and management measures to address impacts from ongoing activities at PTA, and also proposes potential mitigation measures to reduce the severity of adverse impacts from the Proposed Action."<br><br>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lauren Yasaka | State, DLNR, Land Division | Please recheck your calculations for the Maneuver Area under Section 1.2.5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The information provided in Section 1.2.5 has been confirmed as written and no change is warranted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Lauren Yasaka | State, DLNR, Land Division | Section 2.1.1 lists various training area (TA) numbers without any context and the figure showing these TAs is not referenced until the end of the section. We would suggest moving the figure reference up front for more clarity.                                                                                                                                                                                                                                                                                                                                                                          | Reference to Figure 2-1 added to the first paragraph of Section 2.1.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lauren Yasaka | State, DLNR, Land Division | Under Section 3.2.4.1 where ceded lands are discussed, we suggest that you make it explicitly clear that all the State lands included in the Proposed Action are ceded lands.                                                                                                                                                                                                                                                                                                                                                                                                                                | Section 3.2.4.1 has been revised to note that the three westernmost parcels of State-owned land at PTA administered by DLNR is ceded land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Lauren Yasaka | State, DLNR, Land Division | As stated in Section 3.2.4.2 Recreation, please clarify if the "funds collected from hunting activities" are used for conservation management specifically within the PTA or elsewhere. If elsewhere, please provide that information.                                                                                                                                                                                                                                                                                                                                                                       | EIS Section 3.2.2 has been revised to reflect that funds collected from hunting activities are handled consistent with DoDI 4715.03, which states, "Hunting, fishing, and access permitting and fees, if collected, must be deposited and used pursuant to the Sikes Act, and should be used only on the installation where collected." All funds collected are used at PTA for conservation programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Lauren Yasaka | State, DLNR, Land Division | Under section 3.2.6.4 No Action Alternative, we note that there are no potential mitigation measures proposed even though the summary of impacts states that there would be "new, long-term moderate, adverse impacts on encroachment management." We are curious as to why the installation of fencing and signage would not also be applicable to this alternative. We also note that mitigation regarding the installation of such fencing and signage is not addressed in the DEIS. For example, fencing should not include the use of barbed wire due to the presence of the Hawaiian hoary bat at PTA. | The No Action Alternative includes actions (many of which are lease compliance actions that would be triggered by lease expiration) that would mitigate environmental impacts from past and ongoing Army actions. An example from Section 2.2.4 is "Meet ongoing biological resources mitigation requirements (e.g., conservation fence units) in the State-owned land via reforestation of portions of the State-owned land or some other arrangement negotiated with USFWS and State, as applicable." The EIS has been revised to clearly identify specific measures that are part of the alternative or "included in the action plan" as HAR 11-200-2-24(p) states.<br><br>The No Action Alternative does not include proposed Army actions so no mitigation is proposed (i.e., there are no Proposed Action impacts to mitigate); however, the Army would implement lease compliance actions and cleanup and restoration activities for any hazardous substances and hazardous wastes within the State-owned land not retained, which are considered connected actions. EIS revised to include potential mitigation measures for connected actions when applicable. EIS revised to include existing management measures for ongoing activities, connected actions, and potential mitigation measures (e.g., Army could add fence [without barbed wire due to Hawaiian hoary bat] and/or signs on U.S. Government-owned land and State-owned land retained along areas adjacent to State-owned land not retained under Alternatives 1, 2 and 3 to help prevent encroachment to U.S. Government-owned land). |

## Responses to Draft EIS Comments

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| Lauren Yasaka | State, DLNR, Land Division |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>(response continued from above)</i><br>Following the end of the lease, the Army may decide to install fencing and signs on U.S. Government-owned land to prevent encroachment, but such a potential future action is not identified as a potential mitigation measure because the Army can't propose mitigation for instances in which it takes no action (i.e., the No Action Alternative).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Lauren Yasaka | State, DLNR, Land Division | For Section 3.3 Biological Resources, we would like to see a list of all native biological resources located on the State Lands. We would also suggest using the common, local name of the species rather than the scientific name in the body of the text for ease of reading, rather than having the reader consult with the different tables.                                                                                                                              | Species names have been changed to reflect common names for wildlife and scientific names for plants.<br><br>A list of all native species known to occur on PTA, and narrowed down to State-owned land where possible, is available in Section 3.3.4.3 and 3.3.4.4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Lauren Yasaka | State, DLNR, Land Division | Under Section 3.3.4.3, subheading Protected Invertebrates, you reference a 2005 USFWS Recovery Plan for Blackburn's Sphinx Moth ( <i>Manduca blackburni</i> ). This is a rather old plan (over 17 years old) and we would request that you confirm with USFWS that this Plan is still applicable and that the information you have provided in the DEIS is still accurate.                                                                                                    | EIS has been revised with the most up to date USFWS information available for this species.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Lauren Yasaka | State, DLNR, Land Division | Please clarify where your assumptions came from in Section 3.3.5.                                                                                                                                                                                                                                                                                                                                                                                                             | Assumptions have been revised and references to State funding have been removed throughout the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Lauren Yasaka | State, DLNR, Land Division | Please check your calculations in Section 3.4.4.3, subheading Archaeological Investigations.                                                                                                                                                                                                                                                                                                                                                                                  | Section 3.4.4.3 of the EIS has been revised to reference Figure 3-6 to depict archaeological survey coverage of the State-owned land. Text has been clarified to provide context.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lauren Yasaka | State, DLNR, Land Division | Section 3.6.4, subheading Air Emission Sources at PTA, states that last short-term air monitoring program was done January 2006 to 2007 to determine the impact of fugitive dust from training and other activities. Please confirm that the activities conducted are still the same today as they were back in 2007 or include an updated study.                                                                                                                             | Section 3.6.4 revised to note that activities within the State-owned land have changed some since fugitive dust monitoring was conducted in 2006-2007; however, the type and quantity of activities have not significantly changed so fugitive dust generation is expected to be comparable to the 2006-2007 monitoring event. The fugitive dust monitoring was discontinued in 2007 because a year of monitoring showed the levels to be well below state and federal limits. There are no planned changes to training activities or frequency in the State-owned land.<br><br>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI & USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022). |
| Lauren Yasaka | State, DLNR, Land Division | Section 3.7.4, subheading Noise Impacts on Community and Wildlife, states that the Ke'āmuku parcel landing and drop zones were not a part of the 2020 noise model even though the closest community is outside the northern boundaries of the Ke'āmuku parcel. Please elaborate on why that information was excluded from the 2020 noise model and please clarify if the Ke'āmuku parcel landing and drop zones could have a potential noise impact to the nearest community. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## Responses to Draft EIS Comments

| Commenter     | Submitted By               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Lauren Yasaka | State, DLNR, Land Division | Section 3.8.4.3, subheading Erosion Management, states that there is supposed to be a Dust and Soils Management and Monitoring Plan which "includes the monitoring of actual fugitive dust levels during training" and references Section 3.6. However, this contradicts what is presented in Section 3.6 as Section 3.6.4, subheading Air Emission Sources at PTA, states that last short-term air monitoring program was done January 2006 to 2007. Please clarify this discrepancy.                                                                                       | <p>Sections 3.6.4 and 3.8.4.3 revised to state fugitive dust monitoring was conducted in 2006-2007 then discontinued because a year of monitoring showed the levels to be well below state and federal limits. EIS revised to remove discussion of the U.S. Army Garrison Hawaii Dust and Soils Management and Monitoring Plan as it is no longer used because fugitive dust monitoring showed the dust levels to be well below state and federal limits.</p> <p>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p> |
| Lauren Yasaka | State, DLNR, Land Division | Section 5.2 should also include "Unresolved Issues" in the heading as this is specific to HEPA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Please see previous response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Lauren Yasaka | State, DLNR, Land Division | In Chapter 7, we note that there are specific NEPA Analysis teams as well as NEPA subject matter experts, yet there are only two contributors to the DEIS that have HEPA experience. Staff notes that expertise in HEPA requirements is essential.                                                                                                                                                                                                                                                                                                                           | Section 7 has been revised to show the contributors with HEPA experience.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Lauren Yasaka | State, DLNR, Land Division | In the Archaeological Literature Review (Appendix D), we note that while Section 3.2 specifically refers readers to Figures 14 through 18, those figures appear to have been redacted with the explanation of "Sensitive cultural resource location information withheld." While we recognize that locations of some cultural resources, such as burials, are normally withheld, most often the type of archaeological sites as listed in Table 4 are normally shown. Please provide the appropriate figures or a reasonable explanation as why that data has been withheld. | The Archaeological Literature Review (Appendix J) as been updated to show the general types and distribution of archaeological sites.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## Responses to Draft EIS Comments

| Commenter        | Submitted By                                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                             |
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| Darlene Nakamura | State, DLNR, Land Division - Hawaii District         | <p>In addition to the comments submitted separately by Chairperson Suzanne Case, attached are comments from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately.</p> <p>---</p> <p>Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources (DLNR) distributed or made available a copy of your request pertaining to the subject matter to DLNR's Divisions for their review and comments.</p> <p>In addition to comments submitted separately by Chairperson Suzanne Case, attached are responses from the (a) Engineering Division and (b) Land Division-Hawaii District on the subject matter. We understand the Division of Forestry and Wildlife may also submit comments separately. Should you have any questions, please feel free to contact Darlene Nakamura at (808) 587-0417 or email: darlene.k.nakamura@hawaii.gov.</p> <p>---</p> <p>We have no objections.</p>                                                                                                                       | <p>Thank you for DLNR Land Division - Hawaii District's review of the Draft EIS for the Army Land Retention Project at Pōhakuloa Training Area. We understand Hawaii District has no objections.</p> |
| Tlger Mills      | State, DLNR Office of Conservation and Coastal Lands | <p>The Office of Conservation and Coastal Lands (OCCL) has reviewed the draft EIS to analyze the environmental impacts associated with potentially retaining up to approximately 23,000 acres of State-owned land at the Pōhakuloa Training Area (PTA) to support continued military training. Ongoing uses include military training; facilities; utility; and infrastructure maintenance/repair; resource management actions; associated activities such as emergency services; permit/coordinate public use programs/training for DoD, international partners, local agencies, and the community. PTA is the largest contiguous military live-fire range and maneuver training area that can accommodate up to 5000 souls.</p> <p>Conservation District</p> <p>The subject State-owned parcels lie within the Resource subzone of the Conservation District with parcel 005 also lying within the Protective, Limited, and General subzone. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.</p> | <p>Thank you for reviewing the Draft EIS for the Army Land Retention Project at Pōhakuloa Training Area.</p>                                                                                         |

## Responses to Draft EIS Comments

| Commenter   | Submitted By                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Tiger Mills | State, DLNR<br>Office of<br>Conservation and<br>Coastal Lands | <p>Within the draft EIS, under ES.13 Compatibility with Land Use Plans and Policies, the draft EIS states: "The State land use plans and policies include: HRS Chapter 205, State Land Use Commission, which sets rules related to the Conservation District..." Hawai'i Revised Statutes Chapter 183C entitled Conservation District sets the rules to regulate the Conservation District. Further under Section 5.3.2 State; Conservation District Rules, Hawai'i Administrative Rules Chapter 13-5 the draft EIS states : "Uses that are not listed require a discretionary permit from the BLNR. Discussion: The State-owned land at PTA lies in the Resource subzone. Military training is not included as an allowable use for any conservation district subzone. However, HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules. Section 3.2 indicates that ongoing activities have been in conformance with conservation district rules and that the Proposed Action would be as well." This is an incorrect statement. Proposed land uses in the Conservation District must be an identified land use under the Hawai'i Administrative Rules Chapter 13-5. The Department does not entertain applications for un-identified land uses. If a proposed land use is not present, an applicant can request a temporary variance [less than 1 year], petition the land use commission for a land use district boundary change, or initiate an administrative rule amendment to have the proposed use added to the identified land uses.</p> | <p>The EIS has been revised to describe current nonconforming use as well as the administrative processes required to continue military use of the State-owned land. As described in the EIS, military use during term of current lease has been authorized by the lease terms, and is considered "nonconforming" as defined in the conservation district rules, which were enacted following issuance of the lease.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Tiger Mills | State, DLNR<br>Office of<br>Conservation and<br>Coastal Lands | <p><b>Existing Uses of the State Land</b><br/>While some of the existing uses on the parcels may be consistent with conservation district rules such as facilities, utilities, infrastructure maintenance/repair, and resource management actions; military use that involves maneuvers, ammunition, artillery and mortar systems, depleted uranium, explosives, firing points, hazardous materials and waste, live fire, unexploded ordnance, and weapons system do not appear to be consistent with the Conservation District.<br/>The OCCL was alarmed at the number of previous dump sites on the State leased land illustrated on Figure 3-7. Under HRS §183C-4 Zoning; amendments (b) no waste or disposal facility shall be located in a conservation district except in emergency circumstances where it may be necessary to mitigate significant risks to public safety and health; "Waste or disposal facility" means any transfer station or landfill as defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction facility or waste reduction facility as defined in section 342G-1, disposal facility, or any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health. "Waste or disposal facility" excludes individual, state certified, non-industrial redemption centers.</p>                                                                                                                                                                                                                   | <p>Section 3.2.4 of the EIS describes that military activities on State-owned land were authorized by the 1964 lease. Conservation District rules, enacted following the lease, considers uses prior to October 1, 1964 as nonconforming. The 1964 lease has been included as Appendix F.</p> <p>The lease allows firing of "all combat weapons there from into the Designated Pohakuloa impact area." EIS Section 1.3, Purpose and Need, and Chapter 2, disclose the military use of the State-owned land. As described in EIS Section 3.2.4, military use has been authorized by the lease terms, and is considered "nonconforming" as defined in the conservation district rules, which were enacted following issuance of the lease.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process. Within the CERCLA process, all stakeholder input is taken into account, including the public and Native Hawaiian perspective.</p> <p>As shown in EIS Section 3.8.4.3 the POTA-06 landfill was opened in 1979 and closed in October 1993 in accordance with HAR Chapter 11-58.1-17.</p> <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate. Military personnel training at PTA follow several requirements for range operations, maintenance, and clearing including the Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) and the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> |

## Responses to Draft EIS Comments

| Commenter            | Submitted By                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Tiger Mills          | State, DLNR<br>Office of<br>Conservation and<br>Coastal Lands | <p>Further regarding cultural resources under alternative 1[full retention]: "There would be adverse impacts to archaeological sites including damage from subsurface excavations related to troop training (e.g., field fortifications, emplacement of obstacles), off road mounted maneuvers with tactical vehicles and other routine vehicular traffic, increased access by ground troops into the ranges, possible damage from live fire and cleanup of UXO within or adjacent to resources, and through accidental damage or vandalism. Additionally, there would be continued impacts related to ongoing limitations on access to areas used for traditional and customary practices. These adverse impacts would pertain to cultural resources that are most important to Native Hawaiian populations and would thus represent disproportionate impacts on Native Hawaiian populations."</p> <p>It appears that military training is in direct conflict of the Conservation District designation to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. It is inappropriate to conduct this type of warfare practice upon Conservation District land adjacent to areas designated as critical habitat for the Palila; and a recreational campground for the people of Hawai'i. It is clear the composers of the draft recognize this as Section 1.4.2 Regulatory Compliance Associated with the Proposed Actions- Hawai'i Administrative Rules Chapter 13-5 Conservation District Rules states: Military use is not included as an allowable use for any conservation district subzone.</p> | <p>We acknowledge your comment. The EIS has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Tiger Mills          | State, DLNR<br>Office of<br>Conservation and<br>Coastal Lands | <p>The OCCL notes that the draft EIS does not contain any provisions for restorative actions that shall be taken under alternatives 2 &amp; 3 and no action such as reforestation and the cleanup of unexploded munitions and by-products, shells, and weapons decommissioning. This information should be included in the final EIS as these restorative actions are part of the lease that governs this "real estate action." The OCCL notes it appears Table 3-24 Potential Environmental Impacts concludes that the no action alternative would provide the best benefits to the land, environment, flora and fauna, and culture of Hawai'i.</p> <p>The OCCL notes TMKs (3) 3-8-001: 013 &amp;022 belong to Hawaiian Homelands. Under the Hawaiian Homes Commission Act §206, neither the governor nor the board of land and natural resources have any power over Hawaiian homelands. The OCCL notes TMKs: (3) 7-1-004:006 and 3-8-001:001 are shaded light green indicating that the parcel or portions of the parcel are U.S. Government-owned land; the Public Land Trust Information System indicate that parcel 7-1-004:006 is owned by the State of Hawai'i with no encumbrances and parcel 3-8-001:001 has a long-term lease and is also owned by the State of Hawai'i with no perpetual easement. Please clarify this in the final EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                             | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>As an operational range, PTA is regulated by the Military Munitions Rule. After the lease expires, State-owned land not retained would no longer be under the Military Munitions Rule.</p> <p>Section 2.1 includes text regarding the Army's completion of lease compliance actions (e.g., reforestation, removing weapons and shells) for State-owned land not retained. The parameters for the lease compliance actions are subject to negotiation with the State, which cannot be done until the EIS is completed and an alternative has been selected in the Record of Decision. EIS revised to identify the Army's responsibilities under the lease and that the EIS assumes the Army would fully implement the lease compliance actions, to the extent feasible.</p> <p>The U.S. Army Corps of Engineers has not been given information demonstrating that TMKs 3-8-001:013 and 3-8-001:022 are owned by the Department of Hawaiian Home Lands. The Proposed Action has been revised to not include retention of TMKs 3-8-001:013 and 3-8-001:022. TMKs 7-1-004:006 and 3-8-001:001 were placed under Army jurisdiction as cited in Executive Order 11167; these parcels are not included in the State-owned land discussed in the EIS.</p> |
| Kamakana<br>Ferreira | State, Office of<br>Hawaiian Affairs                          | <p>At this time, OHA provides a recommendation to withdraw the DEIS and further comments to consider prior to re-releasing the DEIS in the future.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>OHA believes that the PTA DEIS has been done prematurely as the State of Hawai'i Department of Land and Natural Resources (DLNR) has yet to implement their 2019 court ordered management plan. The DEIS does in fact acknowledge the 2019 Ching v. Case court decision requiring the DLNR management plan and further mentions that the plan was completed in April 20, 2021. The plan includes provisions for periodic monitoring and inspection, with priority areas designated for review to ensure the State fulfills its trust duty to stay informed on the condition of State leased land. However, it is OHA's understanding that the DLNR has not yet implemented the plan or conducted any site visits. As such, OHA believes that the Army should voluntarily withdraw the DEIS and that the DLNR should advise withdrawal as well until the management plan has been reasonably implemented. It would arguably be counterintuitive to pursue a further long-term lease of these parcels without knowing the impacts incurred or whether existing lease obligations have been fulfilled.</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits. Consequently, Army is not going to withdraw the Draft EIS due to the Court Ordered Management Plan.</p>                                                                                                                                                                                         |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>As noted in the 2019 Ching v. Case ruling, plaintiffs argued that the State's public trust duties requires that the State reasonably monitor and investigate existing use of State lands to determine if the United States is in compliance or not with existing lease conditions. The court thus held that an essential component of the State's duty to protect and preserve trust land is an obligation to reasonably monitor a third party's use of the property, and that this duty exists independent of whether the third party has in fact violated the terms of any agreement governing its use of the land. To hold otherwise would permit the State to ignore the risk of impending damage to the land, leaving trust beneficiaries powerless to prevent irreparable harm before it occurs. Lest the condition of these lands be independently determined by the State, the State should not re-new another long-term lease at this time or entertain a process seeking renewal. Ignoring this obligation would show a disregard for the State's trust responsibilities. Further, the management plan has the potential to better inform the Army and allows adjustments to be made to planning efforts (and the DEIS itself) should deficiencies be found during inspections. OHA indeed concurs with the recommendations of the court ordered DLNR management plan for PTA lands, a copy of which is attached to this letter together with the Ching v. Case Hawai'i Supreme Court ruling as Enclosure 1.</p> | <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p>                                                                                                                                                                                                                                                                                             |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>Notably, a cultural monitoring program has been in place at PTA as part of Section III.E of the Stryker Brigade Combat Team 2004 Programmatic Agreement (PA) executed pursuant to the National Historic Preservation Act (NHPA) Section 106 process. Cultural monitor daily reports note a continued concern for the delicate PTA landscape and the possibility that it could be lost forever if not attended to. Recommendations were subsequently made to restore the traditional landscape and all life within it through: 1) protection of trees, insects, and birds; 2) compassionate eradication of ungulates; 3) expansion of native plant and forest recovery efforts; 4) preservation of the ?auwai akua (waterways of the gods); 5) securing funds for PA implementation; 6) protection of Na Pu'u (cinder cones); and 7) clean up of the PTA impact area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>USAG-PTA staff and cooperators continue to protect and monitor sites as related to training activities and in compliance with the National Historic Preservation Act Section 106 Programmatic Agreement, described in EIS Section 3.4. The 2004 Stryker Brigade Programmatic Agreement that included cultural monitoring has been superseded by the 2018 Hawaii Island Training Programmatic Agreement for training.</p> <p>See Section 3.3 and 3.4 for details on Army conservation programs.</p> |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>The Army has utilized PTA for nearly 65 years, with a constant barrage of military trainings (inclusive of live-fire trainings) that have riddled the trust lands with unexploded ordinances (UXOs) and endangered the many natural and cultural resources in and around the area. Further, OHA has been excluded from discussions regarding the lease renewal and implementation of the DLNR management plan. This is unacceptable as HRS 10-1(b) specifically indicates that it shall be the duty and responsibility of all state departments and instrumentalities of state government to actively work towards the goals of Chapter 10 and to assist the OHA wherever possible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Land retention negotiations have not been initiated nor will they until the NEPA/HEPA process is complete.</p> <p>The Army only accommodates the requisite site visits at PTA as requested by DLNR as part of the Court Ordered Management Plan.</p> <p>Munitions and explosives of concern are addressed in Section 3.5 of the EIS. Impacts of training on natural and cultural resources are in Sections 3.3 and 3.4 of the EIS.</p>                                                             |

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| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>The Department of Hawaiian Homelands (DHHL), commented on the EIS Preparation Notice (EISPN) expressing concern over hazardous materials occurring near their lands and water sources as a result of military use. As such, DHHL recommended water table and air quality testing on neighboring parcels. OHA supports and shares these same concerns as DHHL as care of these lands and water resources are indeed a public trust responsibility. Again, unless the DLNR can reasonably implement their court ordered management plan, it would appear to OHA that the DEIS is drafted in a way that is rushed and does not allow for the opportunity to address any forthcoming State concerns. Withdrawal of the DEIS by the Army should be the preferred action at this time.</p>                                                                                                                                                                           | <p>Groundwater and surface water quality are discussed in Section 3.9. Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p> |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>Aside from the preferred alternative of full lease area retention and a no action alternative, Alternative 2 proposes a modified retention (19,700 acres) and Alternative 3 proposes minimum retention (10,000 acres and 11 miles of select roads and trails for access). There is no alternative proposing a shorter lease term. It is unclear to OHA why a shorter term is not even suggested given the fact that the DLNR management plan has not been implemented yet and compliance with existing lease conditions are unknown. Assuming a re-release of the DEIS at a later time, a meaningful analysis of alternatives that include shorter lease terms should be considered as constant renewal of a long-term lease also creates the appearance of de facto ownership. Preferably, the discussion of shorter lease terms should occur in advance of drafting the DEIS with the DLNR and OHA following implementation of the DLNR management plan.</p> | <p>The Proposed Action does not include land retention duration because that would be negotiated with the State following completion of the EIS. Section 2.2.5 includes Alternative 6 as a short-term retention alternative and the reasons it was dismissed from detailed analysis.</p> <p>Land retention negotiations have not been initiated nor will they until the NEPA/HEPA process is complete.</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p>                                                                                                                                                                                 |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>OHA believes that consultation with the DLNR's Office of Conservation and Coastal Lands (OCCL) should already be occurring to determine specifically what type of "discretionary permits" are needed to enable the PTA lease extension. Hawai'i Administrative Rules (HAR) 13-5-24 indicates that if a proposed use is not present in the rules, then the applicant may "request a temporary variance, petition the land use commission for a land use district boundary change, or initiate an administrative rule change to have the proposed use added." The only feasible option in this case appears to be a petition for a land use district boundary change as a temporary variance for a 65-year activity would not be a temporary use, nor would an administrative change likely be proposed to include allowable live-fire training in any conservation subzone.</p>                                                                                 | <p>EIS Section 1.4.2 has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>However, given that the Land Use Commission must evaluate impacts to State concerns (i.e., preservation or maintenance of important natural systems or habitats; maintenance of valued cultural, historical or natural resources), amending the conservation zoning would seem inappropriate and pursued only to accommodate the Army's continued destruction of this resource subzone. OHA cannot support this possibility as the preferred course of action as it has the potential to foreclose eligibility of the PTA as a conservation district. Considering these concerns and the uncertainty on how exactly conservation district use compliance will be demonstrated, OHA recommends that any future DEIS include a full discussion on how the Army intends to obtain conservation district compliance and to include any recommendations from OCCL.</p>                                                                                              | <p>The EIS has been refined to describe the pathways to use of the State-owned land, and has been revised to list the standard operating procedures (SOPs), best management practices (BMPs), and regulatory requirements the Army follows during training to protect the natural and cultural resources of the State-owned land.</p> <p>Over the past 10 years, the Army has spent \$75 million for natural and cultural resource management across its training areas on O'ahu and Hawai'i island. The Army has spent at least \$3M annually for natural and cultural resource management at PTA.</p>                                                                                                                                                                                              |

## Responses to Draft EIS Comments

| Commenter         | Submitted By                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>The DEIS indicates that HRS 6E will follow the EIS process as the current HARs do not allow for State Historic Preservation Division (SHPD) review of an EIS. While OHA does recognize that the HRS 6E and 343 processes are separate, we have been supportive of the HRS 6E process being completed or at least initiated first to assist in properly informing the environmental review process. The intent of HRS Chapter 343 is to ensure a project's impact to the environment is fully considered in the planning process and to integrate mitigation where needed to minimize significant environmental harm. Surveys are conducted to identify various environmental components (i.e., flora, fauna, historic properties) so that any adverse impacts from the proposed action can be evaluated. In determining whether historic properties will be adversely impacted, the HRS 6E review process is essential to identifying historic sites and generating mitigation commitments in consultation with the DLNR SHPD. Any identified sites and resulting mitigations made during the HRS 6E review process are typically included in the environmental review for an adverse impact analysis and public comment.</p> | <p>The Proposed Action is an administrative action; no new activities are proposed. The EIS relies on existing studies to characterize existing conditions; the full summary of studies are described in the Archaeological Literature Review (Appendix J).</p> <p>Section 3.4.4 of the EIS documents the NHPA consultation process that resulted in a 2018 programmatic agreement (PA) to resolve adverse effects at PTA from ongoing activities. The PA was developed and signed by the U.S. Army, the Hawaii State Historic Preservation Officer, and the Advisory Council on Historic Preservation.</p> <p>As noted in Section 3.4.2 of the EIS, HRS Chapter 6E may be undertaken separately from the EIS process.</p> |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>HAR 11-200.1-18(d)(7) and (8) requires that impacts be identified and proposed mitigations be included within an environmental assessment. If HRS 6E is conducted after the HRS 343 process, impacts to historic and cultural resources cannot be identified as the means to identify these environmental components are not yet completed. Furthermore, since mitigation for any adverse effects to historic properties and cultural resources are made as a result of consultation with SHPD through the HRS 6E process, proposed State level mitigations cannot be included in environmental review documents if HRS 6E is not completed. OHA thus questions the completeness of any environmental review for projects that have not yet undergone HRS 6E review.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>The Proposed Action is an administrative action; no new activities are proposed. The EIS relies on existing studies to characterize existing conditions; the full summary of studies are described in the Archaeological Literature Review (Appendix J).</p> <p>Section 3.4.4 of the EIS documents the NHPA consultation process that resulted in a 2018 programmatic agreement (PA) to resolve adverse effects at PTA from ongoing activities. The PA was developed and signed by the U.S. Army, the Hawaii State Historic Preservation Officer, and the Advisory Council on Historic Preservation.</p> <p>As noted in Section 3.4.2 of the EIS, HRS Chapter 6E may be undertaken separately from the EIS process.</p> |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>As one of the key pillars of HRS 343 is to allow for public comment on a proposed action, deferring the HRS 6E review process to take place after HRS 343 review could hide the presence of historic properties and cultural resources that are important to Native Hawaiians from our beneficiaries and the general public. As the opportunity to include possible adverse impacts and mitigations in an environmental review are now foreclosed, our beneficiaries would not be fully informed on the proposed action when environmental review documents are specifically provided for comment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>EIS Sections 3.3 and 3.4 have been expanded to include relevant information from the many documents that guide the Army's actions to minimize impacts to cultural and natural resources.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | <p>OHA does recognize that ongoing Federal level NHPA Section 106 commitments and an existing PA is in place for PTA. However, the state historic preservation review process is still important as a significance criteria for sites important to Native Hawaiians is present that does not exist on the Federal level. The DEIS does in fact recognize that the HRS 6E process for the State includes site significance under Criterion E for their importance to Native Hawaiians. The EIS further suggests that the cultural impact assessment (CIA) process can be used to inform this determination to calm concerns regarding the lack of HRS 6E initiation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Section 3.4 of the EIS summarizes the findings of more than 30 archaeological surveys (see Appendix J, Archaeological Literature Review) and presents the findings of the associated Cultural Impact Assessment (Appendix I) for the region including the State-owned land leased by the Army.</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| Kamakana Ferreira | State, Office of Hawaiian Affairs | While the CIA process can help inform the assessment of Criterion E sites, the process should not supplant the actual assessment of Criterion E sites by a qualified archaeologist during the HRS 6E process or be used to possibly mislead people into thinking that the CIA identification process is enough to identify Criterion E sites for sake of the HRS 343 process. In many other cases, the HRS 6E process does not even require a CIA as not all project actions are subject to HRS 343. Thus, for many years, Criterion E site evaluations appear to have been mostly done through the HRS 6E process without any influence from a CIA document. OHA has not seen an attempt to possibly supplant Criterion E evaluation prior to the release of this PTA DEIS. OHA stands by our position that the HRS 6E process should be initiated and that the site identification process be completed first to adequately inform the DEIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The Record of Decision will document Army requirements for compliance with HRS Chapter 6E as determined by the land retention method.                                                                                                                                                                                                     |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | A CIA was completed for this project in October 2021 as part of the DEIS document. In review of the methodology, it appears that community outreach efforts started with requests for survey participation that ran in OHA's Ka Wai Ola in October 2020 and November 2020. 62 responses were received representing 39% of those who were contacted. It further appears that only a single person was interviewed and email responses were received from 4 individuals. Given that the CIA surveys and outreach effort were conducted at the early onset of the COVID-19 pandemic, OHA believes that another round of consultation should be carried out as people may not have had enough time to comment or were experiencing personal hardships. OHA does further recognize that many other projects in areas of concern or cultural sensitivity have opted to include several rounds of consultation for CIAs. For example, the decommissioning of the California Institute of Technology telescope atop Maunakea included an initial consultation in 2018 for a CIA; but, they opted for a longer consultation process that ran again in 2020 at the request of cultural practitioners and the known cultural concerns surrounding Maunakea. In this particular case, OHA strongly recommends an additional round of consultation for the CIA, with an emphasis on ascertaining additional interviewees and responses. | Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.                                                                                 |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | Mahalo for the opportunity to comment. OHA looks forward to seeing the DEIS withdrawn, implementation of the DLNR management plan, and integration of our further comments into a future re-release of the DEIS. Given OHA's responsibility to our beneficiaries and the public land trust, we further insist that OHA be included in future discussions regarding implementation of the DLNR management plan and any consideration of lease renewal and alternatives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your comment. The EIS has been prepared under NEPA and HEPA regulations to disclose the Army's Proposed Action to retain the land. The EIS has been revised for each relevant resource section in Chapter 3 and Appendix E to document that the Court-Ordered Management Plan is considered in all ongoing Army activities. |
| Kamakana Ferreira | State, Office of Hawaiian Affairs | Further, it should go without saying that the public's general trust with the military's ability to properly steward Hawai'i lands and resources have been shaken in light of the recent Red Hill water crisis and past occurrences of strewn unexploded ordinances on State lands (i.e., Kahoolawe, Makua Valley). As such, the military should make every effort to meaningfully consult with the State (i.e., DLNR, OHA) and the Native Hawaiian people, proactively plan, cooperate with inspections that are part of the Court ordered DLNR management plan, and comply with any corrective actions that may be recommended following the DLNR's management plan inspections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Your comment is noted. Please refer to the earlier response documenting that the Army has received no corrective actions from DLNR site visits conducted to date.                                                                                                                                                                         |

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| Commenter                     | Submitted By                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                |
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| Kamakana Ferreira             | State, Office of Hawaiian Affairs         | OHA strongly recommends that the Department of Defense (DoD) begin consultation with Native Hawaiian organizations (NHOs) pursuant to the DoD Instruction, No. 4710.03 and ACHP's Consultation with Native Hawaiians in the Section 106 Review Process, A Handbook (attached hereto as Enclosures 2 and 3, respectively), setting forth mandated policy and procedures for consultation with NHOs when proposing an undertaking that may affect a property or place of traditional religious and/or cultural importance, or action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO in addition to consultation in compliance with NEPA and NHPA. OHA may also serve to facilitate effective consultation between NHOs and DoD Components, with the understanding that no single NHO is likely to represent the interests of all NHOs or the Native Hawaiian people. See also United Nations Declaration of the Rights of Indigenous Peoples, attached as Enclosure 4, which further promotes consultation between respective States and indigenous peoples.                                 | This EIS has been prepared under NEPA (42 U.S.C. Section 4321 <i>et seq.</i> ) and Hawaii Environmental Impact Statement statute and rules (HRS Chapter 343 and HAR Chapter 11-200.1). Army compliance with NHPA Section 106 for DoD activities at PTA is described in EIS Section 3.4. |
|                               | Hawaii County, Department of Water Supply | We have reviewed the subject Draft Environmental Impact Statement and have no further comments at this time.<br>Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your review. We understand that the Hawai'i County Department of Water Supply has no further comments at this time.                                                                                                                                                       |
| Clinton Baybayan              | Hawaii Fire Department                    | In regards to the this project, it will need to have the proper infrastructure for Fire Department access and water supply for firefighting that meets the requirements of the Hawaii State Fire Code and the Hawaii County Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The Proposed Action is an administrative action and no construction is proposed.                                                                                                                                                                                                        |
| Zendo Kern, Planning Director | Hawaii County, Planning Department        | Thank you for including us in the review of Army Training Land Retention at Pōhakuloa Training Area (PTA), Draft Environmental Impact Statement (EIS). We understand the United States Army has initiated the EIS process under the National Environmental Policy Act (NEPA), guided by the Council on Environmental Quality NEPA, implementing regulations in Title 40 Code of Federal Regulations (C.F.R.) Parts 1500–1508, and Army NEPA implementing regulations in Title 32 C.F.R. Part 651. The EIS has also been initiated under Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules Chapter 11-200.1 (HEPA). The County of Hawai'i has little to no jurisdiction over these subject lands.<br>During the scoping period, the Planning Department transmitted a pre-consult letter dated October 12, 2020, which included a list of relevant stakeholders to be consulted with and a request for this EIS to be heard by the County's Cultural Resource Commission (CRC). We reiterate those requests herein. If you have any question regarding this letter, please feel free to contact me at (808) 961-8125 or via email at zendo.kern@hawaiiicounty.gov. | Thank you for your comment.                                                                                                                                                                                                                                                             |

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| Commenter    | Submitted By                                       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                       |
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| Kurt Fevella | Senator Kurt Fevella, State of Hawaii, District 19 | <p>I am writing to oppose the Army's proposal to retain for continued military training up to 23,000 acres of State-owned land at the Pohakuloa Training Area (Pohakuloa) situated between the peaks of Mauna Loa and Mauna Kea on Hawaii Island. The U.S. military began using lands at Pohakuloa in the early 1940s during World War II as an artillery live-fire training area. This was followed by the Governor of the Territory of Hawaii issuing an Executive Order in 1956 for use of 758 acres. And finally, the present lease between the State of Hawaii and the U.S. Government of the 23,000 acres began in 1964 and is set to expire on August 16, 2029. This means lands at Pohakuloa first under the Territory of Hawaii and now the State of Hawaii have been used by the military for nearly eight (8) decades. The U.S. military control cannot continue indefinitely and the time has come to return these public lands at Pohakuloa to the State of Hawaii. The Army reports that there is no other training area besides Pohakuloa in Hawaii that can accommodate collective training, yet the military already has jurisdiction over nearly 110,000 acres of adjacent U.S. federal government-owned lands for military training. And while I recognize the need to protect the United States' efforts to use these islands for various military training, we also need to consider the health and safety of our people, land, air, and water quality that has continuously been negatively impacted by military training. The historical training activity by the military on State lands continues to have long-lasting negative effects on the historical value of these Hawaiian Islands.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Kurt Fevella | Senator Kurt Fevella, State of Hawaii, District 19 | <p>The history of Kaho'olawe since the start of the U.S. Navy bomb training in 1953, set the precedence of a continuous historical trauma between the Kānaka Maoli (original inhabitants), the people of the State and the military's use of State's lands. As a result of Protect Kaho'olawe 'Ohana actions and litigation, President George Bush, Sr. ordered a stop to the bombing of Kaho'olawe in 1990. Kaho'olawe was then turned over to the State of Hawai'i Kaho'olawe Island Reserve Commission in 1994. Huge efforts and sums of monies were given to remove, clear and restore the lands back to its original state, and these efforts continue today.</p> <p>The damage that was endured on Kaho'olawe sets a standard on what is to be expected in the future should the military continue its present use which will result in further desecration and impact to these islands. Kaho'olawe is only one prime example. There are also other harmful desecrations that have occurred on Oahu lands including the Kahuku Training Area, Kawaiiloa-Poamoho and Makua Military Reservation. The military must now redirect its efforts to cultivate these lands back to its original natural state. It is in the best interest of the Kānaka Maoli, the community and the State of Hawai'i that these lands are given back to the people to steward these ancestral lands.</p>                                                                                                                                                                                                                                                                                                                                | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Kurt Fevella | Senator Kurt Fevella, State of Hawaii, District 19 | <p>It would be detrimental for Native Hawaiians, like myself, to stand idly by and relinquish claims to public lands (aka government and crown lands), which we believe were taken without consent or proper compensation. I firmly believe the U.S. Government must return the State-owned lands at Pohakuloa Training Area and provide the necessary funding for protection and restoration projects. Thank you for your consideration of my testimony.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your comment. Land tenure is discussed in Section 3.2.4 of the EIS.              |

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| Kurt Fevella  | Senator Kurt Fevella, State of Hawaii, District 19          | Aloha, this is Senator Kurt Fevella, LOV (ph.) Station 19. I'm in opposition to Pohakuloa training EIS. We need to restore Pohakuloa to its natural beauty, because it's very vital to the people of Hawaii that we change it back into its natural order. It's between two beautiful sacred mountains of Mauna Loa and Mauna Kea. We need to take care of our aina and to give it back to the people of Hawaii. Thank you for your time. Again, I'm opposing the EIS for Pohakuloa Training. Thank you for your time. Take care and God bless.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Jason Chung   | Chamber of Commerce Hawaii's Military Affairs Council (MAC) | The Military Affairs Council of the Chamber of Commerce Hawaii supports the retention of state-owned lands to be able to continue critical training of the Army, Marines and Hawaii National Guard. These lands have been used for training since 1956 and continue to be important to ensure that when we put our brave warriors in harm's way, they are prepared to execute their missions and return home safely to their families. As many have said before, freedom is not free. And the more our troops can be ready and trained, the greater the likelihood they return home with less injuries or loss of life. The MAC continues to work and engage in community conversations about the importance of the Army being a good environmental steward of the training lands, to include cleaning up of unexplored ordnance to allow for the greater use and enjoyment of the surrounding lands. It also includes partnerships with Native Hawaiian cultural practitioners to assure regular access to cultural sites, and to begin a discussion about what co-management of the lands could look like. Lastly, let's commit to being creative on economic opportunities for Hawaii Island business and young people. The MAC encourages the Army to continue to actively engage with the community and stakeholders to address concerns raised in the draft EIS. MAC stands ready to assist. The retention of these lands is good for our nation, and the state of Hawaii. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Brian Ley     | County GMAC                                                 | Aloha Brian Ley, County GMAC. (Game Management Advisory Council)<br>If PTA continues with its lease. We highly recommend that it installs and repairs excising waters for the animals entrusted to its care. the lack of water for the game animals is not a state mandate according to Hawaii West Biologist Kanalu Sproat. there is no reason for the environmental damage being caused because these animals are dying of thirst. Watching the damage and suffering going on in PTA is very disturbing. The bird hunting has gone from highly exceptional to almost nonexistence, in a few short years. habitat management and control burns would be greatly appreciated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | We note your comment that game animals should be provided water. See EIS Section 3.2.4 related to Army best management practices for habitat management and Section 3.16.4 for prescribed burn information.                                                                                                                                                                                                                                                                                                                           |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii      | 1. If the lease is to be renewed, that the "rental rate" be a serious amount, and not a neo-colonial one-dollar for sixty-five more years, and that the Military must in any event pay arrearages for past grossly insufficient rent; 2. The DOD must undertake SERIOUS environmental clean-up; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Land retention negotiations, including compensation for use of the land, would be initiated following completion of the NEPA/HEPA process.<br><br>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process. |

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| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>3. The DOD must undertake and abide by serious plans for the return of portions of the PTA over the course of a reasonable period of time, with eventual closure. The Democratic Party of Hawaii (DPH) has an enrolled membership of some 145,000 active and associate members in the State of Hawaii. The Environmental Caucus of the Democratic Party is a semi-autonomous organization of over 5,330 DPH members. We advocate to advance the Party's environmental Platform planks and Resolutions, including those adopted by DPH members at the Democratic State Convention in 2018 that are quoted below. Fundamentally, we object to the renewal of the lease of 22,971 acres of stolen, ceded State lands (Hawaii Revised Statutes ("HRS") §343-5(a)(1)) in a Conservation District (HRS §343-5(a)(2)) and county Forest Reserve that was entered into between the Army and the State of Hawaii in 1964 in consideration of \$1.00 for a 65-year lease to expire in 2029. For multiple reasons summarized here, we object to the continuation of the lease and the continued failure of the Army to adequately clean up the site. We reluctantly use the draft EIS process as an inadequate means of redress to express our concerns, as permitted under the National Environmental Policy Act ("NEPA").</p>                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>The reasons for this opposition are simple: the U.S. Military has historically and systematically abused and degraded the environment and has not been environmentally sound in its clean-up and restoration. There are more than 40,000 hazardous sites across the country polluted by U.S. military operations, affecting a total amount of land larger than the entire state of Florida. Many of these sites have extensive groundwater and soil pollution, or present a risk of exploding bombs and munitions, even if they are open to the public. Some have been converted to parks and wildlife reserves and even housing developments. Many sites were part of old defense facilities that have long since shut down, and may not be known locally, even though a risk of exposure to contaminants may still be present. Even sites where the DOD says it has already completed its response can present an ongoing threat or risk to the public. While the data pinpoint a precise location, contamination from that location may well affect a much larger area, including public and private lands and the water supplies beneath them. <a href="https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard">https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard</a></p>                      | Thank you for sharing your concerns. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>There are at least 25 hazardous sites at the PTA. Many of these sites have been declared "clean" by the DOD but are still not safe for use by people. This military installation is safe only with the following conditions in place: fences, signs, local use ordinances, prohibit or otherwise manage excavation, prohibit residential use, landfill restriction, prohibit activities that would impact the landfill cap (or cover system), and drainage system, landfill restriction - prohibit excavation on landfill cap or cover system, landfill restriction - restrict access to the site. Currently, the PTA has one HIGH RISK active site where cleanup remains ongoing. The Pu'u Pa'a site is of high risk and is subject to the removal of unexploded munitions and ordnance at an estimated cost of \$90 million plus expected future cost of cleanup and an expected final cleanup action to occur in November 2045. The high risk assessment is made by the DOD which prioritizes the cleanup of sites that pose greatest threat to safety, human health, and the environment. A second site subject to removal of unexploded munitions and ordnance is located at the former Bazooka Range. Its cleanup cost in 2015 plus future cost of cleanup was expected to be \$1.7 million with a final cleanup action in June 2017.</p> | <p>Section 3.5.4.11 provides information regarding the 2015 cleanup of MEC and lack of chemicals of concern at the PTA Former Bazooka Range, which includes the High Mortar Concentration Area. Text revised with MEC and debris quantities from the Final Site Specific Final Report, Removal Action, Pohakuloa Training Area Former Bazooka Range, Island of Hawaii (February 2016).</p> <p>There are currently land use controls and long-term monitoring actions in place for the landfills that will remain in place even if the land is transferred back to the state. Sections 3.5.6.4, 3.8.6.4, and 3.15.6.4 revised to State the Army would maintain ongoing management of the POTA-06 former landfill on State-owned land if the No Action Alternative is selected, pending an agreement allowing the Army access for necessary inspection and management. When the lease expires, maintenance of the landfill and land use controls may be negotiated in the transfer of the property.</p> <p>The Pu'u Pa'a site is not on PTA and is outside the scope of the EIS.</p> |

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| Commenter     | Submitted By                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                                                                                                                                                                        |
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| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>Given the U.S. Military's use of hazardous substances, explosives and ordnance necessitating numerous cleanups leaving the land with restricted or no access available, it appears that the purpose of NEPA cannot be accomplished by the continuation of military training at P?hakuloa as the land can never be restored and enjoyed even after thirty years of cleanup. PTA is not the only site of subject to hazardous substances, explosives and ordnances necessitating numerous cleanups. In fact, there are 115 Military Installations with hazardous sites in the State of Hawai'i with a total past and future cleanup cost of \$2.77B and of the 115 Military Installations, 43 are determined by the DOD to be HIGH and MEDIUM hazardous risk Installations. See, chart <a href="https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&amp;c=shrink">https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&amp;c=shrink</a></p>                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your comment. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>To this very long list, we must now add the Red Hill Underground Fuel Storage Facility on O?ahu. It is now well known that the Red Hill facility is an imminent danger to the fresh water sole source aquifer of the entire Island of O?ahu, where 65 percent of Hawai'i's population resides, and where huge military facilities are located. The Department of Defense has now recognized that the facility needs to be shut down as soon as possible at the probable cost of two or three billion Dollars because of 80 years of corrosion, disrepair, and lack of adequate testing and maintenance of the Facility and its pipelines, that it absolutely cannot be properly and safely operated. The point of providing this listing is to demonstrate the absolutely terrible record of the U.S. military in exercising its stewardship responsibilities as a user of lands in Hawai', regardless of whether these are open lands like P?hakuloa, or complex operational facilities like Red Hill. Given the multitude of Military Installations throughout the State of Hawai'i that remain high and medium risk of injury and contamination, the Environmental Caucus remains steadfast in its opposition to the proposed retention of the PTA for the continuation of uninterrupted military training pursuant to NEPA, Article XI, Section 1 of the Hawai'i State Constitution; the Precautionary Principle; and Ching v. Case, 145 Hawai'i 148, 449 P.3d 1146 (2019).</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                           |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>The Hawai'i State Constitution, Article XI, Section 1, states: For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people. The Hawai'i Supreme Court has declared in Ching v. Case that this section makes the Public Trust Doctrine ("PTD") a fundamental element of Constitutional law in the State of Hawai'i. Specifically, under Article XI, Section 1, of the Hawai'i State Constitution, the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people. The Hawai'i Supreme Court has declared that this Constitutional provision creates a duty for the State to protect public trust purposes. The Public Trust Doctrine therefore seeks to protect the following Public Trust purposes:</p>                                                                                                                                                                                                                                                           | <p>The Ching v. Case lawsuit is disclosed in EIS Section 3.2.4. The Army was not party to the lawsuit.</p>                                                                                                                                                                                                                                                      |

## Responses to Draft EIS Comments

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| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>1. Domestic water use of the general public, particularly drinking water, 2. The exercise of Native Hawaiian and traditional and customary rights including appurtenant rights, 3. Reservations of water for Hawaiian Home Land allotments, and 4. Maintenance of waters in their natural state. (Water Resource Protection Plan (2008), Commission on Water Resource Management). Both the Hawai'i Supreme Court and the Commission on Water Resource Management have declared that the Public Trust Doctrine applies equally to groundwater and surface water. The Precautionary Principle is a duty under the Public Trust Doctrine. The PTD is a preventive doctrine, not a remedial one, as the Hawai'i Supreme Court recognized when it found that the Precautionary Principle was an inherent attribute of the PTD. In endorsing the Precautionary Principle, the Hawai'i Supreme Court rejected the requirement of scientific certainty before acting to protect Public Trust Purposes, noting that to do so will often allow for only reactive, not preventive regulation.</p>                                                                                                                                                                                                                                                                                                                                                                   | Your comment is acknowledged.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i opposes the renewal of the 65-year lease for PTA between the U.S. Army and DLNR. In this light, the Environmental Caucus rejects the process involved in developing a draft EIS for the U.S. Army. Further, given that the U.S. Army – Hawai'i ("USARHAW") is retaining the U.S. Army Corps of Engineers, Honolulu District under contract W9128A19D0004 to process the EIS, we urge the U.S. Army to retain a disinterested third-party to conduct an Environmental Impact Statement before it proceeds to negotiate for the retention of the PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>However, the Army Training Land Retention area at PTA is not in compliance with the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. § 4321. The purpose of NEPA is to declare a national policy that will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. Clearly, the continuous act of maintaining (1) live-fire and non-live-fire artillery firing points; (2) ranges for mounted, dismounted, and aviation training; and (3) support facilities, including ammunition storage areas and helicopter and tilt-rotor aircraft landing zones fails to encourage productive and enjoyable harmony between man and his environment as the environment suffers irreparable harm; fails to promote efforts that prevents or eliminates damage to the environment and biosphere as the target areas remain littered with spent munitions and fragments and unexploded ordnance, contaminated with depleted uranium which fails to stimulate the health and welfare of man; and it fails to enrich the understanding of the rare ecological systems and natural resources and wildlife important to the Nation.</p> | <p>We acknowledge your opinion regarding compliance with NEPA.</p> <p>Additional language within the NEPA regulation requires federal agencies to examine the potential environmental effects of their proposed actions on the human environment. The NEPA process ensures that environmental information is available to public officials and citizens for review and input before decisions are made and before actions are taken.</p> <p>The U.S. Army has prepared this EIS pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] Section 4321 et seq.), Hawai'i Revised Statutes (HRS) Chapter 343, and Hawai'i Administrative Rules (HAR) Chapter 11-200.1. It is a disclosure document to provide the public an opportunity to review and comment the Army's Proposed Action.</p> |
| Melodie Aduja | Environmental Caucus of the Democratic Party of Hawaii | <p>We believe that a comprehensive and objective analysis of U.S. military activities at Pōhakuloa pursuant to these 14 enumerated factors must lead inexorably to the conclusion that the military needs to cease further gunnery activities, engage in thorough clean-up of the site, and return it to the people of Hawai'i not later than the original lease expiration date in 2029. It must also pay arrearages for the grossly insufficient rent. The environmental damages from the continued military training use at PTA are substantial. We continue to oppose further retention of the PTA by the DOD as the risk of damage to the environment and ecosystem is great and the likelihood of restoration is low to the detriment of the Native Hawaiian community, the community at large, and indigenous plants and animals.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## Responses to Draft EIS Comments

| Commenter        | Submitted By                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                              |
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|                  | Hawaii Island Chamber of Commerce | <p>Thank you, and good evening. My name is Miles Yoshioka, M-I-L-E-S, Y-O-S-H-I-O-K-A, and I represent the Hawai'i Island Chamber of Commerce, an organization of nearly member businesses, professionals and nonprofits from primarily East Hawai'i. We fully support the U.S. military's training mission at Pohakuloa Training Area. Allowing the full retention of the acres of land currently leased from the State of Hawai'i will allow the Army to maintain those training requirements. Properly trained soldiers -- properly training soldiers for their crucial deployments is a paramount responsibility of the U.S. Army. PTA provides an unparalleled venue to accomplish this goal and prepare our troops for the challenges they will face when sent to counter threats to American citizens and our national interests or to support our allies. Training saves lives, and we owe it to the brave men and women who annually arrive at PTA to receive the instruction and training that they need. Many of our local men and women in uniform, our friends, our neighbors, our family, including those in the Hawai'i Army Air National Guard, Hawai'i Army National Guard, U.S. Army Reserves, and all other branches of the military train at PTA. State and county of Hawai'i first responders, including our fire fighters and police, train at PTA facilities and ranges. Additionally, PTA fire and rescue team members are the first responders in the Saddle area handling emergencies in the first critical minutes with fire trucks and Blackhawk helicopters at their disposal. This is extremely important to the health and safety of the many drivers, hunters, and visitors in the area. For these and other reasons, the Hawai'i Island Chamber of Commerce strongly supports the renewal of the lease for the state land at Pohakuloa. Thank you very much.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Nancy Redfeather | Ka Ohana O Na Pua                 | <p>The U.S. Army has now completed the Draft EIS that will lay out and analyze its proposal to retain up to approximately 23,000 acres of state-owned land at Pohakuloa Training Area (PTA) for military training, the public has been invited to comment on this EIS Draft. I would like to submit this statement as my Testimony. Ka Ohana O Na Pua is a 31 year old state and federal non-profit whose mission is to provide agricultural education for keiki to kupuna. It is my understanding that The area has been used for military training since 1943, and the state-owned land has been leased by the Army since 1964. PTA is the largest contiguous livefire range and maneuver training area in the state and is located between Mauna Loa, Mauna Kea, and Hualalai on the island of Hawai'i. Of the 132,810 acres at PTA, approximately 23,000 are leased from the state. The current 65-year lease is set to expire in August 2029. I am opposed to the continued occupation of State lands on Hawaii Island for military training exercises and I would like to briefly identify points that the final EIS should seriously consider in detail.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

## Responses to Draft EIS Comments

| Commenter        | Submitted By      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Nancy Redfeather | Ka Ohana O Na Pua | <p>1. In the Army's lease agreement with the State of Hawaii, you are required to "make every reasonable effort to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner." Has the Army complied with this lease provision and what were the steps taken and when to fulfill this promise? 2. A thorough investigation of the entire area should be undertaken to determine whether there is any military debris remaining and that would also include unexploded ordnance on any lands that have been used for training/exercises over the historical time period of your occupation. I know that over many years, there have been many Cultural Monitors who spent extensive time on the Pohakuloa lands and have observed firsthand military debris, including unexploded ordnance and spent shell casings on the grounds of the lands leased by the Army. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate. Range Operations personnel oversee cleanup of ranges when the soldiers have completed their training.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from PTA Range Operations Standard Operating Procedures regarding cleaning ranges after training.</p> <p>Text clarified to state Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |
| Nancy Redfeather | Ka Ohana O Na Pua | <p>3. There was a draft document titled: "Action Memorandum for the Time Critical Removal Action" prepared in 3/2015 by the US Army Garrison at Wheeler Army airfield on Schofield Barracks in Wahiawa, Oahu, Hawaii. This bazooka range was used as a military maneuver area through the early 2000s. During the joint DLNR/Army inspection in 2014, the area was found to be "heavily contaminated on the surface with potentially explosive materials and munitions debris. 4 different types of ordnance were observed to be present.</p> <p>1.) M29A2 training rounds with dummy M405 fuses<br/>                 2.) Practice 81mm mortars<br/>                 3.) Other high explosive anti-tank rifle grenades<br/>                 4.) M28A2 bazooka rounds with M404 fuse 5.) M30 white phosphorus bazooka rounds</p> <p>At that time the Army noted the number of ordnance present on the ground "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." Estimated cost of cleanup in 2015 was \$2,353,000.00. The reason the Army recommended this cleanup was that it "presents an imminent and substantial endangerment to public health, or welfare, or the environment." Any final EIS should summarize the details and the status of that cleanup effort. Was it accomplished, is it now safe for the public and the environment, what and how much waste was collected from the area, where was it disposed?</p> | <p>Section 3.5.4.11 provides information regarding the 2015 cleanup of MEC and lack of chemicals of concern at the PTA Former Bazooka Range, which includes the High Mortar Concentration Area. Text revised with MEC and debris quantities from the Final Site Specific Final Report, Removal Action, Pohakuloa Training Area Former Bazooka Range, Island of Hawaii (February 2016).</p> <p>The disposition of the MEC from the Former Bazooka Range is outside the scope of the EIS. The MEC was disposed of in accordance with federal and state laws.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Nancy Redfeather | Ka Ohana O Na Pua | <p>4. This upcoming EIS should fully and transparently disclose the extent to which the ungulates exist in the area used by the Army for training exercises and the damage they have caused to date. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Recreational activities including hunting are described in Section 3.2.4.2. Game management and ungulate control are described in Section 3.3.4.3.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| Nancy Redfeather | Ka Ohana O Na Pua | <p>5. To my knowledge, from reading reports of the number and significance of cultural sites the investigation into this aspect of land use has been superficial. The final EIS should include a thorough inventory of all historic sites in the area with photos and GPS location. This could be one of the Appendix pages. It should also include a through discussion of the history and the cultural significance of Pohakuloa through historical time to the present. (this would show your sensitivity to the host culture) The EIS should also include a detailed discussion as to the current condition of each of these sites and how they have changed while the Army has been using these lands. Concerns still Linger from the 8/2018 EA Finding of No Significant Impact 1. I can see that a through evaluation of the potential ancient and historical sites has not been completed. There have been identified 1,198 sites, 822 have not been evaluated, and 364 are traditional Hawaiian sites, and that only 20% of the high impact zone has been evaluated. That no sacred sites were identified seems highly unlikely. This information should have affected the final determination of No Significant Impact.</p>                                                                                              | <p>It is Army practice to protect the location of sensitive sites. EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been added to show where surveys have been completed, and the general locations and types of sites within state-owned lands.</p> <p>Specific significance criteria are presented for each resource area. These are standards or thresholds by which a significance conclusion can be drawn.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Nancy Redfeather | Ka Ohana O Na Pua | <p>2. While I understand that there has been numerous lava flows as well as 100 years of ranching in the zone, and that a collection of physical artifacts exists that was recovered through surveys, it seems that there very well could be long term impacts to the Island of Hawai'i through continued use of the area as a training area for the use and training of various weapon systems. These impacts would include, contamination of the ground water serving communities at lower elevations, contamination of soils from depleted uranium pieces and dust kicked up in the impact zone unknowingly (because you really don't know where all the DU lies) impacting both the soldiers and communities down wind, and the potential for ancient sites which have not yet been surveyed to be destroyed. 3. The Hawai'i County Council has passed various Resolutions that clearly stated their concerns about these potential impacts. Resolution 639-88 urges the military to address the potential hazards of DU at the Pohakuloa Training Area. This Resolution has 8 action areas including ceasing of live fire and clean up of DU that have not been adequately addressed in the past 9 years. As a courtesy to Hawaii Island County Government this needs to be addressed. Again could be an Appendix page. ?</p> | <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>As noted in Section 3.5.4.12, the Army has conducted the following actions with respect to depleted uranium at PTA: 1) soil sampling, 2) air sampling, 3) a health and risk assessment, 4) implement Department of Defense Directive 4715.11 that prohibits the firing of high-explosive munitions into the depleted uranium impact locations, and 5) obtain and adhere to a NRC license for possession of depleted uranium.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> |
| Nancy Redfeather | Ka Ohana O Na Pua | <p>4. The State of Hawai'i land lease does not allow for storage of nuclear storage on site, even though the NRC has given Pokahuloa a permit to possess DU on site. The Army has not been transparent with the public about the use of DU coated weapons being used currently on site. IF the Army is not using DU coated weapons and firing them at the Pohakuloa Training Site, you should tell the public. That would make a huge difference in many peoples minds of how they view your continued presence here.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Nancy Redfeather | Ka Ohana O Na Pua | <p>Personal Observations Over the past 24 years. I live in the Kawanui Ahupua'a of Kona at the 1,500 ft. elevation and many times over the past 20 years my house has shook from the ordnance that has been used at Pokaukoa. I have also been out on my farm and literally felt the earth shake under my feet. Can this possibly trigger earthquakes or shift movements of magma beneath the surface? Please include such seismic and geological information in the final EIS. Thank you for taking all these concerns under consideration when laying out your plan for the final EIS. I will look for updates on this process in our local news, unless you of course wish to update the stakeholders in a timely manner.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Section 3.8.6.1 of the EIS has been clarified to note "Military training at PTA has no effect on the frequency of volcanic eruptions and seismic hazards..."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|           | Kupuna for the Moopuna | <p>Kūpuna for the Mo'opuna, a network of homestead farmer beneficiaries of the Hawaiian Homes Commission Act from Pana'ewa, Hawai'i, provide comments in strong support of the Army's No Action Alternative in accordance with Council on Environmental Quality regulations. (ES.8.4. No Action Alternative)</p> <p>We strongly support the position that when the lease expires in 2029, the Army must lose all access to the land. No extension. No renewal. No new lease.</p> <p>1.) Describe the current condition of the leased area at PTA subsequent to the August 2019 Hawai'i Supreme Court decision - affirming Judge Chang's 2018 ruling that "military needs to clean up mess and destruction; follow through on your commitments" – along with the measures that have been taken that fully describe how the terms of the existing lease have been satisfactorily fulfilled.</p>                                                                                                                                                                                                            | <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|           | Kupuna for the Moopuna | <p>2.) Describe the detailed plan to clean up debris and toxins at PTA before the lease expires. Explain how this plan will differ from the long documented history of military pollution throughout Hawai'i.</p> <p>3.) Describe how the State can meet fiduciary obligations to native Hawaiians and the public to protect the land since it is, in fact, the Army that has left the land in a degraded and hazardous condition at Pōhakuloa and other sites throughout Hawai'i. <a href="https://www.civilbeat.org/2021/01/the-history-of-u-s-military-pollution-in-hawaii-is-extensive/">https://www.civilbeat.org/2021/01/the-history-of-u-s-military-pollution-in-hawaii-is-extensive/</a> <a href="https://www.hawaiitribune-herald.com/2022/04/14/hawaii-news/ordnance-removal-enters-next-phase-following-9-months-of-scanning-near-waimea-army-personnel-will-begin-digging-for-munitions/">https://www.hawaiitribune-herald.com/2022/04/14/hawaii-news/ordnance-removal-enters-next-phase-following-9-months-of-scanning-near-waimea-army-personnel-will-begin-digging-for-munitions/</a></p> | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text revised to state Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>The State's obligations to native Hawaiians are outside the scope of the EIS.</p>                                                                            |
|           | Kupuna for the Moopuna | <p>4.) Explain how claims that land retention is "necessary" are credible, since the military also claimed Kaho'olawe, the Kapūkākī (Red Hill) fuel tanks, Mākua Valley, Waikāne Valley, and Stryker armored fighting vehicles were all "necessary."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>The purpose and need for the Proposed Action are discussed in Section 1.3 of the EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|           | Kupuna for the Moopuna | <p>5.) Explain why a \$210 million dollar construction effort to "improve Army facility" at PTA was allowed to begin with the construction of new barracks in light of the lease set to expire in 7 years. Explain why the Army continues to focus on adding on rather than cleaning up as required by law. <a href="https://www.hawaiitribune-herald.com/2022/04/27/hawaii-news/new-barracks-unveiled-at-pta-project-is-part-of-a-210-million-effort-to-improve-the-army-facility/">https://www.hawaiitribune-herald.com/2022/04/27/hawaii-news/new-barracks-unveiled-at-pta-project-is-part-of-a-210-million-effort-to-improve-the-army-facility/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The U.S. Government-owned parcel houses the Cantonment (Section 1.1.1 and Figure 3 -1) and is not a part of the State-owned land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | Kupuna for the Moopuna | <p>6.) Explain and describe the analysis of fire impacts and the serious concerns about staffing and equipment, and the history of several past fires. Include in this a complete disclosure of all records pertaining to the July/August 2021 upper Ke'āmuku / Waikoloa/ Pu'ukapu brush fire, the Big Island's largest brush fire, which coincided with PTA training.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Section 3.16.4 has been updated to include impacts from recent wildland fires.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | Kupuna for the Moopuna | <p>7.) Provide a complete disclosure of past history and current information on Depleted Uranium (DU) at PTA, e.g., Army not accounting for DU, Army questionable air monitoring of DU, Army unauthorized activities with DU, Army proposals to avoid Nuclear Regulatory Commission (NRC) oversight, Army documents with misinformation on DU, and possible Army contractor DU bias.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Section 3.5.4.12 revised to clarify that the State-owned land only includes one depleted uranium firing location, the State-owned land does not include the four depleted uranium impact locations, and surveys did not identify any indication of depleted uranium-containing materials on the State-owned land. The Nuclear Regulatory Commission issued a license to PTA in 2013 for possession of depleted uranium related to former training with the Davy Crocket Weapons System. The license covers the entire area of all four ranges (firing locations and impact locations) and does not distinguish between the State-owned land and U.S. Government-owned land.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>Section 3.6.4 discusses surveys and fugitive dust monitoring for depleted uranium at PTA.</p> |

## Responses to Draft EIS Comments

| Commenter   | Submitted By                    | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|             | Kupuna for the Moopuna          | <p>8.) Explain the reason for engaging elementary-school aged children and high school minors in activities at PTA with contaminated soil, unexploded munitions and other harmful by-products of live-fire testing (including depleted uranium from some of the ammunition used there, and other chemicals). <a href="https://www.hawaiitribune-herald.com/2018/04/23/hawaii-news/earth-day-at-pta-draws-hundreds-of-students/">https://www.hawaiitribune-herald.com/2018/04/23/hawaii-news/earth-day-at-pta-draws-hundreds-of-students/</a> <a href="https://www.hawaiitribune-herald.com/2022/05/13/hawaii-news/experience-pta-day-returns-to-showcase-cultural-environmental-efforts-at-facility/">https://www.hawaiitribune-herald.com/2022/05/13/hawaii-news/experience-pta-day-returns-to-showcase-cultural-environmental-efforts-at-facility/</a> <a href="https://www.civilbeat.org/2019/08/hawaii-has-failed-to-take-care-of-pohakuloa/">https://www.civilbeat.org/2019/08/hawaii-has-failed-to-take-care-of-pohakuloa/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Students are not permitted into areas of PTA known or suspected to contain contaminated soil or munitions and explosives of concern. The Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. The monitoring program collected 210 air samples from three sites upwind and downwind of PTA to provide a basis of comparison. The monitoring program concluded that the depleted uranium had not impacted air quality at PTA or in the surrounding area because the total airborne uranium levels in the collected particulate matter samples were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below U.S. and international chemical and radiological health guidelines. See Sections 3.5 and 3.6 for this and additional information of depleted uranium.</p> |
|             | Kupuna for the Moopuna          | <p>9.) Explain and describe the Permissible Sound Levels of the PTA aircrafts when flying over Hawaiian Homes Commission Act agricultural/residential homestead communities of Pana'ewa and Keaukaha and the plans to address aircraft noise pollution, especially at night. Include descriptions of "sometimes loud" noises of "essential training activities at Pōhakuloa Training Area (PTA) in March [2022] that may be heard by surrounding communities." <a href="https://www.army.mil/article/254373/march_training_convoy_and_hunting_advisory_for_pohakuloa_training_area_pta">https://www.army.mil/article/254373/march_training_convoy_and_hunting_advisory_for_pohakuloa_training_area_pta</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Hawai'i state Department of Health permissible sound levels are presented in Table 3-13, and additional categories for community noise exposure is presented just below that table. Noise generated by aircraft is discussed in Section 3.7.4 and Section 3.13.4.1.</p> <p>Section 3.7.4 discusses the impacts of weather and noise, which is consistent with the article "March training, convoy and hunting advisory for Pōhakuloa Training Area (PTA)."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Wendy Laros | Kona-Kohala Chamber of Commerce | <p>The Kona-Kohala Chamber of Commerce strives to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. With 430 member businesses and organizations, we exist to provide leadership and advocacy for a successful business environment in West Hawai'i.</p> <p>We support the U.S. military's training mission and land retention at Pōhakuloa Training Area. As a member of the PTA Advisory Committee, we have been to the site multiple times and understand the importance of this State-owned land. We are aware that the lease expires in 2029 and this Proposed Action is to retain the U.S. Government's lease. This 23,000 acre parcel is essential to the training mission and includes substantial infrastructure investments, allows access between U.S. Government-owned lands, and maximizes the use of the impact area.</p> <p>In regards to the Draft EIS, we highly recommend Alternative 1: Full Retention. The U.S. Army would retain the land and substantial infrastructure investments while continue training without downtime.</p> <p>Beyond training military personnel, PTA provides significant benefits to the environment. In a cooperative agreement with Colorado State University, PTA's natural resources team manages and maintains indigenous and endemic plant species found in the area. In partnership with Schofield Barracks and University of Hawai'i's Lyon Arboretum, horticulturists, botanists and biologists work to save endangered endemic species through cultivation and seed storage.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Wendy Laros | Kona-Kohala Chamber of Commerce | <p>Additionally, PTA provides crucial services in wildfire management. In July and August of 2021, the Mana Road fire scorched more than 42,000 acres on Hawai'i Island. PTA supported the effort to put out the fire with 15 firefighters with their trucks along with four bulldozers. The U.S. Army provided five helicopters with 25 crewmembers and seven firefighters from Oahu. The Army aircraft conducted 250 water bucket drops totaling 170,000 gallons of water. This effort and the many first responder actions taken by PTA are greatly appreciated by our community!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Responses to Draft EIS Comments

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| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>I mentioned earlier about Howard Killian, the Colonel who testified at the County Council that the depleted uranium used at Pohakuloa is five times more than what's stated in the EIS. 400 rounds to 2000 or more.</p> <p>He also stated that depleted uranium was not prohibited from the use in training until 1996. Now, it was used as a spotting round by the Davey Crockett in the 1960s, that we know of. So that's 30 years when it was not prohibited from use in training. Now, what does that tell you? If it was not prohibited from use in training was it likely used? My hunch is that there is a hell of a lot more depleted uranium up there than what the military wants us to think.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 Davy Crockett M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA.</p> <p>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.</p> <p>Section 3.5.4.12 of the EIS expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p>                                                                                                          |
| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>And this depleted uranium, it has a half life of 4.5 billion years. Billion. And when it's hit with high explosive, it turns into depleted uranium oxide particles. It can be carried long distances in the wind. It can be easily inhaled. And when you inhale it gets into the lymph system and goes to various organs. It can cause cancer. Now, the person the Hawai'i County Council said the military should work with is Dr. Lauren Pang, M.D. 24 years Army Medical Corp., World Health Organization. You have ignored him. He's an expert on depleted uranium.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Depleted uranium is discussed in Sections 3.5 and 3.6 of the EIS. Section 3.5.4.12 notes that per DODD 4715.11, high explosive munitions are not permitted to be fired into the depleted uranium impacts areas within the impact area.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p>                                                                                                                                                           |
| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>And the eight action points of that 639-08, it's the first one was stop all live fire until there is a complete independent assessment of the DU present, and it's cleaned up. There were seven other actions in that thing. The only councilman that voted against that in 2008 was Pete Hoffman from Waikaloa, a retired Army Intelligence Colonel. A very decent man. But I remember talking to him and said, "Pete, why did you vote against this resolution when the eight other council members voted for it?" He said, "Well, the military has a mission." And I said, "Even if the mission is endangering the lives of the troops and the people it's supposed to be defending?" "Yeah, they have got a mission to do." Now, that's insanity. A good person saying that is insanity. You lose perspective on it. I had the Chief Engineer of the Nevada test site visit our farm. Gordon Yates was his name. And he was in charge of setting up 20 to 30,000 tons of dynamite to simulate a nuclear blast. And they would do a couple of those and then they would do a nuke to compare it. And he said the physicists were always pressuring him and the military, hurry up, hurry up. And he was saying, look, I have to be careful, and he was talking about the lives of the workers. But the military said, "Oh, yes, be careful. We wouldn't want to have to abort the experiment." Now, that's more insanity. So you have got to get a perspective on this from all the citizens here and how we view you folks and your mission up there. We're a military sacrifice zone. Depleted uranium is only one of many toxins of the toxic stew that you put on this island, and we don't appreciate it.</p> | <p>Section 3.5.4.12 of the EIS discusses the various studies of depleted uranium at PTA, including soil samples, air samples, and a health and risk assessment.</p> <p>Section 3.5.4.12 revised to clarify that the State-owned land only includes one depleted uranium firing location, the State-owned land does not include the four depleted uranium impact locations, and surveys did not identify any depleted uranium-containing materials on the State-owned land.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> |

## Responses to Draft EIS Comments

| Commenter | Submitted By                                          | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|           | Malu 'Aina Center for Non-violent Education in Action | <p>Aloha kakou. My name is Jim Albertini. I'm president of a non-profit organization Malu'aina Center for Non-violent Education in Action. Here is where I stand. I go beyond the no action alternative. I'm not renewing the lease. I'm for canceling that lease here and now. Stop the bombing.</p> <p>Comprehensive independent assessment of the military toxic mess at PTA, the entire 133,000 acres. Not simply the 23,000.</p> <p>There also needs to be thorough cleanup guaranteed with federal funds and a reserve fund, because there is always more after they clean up the mess, at Kaho'olawe and other sites. I brought with me a map of the Big Island, that our organization did more than 20 years ago. It documents 57 military sites on this island. Hundreds of thousands of acres contaminated with toxins. Many of them are Army. Army is not alone, though. Navy and others. But I want to make one thing. The Army has proven to be habitual liars. I will give you just one example of this related to PTA. The Army repeatedly lied that it never used depleted uranium weapons at PTA and other Hawai'i sites, and then the cat jumped out of the bag. Peace activists on O'ahu unearthed legal documents that proved the military lied. DU had been used in training at Schofield, at PTA, likely at Makua Valley, possibly Kaho'olawe and other sites. The lies about DU are just one of many. I am going to cite just one example. In the 1960s, the same time the Army got the lease at Pohakuloa, the Army got another lease from the state. A state land in the Waiakea Forest, the water shed of Hilo. It told the state it wanted to do weather testing. The Army was lying. They secretly tested some of the most toxic chemical and biological weapons in the U.S. Arsenal in the Hilo watershed, including Sarin nerve gas. 1/50th of a drop kills you. The Army repeatedly denied that it did that. And then Patsy Mink, the Congresswoman from Hawai'i, disclosed the facts. The Army still tried to dodge it. When she disclosed it, the Mayor of Hawai'i Island at the time, Shunichi Kimura, he said cancel the lease. They lied to us. And there was an uproar here and they canceled that lease. But the issue is this. How many people got sick and died because of the Army's lies in the Waiakea Forest area?</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | Malu 'Aina Center for Non-violent Education in Action | <p>How many got sick and died because of the depleted uranium and the toxic stew of chemicals you have used at Pohakuloa. And many of you don't even know the facts, because you are only short termers. I will give you an example from the EIS.</p> <p>One of the preparers, his name is Howard Killian, I understand he was the Garrison Commander, Colonel, he testified at the Hawai'i County Council in 2008, I was there, that based on the number of people certified and trained to use the Davey Crockett nuclear weapon that fired the DU spotting rounds, 2000 or more rounds were fired at PTA alone. In your EIS, you list maximum 400 rounds. So Killian testified at least five times more were used.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 Davy Crockett M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA.</p> <p>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.</p> |
|           | Malu 'Aina Center for Non-violent Education in Action | <p>Sum it up this way. The truth of the matter is this: Pohakuloa is the Big Island's toxic Red Hill. We all live downhill, downwind, and downstream of the toxic stew at PTA, where millions of live rounds have been fired annually for more than 70 years. And the last point I will end on is in December I asked for all the documents concerning the water wells being drilled at PTA. I said, all electronic and paper documents and communications dated from January 2013 to December 2021 related to discussions, studies, evaluations and plans for any drinking water wells at PTA. And I mentioned Red Hill. Here it is, four or five months later. All that I received, one page from an Army person, Mark Mitsunabi (ph.). One page of a document that tells you nothing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Section 3.9.4 of the EIS describes the research undertaken in 2012 and 2017 to improve the understanding of the County of Hawaii's groundwater system. Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.                                                                                                                                                                                                                                                                                                                |

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|---------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | Malu 'Aina Center for Non-violent Education in Action | And finally, here are two resolutions passed by the County Council in 2008, 639-08, 701-08. The County Council is this island passed it by a large majority, 8 to 1, and unanimously for the other one. The Army has done nothing on these resolutions. You are insulting us. You are a fraud. And it's got to stop.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>As noted in Section 3.5.4.12, the Army has conducted the following actions with respect to depleted uranium at PTA: 1) soil sampling, 2) air sampling, 3) a health and risk assessment, 4) implement Department of Defense Directive 4715.11 that prohibits the firing of high-explosive munitions into the depleted uranium impact locations, and 5) obtain and adhere to a NRC license for possession of depleted uranium.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action  | <p>(Due to time constraints, not all of the comments below could be offered verbally at the April 25, 2022 Draft EIS meeting held at the Imiloa Astronomy center in Hilo, Hawaii, but I want the entire statement included as part of the record.</p> <p>April 25, 2022 Army Draft EIS meeting on Pohakuloa lease</p> <p>Here's where I stand. I go beyond the "No Action Alternative" of not renewing any of the leased lands when the lease expires in 2029. I'm for canceling the lease here and now. I say --</p> <ol style="list-style-type: none"> <li>1. Stop all Bombing and all live-fire training at PTA now.</li> <li>2. I call for a comprehensive independent assessment of the massive military toxic mess at PTA --all 133,000-acres, not simply the 23,000-acres of leased lands, where firing points are located. We need to look at the impact area too.</li> <li>3. There also needs to be a thorough Clean up with guaranteed federal funds for the leased lands and other PTA lands --more than 85,000 acres taken by presidential and governor's executive orders, lands simply seized without any compensation. These 85,000 acres are NOT US government owned lands as the Army claims. They are seized without ANY compensation.</li> <li>4. Return all the lands, the entire 133,000-acres to Kanaka Maoli. Besides the guaranteed federal funds for clean up, there needs to be additional Reserve funds guaranteed for future clean up of missed UXO and toxins on the initial clean up.</li> </ol> <p>The US Army has proven to be a habitual liar.</p> <p>The Army repeatedly lied that it had never used depleted uranium weapons in training at PTA and other Hawaii sites. Then the cat ju5, 2022 Elmped out of the bag. Peace activists on Oahu unearthed legal documents that proved the military lied. DU had been used in training at Schofield, at PTA, likely at Makua valley and possibly Kaho'olawe and other sites.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>The lies about DU are just one of many. Because of time restraints I'll give just one other example of blatant Army lies. Hold up map of 57 military sites on Hawaii island. Map attached and list of 57 sites In the 1960s, around the same time the Army got a lease of State lands at PTA, the Army also got a lease of state lands in the Waiakea forest area, Hilo's watershed. The Army said it wanted to do "Weather testing." Well, the Army way lying.</p> <p>The Army secretly tested chemical and biological weapons in the Hilo watershed, including sarin nerve gas that kills at 1/50 of a drop. Despite alarms sounded in the community the Army repeatedly denied use of chemical and biological weapons. But such testing was confirmed by Hawaii's congressional rep. Patsy Mink. Then Hawaii county mayor, Shunichi Kimura spoke out. The Army lied to us, he said. Cancel the lease. There was an uproar and the lease was canceled, but the damage was done. How many people got sick and died from the Army's poison and lies is still unknown, but hunters have told me there are areas in the Waiakea forest where today, nothing grows, more than 50 years after the chemical and biological secret weapons testing.</p> <p>Congresswoman Patsy Mink and Mayor Shunichi Kimura were people with courage to stand up to the military. Where are such people today? Where does our current Mayor stand? Our council members, Our State legislators and Congressional reps. I'm sad to say, they all appear to me to be military lap dogs. I hope they prove me wrong.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>The truth of the matter is that Pohakuloa is the Big Islands Toxic Red Hill. We all live, downhill, downwind and downstream of the Army's Pohakuloa Toxic stew, where millions of live-rounds have been fired annually for more than 70 years.</p> <p>The Army continues to lie. In the draft PTA EIS the number of DU rounds fired at PTA is lowballed. The figure stated is 400 rounds. Yet the Army's own Garrison Colonel, Howard Killian testified before the Hawaii county council in 2008 that based on the number of people trained and certified to fire the Davy Crockett nuclear weapon system at PTA the number of rounds fired was 2000 or higher. That's 5 times what the Army has stated in its EIS. I should note that a Howard Killian is noted in the draft PTA EIS in the list of preparers. Is that the same person. Col. Howard Killian also testified before the HCC that the Army was NOT prohibited from using DU in training until 1996. What does that tell you? It tells me there is likely a hell of a lot more DU at Pohakuloa than simply what was used secretly as spotting rounds for the Davy Crockett N-weapon system in the 1960s.</p>                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 Davy Crockett M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA.</p> <p>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.</p> |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>The real answer is blowing in the wind over Hawaii Island. Please note DU has a half-life of 4.5 BILLION years. That's right Billion years. And when DU metal is hit by high explosives, it burns and turns into DU oxide particles that can be carried long distances in the wind and easily inhaled, entering the lymph system, and causing cancer in various organs.</p> <p>In truth, Hawaii Island is a military sacrifice zone. In July 2008, the HCC passed resolution 639-08 by a vote of 8-1 that called for 8 actions including stooping all live-fire at PTA until there was a comprehensive independent assessment of the DU at PTA and a clean up of the DU.</p> <p>The HCC also passed reso 701-08 by a 9-0 unanimous vote naming Dr. Lorrin Pang, MD and 24 years in the Army medical corps, as the county's designated representative to work with the Army of the DU issue. The Army has refused to carry out any of the 8 actions named by the HCC and to work with Dr. Pang.</p> <p>This failure of the Army to carry out these measures is insulting and a disgrace. Are we living in a military dictatorship?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Per Department of Defense Directive 4715.11, high explosive military munitions are not permitted to be fired into depleted uranium impact locations, as noted in Section 3.5.4.12.</p> <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>As noted in Section 3.5.4.12, the Army has conducted the following actions with respect to depleted uranium at PTA: 1) soil sampling, 2) air sampling, 3) a health and risk assessment, 4) implement Department of Defense Directive 4715.11 that prohibits the firing of high-explosive munitions into the depleted uranium impact locations, and 5) obtain and adhere to a NRC license for possession of depleted uranium.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Mike Donnelly, the PTA public affairs officer has been awarded the Big Is. Press clubs's Lava tube award for darkness, lack of openness, truth and transparency. It's further insulting, a disgrace, and a fraud that Mike Donnelly is the Army's community liaison. It speaks volumes. The Draft EIS is totally inadequate. It is in the Lava tube award tradition of darkness, hiding the truth of what's really going on at the Pohakuloa Toxic Area -- the number and kinds of toxic weapons being used and the longterm impacts on people, plants, and animals. Bombing the aina in my view is the ultimate desecration of our sacred mother earth. It's very basic -- stop bombing Mama!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Additional testimony on Pohakuloa draft EIS concerning State leased lands<br/>Chilling Army definition of "encroachment" EIS p. 3-14.</p> <p><a href="https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQljiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&amp;reserved=0">https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQljiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&amp;reserved=0</a> &lt;</p> <p><a href="https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQljiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&amp;reserved=0">https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffiles.hawaii.gov%2Fdbed%2Ferp%2FDoc_Library%2F2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQljiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=lc2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&amp;reserved=0</a> &gt;</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>PTA works consistently to manage encroachment issues, defined by the Army as the "cumulative result of any and all outside influences that inhibit normal military training and testing" (Santicola, 2006).</p> <p>Additionally, the Implementation Guidance for Army Compatible Use Buffers broadens this encroachment definition to "All influences threatening or constraining testing and training activities required for force readiness and weapons acquisition. Encroachment stems from environmental (for example, noise, endangered species, cultural resources, unexploded ordnance [UXO], and munitions constituents [MC]), social (for example, urban sprawl), and economic (for example, changing land values) influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions on available times and duration for testing and training; reduced effectiveness of testing and training activities; and restrictions on weapons systems, equipment, and munitions used during testing and training. Land use and/or development that, individually or through cumulative effect, contributes to restricting the Army's ability to conduct mission activities."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>What about the "ENCROACHMENT" of military hazard sites on the resident and visitor population of Hawaii? Propublica lists 115 Hawaii military installations with 1000 military hazard sites. See below link. 115 Hawaii military installations with 1000 military hazard sites listed including sites at Pohakuloa. But the cumulative impact of all military hazard sites in Hawaii need to be addressed.</p> <p><a href="https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FH%23b%3D21.451552796916808%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQJjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=eK9bjWLHP6wtzflVvITc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&amp;reserved=0">https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FH%23b%3D21.451552796916808%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQJjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=eK9bjWLHP6wtzflVvITc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&amp;reserved=0</a> &lt;</p> <p><a href="https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FH%23b%3D21.451552796916808%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQJjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=eK9bjWLHP6wtzflVvITc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&amp;reserved=0">https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FH%23b%3D21.451552796916808%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&amp;data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQJjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&amp;sdata=eK9bjWLHP6wtzflVvITc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&amp;reserved=0</a> &gt;</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Additional testimony on draft Pohakuloa EIS on state leased lands submitted June 4, 2022 via email</p> <p>1. Both myself and the late Dr. Drake Logan, PhD who did extensive research on contaminants at Pohakuloa, were informed by different sources that several nuclear weapons (up to six in information provided to me), were exploded at Pohakuloa. One of my sources identified himself as a former military intelligence officer. Since Pohakuloa contains numerous firing points for weapons exploded in the impact area, it is possible that nuclear weapons, not simply Davy Crockett Nuclear weapon Depleted Uranium (DU) spotting rounds, were fired from the State leased lands into the impact area. What is needed is independent comprehensive soil testing in the impact area for strontium 90 and cesium 137, fission products of nuclear explosions. Such products would still be present today from nuclear explosions done in the 1960s. The soil samples could be collected by remote vehicles, and a sampling grid established for the impact area to make sure comprehensive independent testing is done that has the confidence of the community. The military testing so far of DU at PTA does NOT have the confidence of the community. In 2008, two resolutions were passed by the Hawaii County Council. Reso. 639-08 was passed by a vote of 8-1 and called for 8 action plans including the halt to all live-fire at PTA until comprehensive independent testing and monitoring was done and the DU cleaned up. The Military ignored all 8 actions of the Hawaii County Council. A second resolution passed unanimously 9-0 named Dr. Lorrin Pang, MD as the county's official liaison with the military. Dr. Pang spent 24 years in the Army medical corps. Why has the military/Army completely ignored the actions of the Hawaii County Council?</p> | <p>Per Department of Defense Directive 4715.11, high explosive military munitions are not permitted to be fired into depleted uranium impact locations, as noted in Section 3.5.4.12.</p> <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>As noted in Section 3.5.4.12, the Army has conducted the following actions with respect to depleted uranium at PTA: 1) soil sampling, 2) air sampling, 3) a health and risk assessment, 4) implement Department of Defense Directive 4715.11 that prohibits the firing of high-explosive munitions into the depleted uranium impact locations, and 5) obtain and adhere to a NRC license for possession of depleted uranium.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>2. Army Col. Howard Killian testified in 2008 before the Hawaii county Council that DU was NOT prohibited from use in training until 1996. Since Davy Crockett DU spotting rounds were first used at PTA in the 1960s, it very possible that much more DU was used at PTA than simply the Davy Crockett spotting rounds which for years the military had denied ever using at PTA. Again, comprehensive, independent testing needs to be done at PTA not simply on the various firing ranges on state leased lands but in the impact area where those weapons were fired to. The military is known for "PIECEMEALING" its environmental impacts and this needs to stop. Comprehensive views of the military impacts need to be done now.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Section 3.5.4.12 of the EIS expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 Davy Crockett M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA.</p> <p>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>3. Military plans for Buffer Zones, Sentinel Landscapes, and military land acquisition around PTA should also be addressed in the Pohakuloa Draft EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Chapter 4 of the EIS provides a list of all identified past, present, and reasonably foreseeable projects, including those to be undertaken by the Army.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>4. There needs to be a comprehensive listing of all weapons systems and munitions fired from the leased lands over the years of the State lease and also other weapons systems and munitions fired into the impact area at PTA. In the Stryker EIS of 2003 I believe, it was listed than 14.8 million live rounds are fired annually at PTA. Please provide current annual live-fire rounds fired every year since the Stryker EIS. Please also list all the various weapon systems and different kinds of munitions fired. In addition, B-52 and B-2 bombers fly non-stop from Missouri, Louisiana, and Guam and bomb PTA. They are strategic bombers. Are they dropping live conventional bombs and/or inert bombs in training for nuclear war? Full disclosure is needed. How many dummy (inert) bombs are fired at PTA annually. List all the various weapons systems and munitions. We need a comprehensive, not piecemeal view of what's going on at PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 5. Recently PTA firefighters have been in the news about inadequate facilities at PTA. OSHA complaints. Fires occur at PTA. Is PTA contaminated with PFAS cancer causing fire foam?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Section 3.16.4 has been revised with additional information from DOD Instruction 6055.06, DoD Fire and Emergency Services Program, and the PTA Integrated Wildland Fire Management Plan regarding PTA's fire department requirements, training, and capabilities. This section has also been updated to note that PFAS has not been used at PTA to combat wildland fires. Additional PFAS information added to Section 3.5.                                                                                                                                                                                                                                                                                                                                                                                    |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | Are PTA firefighters properly trained about all the various toxins on PTA?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 3.16.4 revised with additional information from DOD Instruction 6055.06, DoD Fire and Emergency Services Program, and the PTA Integrated Wildland Fire Management Plan regarding PTA's fire department requirements, training, and capabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 6. Water wells were drilled at PTA in 2013 and hit water at a shallow depth --700 and 1200 feet respectively in 2 wells byt PTA continues to spend \$2 million annually to haul water going on 10 years after the well drilling. Why isn't the well water being used?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Section 3.9.4 of the EIS describes the research undertaken in 2012 and 2017 to improve the understanding of the County of Hawaii's groundwater system. The study was done for the County of Hawai'i; the County's future water development plans are not know to the Army. There are no groundwater wells in or near the State-owned land. Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.                                                                                                                                                                                                                                                                                                                                                     |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | What toxins from PTA are in the water?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | There are no groundwater wells in or near the State-owned land, so no data is available for the PTA area (other than information for the Waiki'i Ranch production well in EIS Section 3.9). Groundwater and surface water quality are discussed in Section 3.9 of the EIS. Section 3.9.4.6 has been added to the EIS and documents the existing management measures utilized by the Army to protect water resources.                                                                                                                                                                                                                                                                                                                                                                                           |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 7. In a military land report, it was noted that PTA wants to relocate endangered species OUTSIDE of PTA so it doesn't interfere with its live fire training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your comment. The Army is not aware of the referenced "military land report" and therefore cannot comment on this matter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | Also in over 60 years only about half of PTA has been investigated for cultural and historic sites. If you don't look you won't find.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been added to show where surveys have been completed and the general locations and types of sites within state-owned lands.<br><br>Section 3.1.4 of the EIS describes the methodology for analysis; for each resource area, specific significance criteria are presented. These are standards or thresholds by which a significance conclusion can be drawn. Section 3.4.6 presents the findings of the analysis.                                                                                                                                                                                                                                                                                      |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | It appears that the military approach to endangered species and cultural sites is the same. They will only interfere with military training. It also should be noted that the entire area of PTA is a conservation district. How do you justify bombing a conservation district?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Section 3.2.4 of the EIS describes that military activities on State-owned land were authorized by the 1964 lease with the State. Conservation District rules, enacted following the lease, considers uses prior to October 1, 1964 as nonconforming. The 1964 lease has been included as Appendix F.<br><br>The EIS has been revised to list the standard operating procedures (SOPs), best management practices (BMPs), and regulatory requirements the Army follows during training to protect the natural and cultural resources of the State-owned land.                                                                                                                                                                                                                                                  |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 8. Concerning Depleted Uranium (DU). The draft EIS low balls the number of Davy Crockett spotting rounds fired at PTA. It lists 400 spotting rounds, when Col. Howard Killian testified before the Hawaii county council that based on the number of people certified to fired the Davy Crockett at PTA, the figure is likely 2000 spotting rounds fired. In addition, there could be a lot more DU at PTA than simply Davy Crockett spotting rounds. It is widely known that DU was used wherever ballast (weight) was needed. DU was even used in dummy warheads fired from Vandenberg AF base in California into the Kwajalin Lagoon in the Marshall Islands of Micronesia. Talk about adding insult to injury. The US testified 67 atomic and hydrogen bombs in the Marshall Islands and then sends Depleted Uranium radioactive waste into their lagoon on top of that. The US simply has no shame. DU has been used in a wide range of things, not just dummy warheads, but armor in tanks, etc. Do old tank targets at PTA contain DU too? | Section 3.5.4.12 of the EIS expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).<br><br>Section 3.5.4.12 revised to clarify that depleted uranium-containing/coated munitions are no longer authorized for use in Hawaii and the only depleted uranium-containing/coated munition used at PTA was the Davy Crockett M101 spotting round, which was used between 1962 and 1968.<br><br>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 Davy Crockett M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA. |

## Responses to Draft EIS Comments

| Commenter     | Submitted By                                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 9. CLEAN UP! The military needs to clean up not simply all of the leased land at PTA, including the many firing points, but the impact area too of those firing points. This clean up needs to be completed before the lease expires in 2029 and guaranteed federal funds to do the job need to be set aside in the \$800 + Billion annual US military budget. There are lots of other military sites on Hawaii Island and throughout all of Hawaii that still need to be cleaned up too. The military is notorious for NOT cleaning up after itself.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.                                                                                                                                                              |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Additional testimony on Pohakuloa draft EIS concerning State leased lands June 4, 2022<br/>Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement 1-9</p> <p>The PTA Mission PTA provides a quality joint/ combined arms facility that provides logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community</p> <p>1. Please explain how over decades Pohakuloa's bombing of the land with tens, if not, hundreds of millions of live rounds and a wide variety of long lasting toxins, constitutes "ENVIRONMENTAL AND CULTURAL STEWARDSHIP" and AN ENDURING PARTNERSHIP WITH THE HAWAI'I ISLAND COMMUNITY." In truth, the US military has turned Hawaii Island into am massive Toxic Waste Dump, including Depleted Uranium (DU) radiation contamination. The Pohakuloa Training Area, is really the Pohakuloa Toxic Area (PTA) in the center of Hawaii Island. The area has been bombed and abused by all branches of the US military and other nations military's for more than 70 years. Everyone of the island lives downhill, downwind, and downstream from this PTA toxic stew located at 6500 feet elevation. Retired Kona nuclear geologist, Dr. Mike Reimer, PhD has given profound PTA draft EIS testimony on the toxins at PTA, especially concerning the toxic nature of DU oxide particles. Dr. Reimer, like me, supports the NO action alternative -- no lease renewal.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 2. Is it true that at least one former military "Burn pit" is located on State leased lands? Please identify the locations of all "burn pits at PTA. Has there been any independent investigation to determine the toxic content of such burn pits and clean up costs? In addition to unexploded ordnance (UXO) and other toxins at PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | There are no burn pits at PTA. Section 3.5 addresses investigations of hazardous substances and hazardous wastes within the State-owned land.                                                                                                                                                                                                                                                                                                                                                                                                    |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | 3. The above point on "Burn pits" underscores the need for a comprehensive EIS on the entire 133,000-acres of PTA not simply the 23,000-acres of leased land. All the acreage is connected in the mission of a live-fire training area. The firing points are connected to the impact area. An analogy would be Auschwitz Nazi Death camp only doing an EIS on the children's playground and dormitory and ignoring the gas death chambers and crematoria of over 1 million bodies in the camp. See May 27, 2022 Hilo Peace Vigil leaflet below entitled "Auschwitz and Pohakuloa -- Family Camps? Don't be Bamboozled!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The EIS analyzes impacts of continued use of the State-owned land retained and end of ongoing activities on the State-owned land not retained.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |

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| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Auschwitz &amp; Pohakuloa -- Family Camps? Let's be clear. Auschwitz was NO Family Camp! Auschwitz was a WWII Nazi concentration and extermination camp located in southern Poland where more than 1 million people, mainly Jews -- men, women and children were killed in gas chambers. Yet in the German Nazi war crime trials in the early 1960s, one former SS guard assured the court there were no attempted escapes. Who would want to escape? Auschwitz, he said, was after all, "a family camp." Another defendant said he could point on a map to where he had made "a children's playground with sandboxes for the little ones." Auschwitz was just one of several WWII German concentration camps where a total of 6 million people, mainly Jews, were exterminated. (See the book Thomas Merton on Peace for his essay Auschwitz: A Family Camp) The Pohakuloa Training Area (PTA) is No Family Camp either. Despite events like the recent "Experience Pohakuloa" Day which tried to portray a warm image with "educational displays highlighting our cultural and natural resources, plenty of keiki activities," etc. The event was described on the PTA Facebook page as a "festive and enjoyable atmosphere for all those who attended." Despite such images, the reality of Pohakuloa is that of a massive 133,000-acre US military toxic training ground for war, including nuclear war. A nuclear war would likely result in the extermination of human civilization on the planet.</p>                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                             |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>Nuclear weapon spotting rounds containing Depleted Uranium (DU) radiation have been fired at PTA. There have also been reports of nuclear weapons actually exploded at PTA decades ago. Soil tests for Strontium 90 and Cesium 137 in the Impact area could confirm or deny such reports, but access to the impact area is restricted. What we do know is that millions of live-rounds from a wide range of toxic weapon systems by all branches of the military are fired annually at PTA. B-52 and B-2 strategic nuclear bombers fly non-stop from Missouri, Louisiana and Guam to practice bombing Pohakuloa and return to their bases without ever touching down. The US military is the largest institutional consumer of oil and the largest emitter of CO2 on the planet. Putting an end to war and ending the climate crisis go together. The deadline to comment on the extension of State lease lands at PTA is June 7, 2022. For ways to comment see <a href="https://malu-aina.org/?p=8003">https://malu-aina.org/?p=8003</a> Cancel PTA Lease Now! Aloha 'Aina – Stop Bombing Pohakuloa! End the Illegal US Occupation of Hawaii! 1. Mourn all victims of violence. 2. Reject violence &amp; war as solutions. 3. Defend civil liberties. 4. Oppose all discrimination, anti-Islamic, anti-Semitic, anti-Hawaiian, anti-Black, anti-Asian, anti-Russian, etc. 5. Seek peace through peaceful means and work for justice in Hawai'i and around the world. Malu 'Aina Center for Non-violent Education &amp; Action P.O. Box 489 Ola'a (Kurtistown), Hawai'i 96760 Phone (808) 966-7622 Email <a href="mailto:ja@malu-aina.org">ja@malu-aina.org</a> to receive our posts. For more information <a href="http://www.malu-aina.org/">http://www.malu-aina.org/</a> May 27, 2022, Hilo Peace Vigil leaflet – week 1078– Fridays 3:30-5PM downtown Post Office</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                             |
| Jim Albertini | Malu 'Aina Center For Non-violent Education & Action | <p>All of the above and my other submitted comments on the Draft EIS for Pohakuloa explain reasons why I support the NO ACTION ALTERNATIVE BECAUSE I BELIEVE PTA HAS A WIDE RANGE OF SIGNIFICANT ADVERSE IMPACTS TO AIR, LAND, WATER, CULTURE, PEOPLE, PLANTS AND ANIMALS FROM ITS LONG LASTING EFFECTS AND LONG HISTORY OF ABUSE OF THE SACRED AINA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Sections 3.3, 3.4, 3.6, 3.9, and 3.10 of the EIS for information on biological resources, cultural resources, air quality, water resources,, and socioeconomic impacts. |

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| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>Still waiting for answers to questions below. Please make a part of the official record. Mahalo. An open letter to all County, State, Federal officials, and special interests participating in the closed door meeting at the military's Pohakuloa Training Area (PTA) on Feb. 24, 2010. (To people invited to Pohakuloa from those who aren't) Please be aware that the meeting will be picketed. We do not believe in "democracy by invitation only." The doors are closed to the public who pays the bill. We are angry that the military continues to conduct bombing missions and live-fire without a complete independent assessment of the Depleted Uranium (DU) radiation present at PTA as called for in County of Hawaii resolution 639-08. The military has been stonewalling the community's concerns about health and safety for years. The Davy Crockett DU weapons may just be the tip of far more widespread DU contamination. We invite you to stop and dialog with us before you enter the base. Inside, we ask that you be our voice. Ask the following questions and ... PLEASE GET ANSWERS!</p>                                                                    | <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>Depleted uranium is discussed in Sections 3.5 and 3.6 of the EIS.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>1. Why hasn't the Army stopped all live-fire and bombing missions until there is a complete independent assessment and clean-up of the DU already present as called for in County of Hawaii resolution 639-08?</p> <p>The Army denied even having DU in Hawai'i--until citizen groups found out DU had been discovered at Schofield Barracks, Oahu, in 2005. Estimates of the number of DU spotting rounds vary widely--from about 700 statewide to over 2000 at Pohakuloa alone just from one weapon system --Davy Crockett. (There may have been many more DU weapon systems used at PTA and other Hawaii ranges.) Concerns about Army searches, reports, and air monitoring have been raised by Dr. Mike Reimer, a geologist, and Dr. Marshall Blann, a consultant to Los Alamos National Laboratory, both from Kona; and Dr. Lorrin Pang from Maui, a former Army doctor who is a consultant to the World Health Organization.</p> <p>The Nuclear Regulatory Commission has not yet granted the Army a license to possess DU. Yet the Army has ignored a County resolution calling for a halt to bombing and live-fire that may spread airborne DU from undetected DU munitions.</p> | <p>The presence of depleted uranium at Schofield Barracks is outside the scope of the PTA EIS.</p> <p>Depleted uranium is discussed in Sections 3.5 and 3.6 of the EIS. As noted in Section 3.5.4.12, the NRC issued a license to PTA in 2013 for possession of depleted uranium related to former training with the Davy Crockett Weapons System.</p> <p>The Army makes every effort to be a good neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>Section 3.5.4.12 revised to clarify that the State-owned land only includes one depleted uranium firing location, the State-owned land does not include the four depleted uranium impact locations, and surveys did not identify any depleted uranium-containing materials on the State-owned land.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> |
| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>2. Are there more forgotten hazards? The Army claims it was unaware of the Davy Crockett DU spotting rounds because they were classified. This should be a wake-up call to investigate for more DU rounds and other forgotten hazards. Remember that the Army tested nerve gas and defoliants on State lands in the Waiakea Forest Reserve (Hilo's watershed) in 1966 and 1967 while publicly denying such testing. The Army lied. It said it was doing "weather" testing. The State canceled the military lease over the lies and attempted cover-up. Isn't it time to cancel the State lease to the military of stolen Hawaiian Kingdom lands now contaminated with radiation from weapons testing? Military use of Hawai'i Kingdom lands violates the Kingdom's position of neutrality stated in numerous treaties.</p>                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>3. Why is there plenty of money for new military projects, but little to clean up the 50-plus former military sites on Hawai'i Island littered with unexploded ordnance, toxins, and other hazards? When will all of the 50-plus present and former military sites, totaling more than 250,000-acres on Hawaii Island, be cleared of unexploded ordnance, toxins, and other hazards? A few examples... Students dug up a grenade in a school garden in the Waimea/ Waikoloa area. Old ordnance was found twice in 15 months at Hapuna, some in water as shallow as 30 feet, some only about 100 yards from shore. A recreational diver found unexploded ordnance in Hilo Bay--searchers then found 300 pieces Another diver found a 60-millimeter shell at a popular Hilo dive site, about 50 yards offshore in 12 feet of water. 4. Why won't the military participate in public forums on community concerns about health and safety over depleted uranium and other military toxins? What's the Army afraid of? 5. The cumulative impacts from numerous military projects in Hawai'i need to be fully addressed. About 1 acre out of 25 statewide is already military-controlled. Thousands of acres of past and present military sites, Stryker land grab, Hilo National Guard rebuild, University military research, armed "Superferry"/Joint High Speed Vessel---what's next? There are rumors the military wants more of Hawai'i Island. How much Hawai'i Island land is the military planning to take? Where and when?</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Jim Albertini | Malu 'Aina Center for Non-violent Education in Action | <p>6. When will the Pohakuloa Community Advisory Group (CoAG) meet? It hasn't met for seven months. The Army never answered a CoAG member request to restart meetings. Note that the Army only started CoAG a year and a half ago--five years after Sierra Club first asked for such a group. 7. Why are no public scoping hearings planned for the Army's Joint High Speed Vessel EIS? Citizens should be able to publicly raise concerns for the JHSV Environmental Impact Statement--like Risks to marine animals from vessel strikes, fuel spills, and live-fire Risks of spreading coquis, fire ants, and other invasive species Effects of security zones on native Hawaiian cultural practices and subsistence activities, and on fishing, commerce, and recreation Vagueness about which ports will be used 8. We want Military Clean-Up NOT Military Build-Up! If the U.S. stopped spending several \$billion/per day on imperial wars there would be more money for county and state budget needs, jobs, and funding human needs. We urgently request that you--as public officials--speak up on these critical issues of War, Militarism and the Health of our island citizens. With gratitude and aloha, Jim Albertini for Malu 'Aina ohana</p>                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Hanalei Fergerstrom | Na Kupuna Moku O Keawe | <p>I am Hanalei Fergerstrom. I'm the spokesperson for Na Kupuna Moku O Keawe, which is a grouping of Kupuna from all six districts of this island. I want to register a few complaints right off the bat so you understand where we're come from. First of all, your documentation and your call-out for comments are only here. Why? Everybody in the islands are concerned about what the military is doing in the islands . Why are we second to like? We don't know what's going on in Kauai and the radars. Why? Because you keep separating us like we're different people. We're the same ohana. Okay? That's something that you really have got to get in your head, because it makes your efforts almost look stupid. Like you can't see around you.</p> <p>There is another one I want to put in here, and I have said this many times before. In public law 103-50, which is the apology bill, there is a statement in there that's very important, and it says that the Hawaiians are intrinsically tied to the land. Being intrinsically tied to the land, you might as well call us the aina. So when you make a separation of the culture and the people, you have dismissed me. I don't prefer to be dismissed, like you wouldn't prefer to be dismissed.</p> <p>The next thing is an EIS that you created is only partial. By your own admittance you can't even go to a lot of the areas that are on your EIS, so how did you create one? How can you call it a complete EIS if you can't even, your own self testified that you have been through every place up there.</p> | <p>Land tenure and the Apology Resolution are discussed in Section 3.2 of the EIS.</p>                                                                                                                                                                                                                                                                                                                        |
|                     | Na Kupuna Moku O Keawe | <p>And why don't we know about the wells? Okay. There is a lot of well digging that's going on on Punahou site. We know about it.</p> <p>Because you are tapping into sacred waterways that the Hawaiians have been holding on to for hundreds and hundreds of year, without any permission, without any disregard for anybody below you. In case you haven't figured it out yet, everything goes downhill. So if you are on top of the mountains everything that you are going to do is going to come down to the people and to where we are and where the ocean is, and that's where our life starts. It's all about water.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section 3.9 of the EIS utilizes results of groundwater research conducted in the 1960s and between 2010 and 2017 to disclose what is known about groundwater in the area. As the EIS notes, groundwater has never been extracted from aquifers underlying the State-owned land at PTA. Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.</p> |

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|             | Na Kupuna Moku<br>O Keawe | <p>I don't know how many times we have to do these things because we keep on -- pardon my language -- jacking off. We're kind of like just beating our meat on the side. We are never getting to the point. That's the first point we've got to get to is what the hell are you doing in my country? Who are you to be in my country? I am Hanalei Fergerstrom. I am of the royal lineage. You want to challenge me on that, please, please, provide me the opportunity to bring my case forward, because every time I have tried so far I have been knocked out. Not even given the opportunity to stand up for my basic rights. You have more rights here than I do. How is that? And I am this island. I am the aina. These things are really hard because you give us three minutes to come up with a couple hundred years of stuff. Right? A little silly, huh? I think it's silly, too, and I think you think it's silly, too, because even with a three minute talk, I mean, who is going to retain what? And when are the minutes, the minutes of these meetings coming out? Five or six months down the line? When everybody has completely forgot what we talked about? This is how you keep getting away with stuff. But you have to understand that we know who you are, you know who you are, and I'm telling you you are all complicit to this whole scheme that's going on here. We would like you to be better. We're offering you a chance to be better. Recognize that you are in the Kingdom of Hawai'i. United States has no local authority to assert their jurisdiction in our kingdom at all. Anybody want to challenge me on that, please do. Please do, because I will challenge anybody. And I hate to take it to a front line, but it looks like we're getting there. So know that when we meet again, if it's going to be a front line action, it's going to be an international affair, because you are in my kingdom. We are recognized independent nation state. The same as United States is. No greater and no less than. Thank you very much.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                     |
|             | Na Kupuna Moku<br>o Keawe | <p>Aloha, I'm Hanalei Fergerstrom. I want to cap this off with just a simple understanding of law. Okay? It is not a secret, it is not my opinion, but this is an illegal occupation by the United States military. So when you have things like executive orders from your commander, your president, you have to ask yourself, does he have a jurisdiction here? Now, you need to understand this, because that's the same kind of questions you have to answer to your own people. What jurisdiction do you have? Your whole base is based on an executive order by the governor. Does he have any jurisdiction here? No. We've got to stop playing these stupid games of who is right and who is wrong. Let's just look at history. It's very clarified there. What are we going to do about it? That's the point that needs to be made. Because I can tell you, I have a dream that's so big that includes all of you guys, and it has nothing to do with war. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Cory Harden | Sierra Club               | Both the proposed action and the EIS analysis raise serious concerns. The EIS should explain how the Army can legally own or use the land although the United States controls Hawai'i illegally. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Cory Harden | Sierra Club               | Claims that land retention is necessary are not credible, since the military also claimed Kaho'olawe, the Kapūkakāī (Red Hill) fuel tanks, and Stykers were necessary. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The purpose and need for the Proposed Action are discussed in Section 1.3 of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Cory Harden | Sierra Club               | The EIS should describe how the State can meet fiduciary obligations to native Hawaiians and the public to protect the land, if it is retained, since the Army is a bad actor that has left the land in degraded and hazardous condition, at P?hakuloa and other sites. The EIS should include a plan and commitment to cleaning up debris and toxins before the lease expires. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The State's compliance with its fiduciary responsibilities and trust obligations is beyond the scope of the EIS.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cory Harden | Sierra Club  | The EIS should explain how military use is allowable in a conservation district. ?                                                                                                                                                                                                                                                                                                                                        | Section 3.2.4 of the EIS describes that military activities on State-owned land were authorized by the 1964 lease with the State. Lawful use established prior to October 1, 1964 are considered nonconforming under the conservation district rules, which were enacted following the lease.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Cory Harden | Sierra Club  | The EIS should explain why the Army sited critical infrastructure on land with a temporary lease.                                                                                                                                                                                                                                                                                                                         | 10 U.S.C. Section 2852, Military Construction Projects: Waiver of Certain Restrictions, and AR 405-10, Acquisition of Real Property and Interests Therein, specify that to carry out military improvements or modernization efforts, a long-term interest (i.e., 25 years) in the land must be acquired. Infrastructure is developed based on where soil is present. The Army sited the infrastructure within these parameters.                                                                                                                                                                                                                                                                                     |
| Cory Harden | Sierra Club  | Impacts to native species should be described, as well as impacts from invasive species and the success of past control methods.                                                                                                                                                                                                                                                                                          | Native species are discussed in Section 3.3.4.3 and 3.3.4.4, invasive species are discussed in Section 3.3.4.3 and 3.3.4.4, and impacts to protected and native species are discussed in Section 3.3.6. Text within these sections has been revised and expanded to include natural resource management measures that the Army is implementing that benefit the land and protected species.                                                                                                                                                                                                                                                                                                                         |
| Cory Harden | Sierra Club  | Cultural resource data is insufficient to support EIS conclusions: archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013 ?                                                                                                                                                                                                                                 | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been added to show where surveys have been completed and the general locations and types of sites within state-owned lands.<br><br>Section 3.1.4 of the EIS describes the methodology for analysis; for each resource area, specific significance criteria are presented. These are standards or thresholds by which a significance conclusion can be drawn. Section 3.4.6 presents the findings of the analysis.                                                                                                                                                                                           |
| Cory Harden | Sierra Club  | The sole ethnographic study failed to use Hawaiian language resources. The Cultural Resources Management Program has been hampered by lack of training, technical issues, inadequate facilities, and project delays. There are few specifics on how the Army will remedy the lack of access, which is still a problem after five decades on the lease, and impacts many cultural practices. ?                             | Section 3.4.2.1 ("Evaluation of Traditional and Cultural Properties Under NHPA"), clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Cory Harden | Sierra Club  | For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go into the impact area. But personnel went in to check for depleted uranium, and even did construction in the impact area for a new training range Studies and monitoring cited by the EIS for depleted uranium are inadequate. ?                                                                                   | Entry into the impact area, which is not State-owned land, is outside the scope of the EIS.<br><br>The Army executed a programmatic agreement with the State Historic Preservation Officer and the Advisory Council on Historic Preservation in 2018. The programmatic agreement resolves adverse effects to historic and cultural resources that may result from ongoing routine military training actions and related activities at PTA, including those activities on the State-owned land.<br><br>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results). |
| Cory Harden | Sierra Club  | A full analysis of greenhouse gas emissions is needed, but is not even attempted.                                                                                                                                                                                                                                                                                                                                         | Section 3.6.2 explains why a quantitative, full life-cycle analysis of greenhouse gases has not been performed. The EIS includes a qualitative analysis of greenhouse gas emissions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Cory Harden | Sierra Club  | There is inadequate analysis of noise that can be heard miles away, and of concussions that can affect travelers on Saddle Road. ?                                                                                                                                                                                                                                                                                        | The best available data for noise analysis was incorporated into this EIS. A 2020 noise study is discussed in Section 3.7.4 and analyzed in Section 3.7.6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Cory Harden | Sierra Club  | Socioeconomic analysis should include the cost of cleanup of the impact area and the rest of the base after base closure, and the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Cory Harden | Sierra Club  | Impacts to traffic and road wear are inadequately addressed for convoys every 2 to 4 weeks, plus trucks for water, fuel, and other supplies.                                                                                                                                                                                                                                                                              | Section 3.12.3 has been revised with the most updated available information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Cory Harden | Sierra Club  | Analysis of fire impacts fails to mention serious concerns about staffing and equipment, and the history of several past fires. ?                                                                                                                                                                                                                                                                                         | Section 3.16.4 has been updated to include impacts from recent wildland fires.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cory Harden | Sierra Club  | Long-term impacts beyond the base's borders are only considered for training, but should also be considered for the environment. Cumulative impact analysis should include a list of all current and former military sites on Hawai'i Island, with their cleanup status. It should also evaluate the impacts of future pumping for the training area from groundwater that has minimal recharge.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Cumulative impacts, as described in Chapter 4 of the EIS, are assessed for the Region of Influence (ROI) described for each resource in Chapter 3. Cumulative impacts consider reasonably foreseeable actions within the ROI, as defined in Chapter 4. Other military sites on the island of Hawai'i are outside the ROI of PTA resources and are therefore not included. Groundwater extraction is not reasonably foreseeable on State-owned land and is therefore not included. Environmental impacts to water resources are discussed in Section 3.9 of the EIS.                                                                                                                                                                                                                                      |
| Cory Harden | Sierra Club  | The preferred alternative should be specified. A legal basis should be given for treating certain comments as "not substantive".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The Army's preferred alternative is identified in the Second Draft EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Cory Harden | Sierra Club  | Give reasons why claims that the military must have this land are credible, given that the military also claimed it could not manage without Kaho'olawe, Kapūkākī (Red Hill) fuel storage, and Strykers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The purpose and need for the Proposed Action are discussed in Section 1.3 of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Cory Harden | Sierra Club  | Explain the rationale for siting "critical facilities" on the State land though there was no guarantee of retaining it after 65 years and a directive prohibiting "improvements or modernization efforts" in the last 25 years of the lease. Was there an intent to create political pressure to allow retention?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 10 U.S.C. Section 2852, Military Construction Projects: Waiver of Certain Restrictions, and AR 405-10, Acquisition of Real Property and Interests Therein, specify that to carry out military improvements or modernization efforts, a long-term interest (i.e., 25 years) in the land must be acquired. Infrastructure is developed based on where soil is present. The Army sited the infrastructure within these parameters.                                                                                                                                                                                                                                                                                                                                                                          |
| Cory Harden | Sierra Club  | Hawai'i Administrative Rules Chapter 13-5 Conservation District Rules The region including and surrounding PTA was included in the conservation district. The lease for Army use of State-owned land was signed in August 1964, prior to the enactment of HRS Chapter 183C. Per the statute and its enacting rule, HAR Chapter 13-5, Conservation District, lawful use of land prior to October 1, 1964, is considered nonconforming... Military use is not included as an allowable use for any conservation district subzone. HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources (BLNR). Any request for a permit would follow the EIS process and determination of the land retention estate(s) and method(s)... p. 1-17 See comments re. 3.2.4.1 Land Tenure; State Land Use Districts. | The EIS has been revised to list the standard operating procedures (SOPs), best management practices (BMPs), and regulatory requirements the Army follows during training to protect the natural and cultural resources of the State-owned land. The Army's adherence to federal regulations is evident and in alignment with the purposes of the Conservation District.<br><br>EIS Section 1.4.2 has been refined to describe the administrative processes to use of the State-owned land.                                                                                                                                                                                                                                                                                                              |
| Cory Harden | Sierra Club  | 1.6 Public Participation 1.6.2 Scoping For this EIS, comments that help refine the Proposed Action or alternatives; identify specific resource analysis to be conducted in the EIS (e.g., cultural resources, biological resources, hazardous waste); and/or recommend technical data, specific impacts or mitigation measures were considered substantive. Statements considered to not be substantive were general comments with no specific information, such as those that stated preferences for or against the Proposed Action, military, or Army in Hawai'i. p. 1-21 Cite the legal basis for this refusal to even consider certain comments. If large numbers of commenters strongly support or oppose the Proposed Action, military, or Army in Hawai'i, that is significant. Those comments should be reported in the Final EIS. ?                                             | Section 1.6.2 notes that, in determining whether a comment is substantive, the EIS preparer "... shall consider the validity, significance and relevance of the comment to the scope, analysis or process of the EIS (HAR Section 11-200.2-26[a])." For this EIS, comments that help refine the Proposed Action or alternatives; identify specific resource analysis to be conducted in the EIS (e.g., cultural resources, biological resources, hazardous waste); and/or recommend technical data, specific impacts or mitigation measures were considered substantive. Statements considered to not be substantive were general comments with no specific information, such as those that stated preferences for or against the Proposed Action, military, or Army in Hawai'i.                         |
| Cory Harden | Sierra Club  | 2.2 Alternatives Considered p. 2-7 The EIS should analyze impacts under ownership, lease, easement, and license for Alternatives 1, 2, and 3, since each form of control over the land entails different levels of oversight and restriction. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease. |
| Cory Harden | Sierra Club  | 2.4 Preferred Alternative The Preferred Alternative [ownership, lease, easement, or license] will be identified in the Final EIS. The Preferred Alternative should be identified and analyzed in the Draft                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The Army's preferred alternative is identified in the Second Draft EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Cory Harden | Sierra Club  | 3.1 Introduction 3.1.4 Analysis Methodology Region of Influence For impacts to the environment, the EIS limits consideration to the immediate action. But for impacts to training if the land is not retained, the EIS extends consideration to long-term impacts extending far beyond the borders of the base. Impacts to the environment should receive the same type and level of consideration. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The scope of analysis may vary by the nature of the resource element and the anticipated direct and indirect impacts from the Army actions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cory Harden | Sierra Club  | When Hawai'i was admitted into the Union as a state in 1959, these ceded lands were transferred back to the newly established state, subject to the trust provisions set forth in section 5(f) of the Admission Act. Pele Def. Fund, 73 Haw. at 585, 837 P.2d at 1254 (citing Hawaii Admission Act, Pub. L. No. 86-3, 73 Stat. 4, 6 (1959)). Article XII, section 4 was later added to the Hawai'i Constitution to formally recognize these responsibilities, specifying that the land "shall be held by the State as a public trust for native Hawaiians and the general public." 47 Id. at 586, 837 P.2d at 1254 (quoting Haw. Const. art. XII, § 4).                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                      |
| Cory Harden | Sierra Club  | At that same time, the framers and the people of Hawai'i adopted article XI, section 1, which created a public trust consisting of "all public natural resources" to be administered by the State for the benefit of the people.48 Haw. Const. art. XI, § 1. 47 As the State concedes, our case law and the common law of trusts make the State "subject to certain general trust duties, such as a general duty to preserve trust property." See, e.g., Zimring, 58 Haw. at 121, 566 P.2d at 735 ("Under public trust principles, the State as trustee has the duty to protect and maintain the trust property and regulate its use."); Kaho'ohanohano v. State, 114 Hawai'i 302, 325, 162 P.3d 696, 719 (2007) ("[It] is always the duty of a trustee to protect the trust property . . . ." (quoting Brenizer v. Supreme Council, Royal Arcanum, 53 S.E. 835, 838 (N.C. 1906)));                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                      |
| Cory Harden | Sierra Club  | In re Estate of Dwight, 67 Haw. 139, 146, 681 P.2d 563, 568 (1984) ("A trustee is under a duty to use the care and skill of a [person] of ordinary prudence to preserve the trust property." (citing Bishop v. Pittman, 33 Haw. 647, 654 (Haw. Terr. 1935)); Restatement (Second) of Trusts § 176 ("The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property."). 49 As trustee, the State must take an active role in preserving trust property and may not passively allow it to fall into ruin. United States v. White Mt. Apache Tribe, 537 U.S. 465, 475 (2003) ("[E]lementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on [the fiduciary's] watch."). Ching v. Case decision, August 23, 2019, SCAP-18-0000432, pp. 73 - 76 <a href="https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf">https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf</a> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                      |
| Cory Harden | Sierra Club  | 3.2.4.1 Land Tenure -Ownership Current laws and legal rulings affirm the State-owned land at PTA was legally transferred to the State. p. 3-7 How could the land could be legally transferred, when the United States controls Hawai'i illegally? "The Congress... apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination..." Public Law 103-150—Nov. 23, 1993 <a href="https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf">https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf</a> Cite any laws and court decisions that demonstrate the land was transferred legally from the nation of Hawai'i; and that the Army has a right to lease the land, buy it, or take it by eminent domain ?                                                                                              | EIS Section 3.2.4.1 explains that the tenure of the State-owned land is based on federal, state, and county laws and classifications. Current laws and legal ruling affirm the State-owned land at PTA was legally transferred to the State. This EIS analysis is based on these legal precedents.                                                                                  |
| Cory Harden | Sierra Club  | State General Lease No. S S-3849 [upon lease expiration] Weapons and shells used in connection with training activities are to be removed to the extent that technical and economic capability exists and provided that expenditure for removal would not exceed the fair market value of the land. p. 3-11 To demonstrate good faith, the EIS should include a commitment to clean up the land, before the lease expires, to its condition before the lease began, although there are laws and lease provisions that would allow no cleanup. The Army should provide specific details and timeline to clearly insure that clean-up would be complete by the end of the lease.                                                                                                                                                                                                                                                                                                                                                                                              | In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process. |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                      |
|-------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cory Harden | Sierra Club  | State Land Use Districts All of PTA was classified as conservation district under the State’s 1961 Land Use Law. Hawai’i conservation district statute and rules, HRS Chapter 183C and HAR Chapter 13-5, were enacted in 1964. Lawful use of land, established prior to October 1, 1964, is considered nonconforming. The statute and rule define nonconforming as “the lawful use of any building, premises or land for any . . . purposes which is the same as and no greater than that established prior to October 1, 1964 . . .” The lease for military use of the approximately 23,000 acres at PTA was signed on August 16, 1964, and is considered nonconforming per HRS Chapter 183C and HAR Chapter 13-5. p. 3-12 Military use is not defined as an allowable use for any conservation district subzone, but HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                |
| Cory Harden | Sierra Club  | p. 3-14 Specify how this action will comply with HAR Chapter 13-5, especially 13-5-30 (c): “(c) In evaluating the merits of a proposed land use, the department or board shall apply the following criteria: (1) The proposed land use is consistent with the purpose of the conservation district; (2) The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur; (3) The proposed land use complies with provisions and guidelines contained in chapter 205A, HRS, entitled “Coastal Zone Management” where applicable (4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region; (5) The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels; (6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable; (7) subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and (8) The proposed land use will not be materially detrimental to the public health, safety and welfare. The applicant shall have the burden of demonstrating that a proposed land use is consistent with the above criteria .” ? | EIS Section 1.4.2 has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.                                                                                                                         |
| Cory Harden | Sierra Club  | 3.3 Biological Resources Analyze impacts on 'ua'u.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The Hawaiian Petrel is discussed in Section 3.3.4.4, and is believed to be a transient, not a resident, species based on the fact that no nests have been documented on PTA to date. <b>Appendix K</b> discusses monitoring work that the USAG-PTA staff do for this species. |
| Cory Harden | Sierra Club  | Analyze extent and impacts of invasive species (goats, fountain grass, Russian thistle, fireweed, etc). Describe success of past control methods. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Invasive species and the work that USAG-PTA staff do to identify and manage them is discussed in Section 3.3.4.3 and 3.3.4.4.                                                                                                                                                 |
| Cory Harden | Sierra Club  | 3.4.4.3 Previous Cultural Resources Studies Archaeological Investigations Of the approximately 23,000 acres that comprise the State-owned land, approximately 12,050 acres have been subjected to Phase I inventory survey... p. 3-45 Table 3-6 Archaeological Coverage of State-Owned Land at Pōhakuloa Training Area p. 3-48 [most recent survey is 2013] Ethnographic Studies A 2012 ethnographic study was commissioned, completed and accepted by the Army for PTA: “Ethnographic Study of Pohakuloa Training Area and Central Hāmākua District, Island of Hawai’i, State of Hawai’i” (McCoy & Orr, 2012). This is the only ethnographic or TCP study commissioned by the Army for study and/or assessment of TCPs within PTA. The study found “a general lack of information in the literature concerning cultural practices and beliefs related to the Saddle Region, when compared to other, more populated areas of Hawaii.” The study did not use any Hawaiian language resources... Since the McCoy and Orr study, no further studies for TCPs have been conducted at PTA by USAG-HI CRM staff or contractors. p. 3-49 ?                                                                                                                                                                                                                                                                                                                                                                             | Section 3.4.2.1, (“Evaluation of Traditional and Cultural Properties Under NHPA”) clarifies that this EIS complies with the requirements of NEPA and HEPA and is not intended to address compliance requirements under NHPA or HRS Chapter 6E.                                |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cory Harden | Sierra Club  | Archaeological surveys have only been done on about half of the State land, no valid survey has been done since 2013, and the sole ethnographic study failed to use Hawaiian language resources. Justify how this limited data is sufficient to support EIS conclusions.                                                                                                                                                                                                                                                                                                                                                                          | <p>The Proposed Action is an administrative action that does not propose new land uses. Therefore the EIS relies on existing studies that are summarized in an Archaeological Literature Review (Appendix J). Section 3.4 of the EIS summarizes the findings of more than 30 archaeological surveys presented in further detail within Appendix J. There is no requirement under NEPA or HEPA to conduct specific surveys.</p> <p>Over the past 10 years, the Army has spent \$75 million for natural and cultural resource management across its training areas on O’ahu and Hawai’i island. The Army has spent at least \$3M annually for natural and cultural resource management at PTA.</p> |
| Cory Harden | Sierra Club  | 3.4.4.5 Current Management Efforts The Army operates a robust CRM [Cultural Resources Management] Program at PTA... p. 3-59 Justify “robust” in light of the problems revealed in the Third Annual Report for Routine Military Training Actions and Related Activities at United States Army Installations on the Island of Hawai’i, Hawai’i, January 1, 2020 through December 31, 2020. Some training was skipped. ... Annual training for RDH [Range Division Headquarters] staff was not conducted during pandemic restrictions but will be conducted in the next reporting period. Report p. 2 ?                                              | Survey, monitoring, and preservation measures are ongoing at PTA. The Army has spent approximately \$3M annually on natural and cultural resource management at PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Cory Harden | Sierra Club  | An educational video was still not completed after three years. Report p. 3 It was promised in the Programmatic Agreement: The USAG-P?hakuloa, with support from U.S. Army Training Support Systems, shall, in consultation with the parties listed in Appendix H, produce a short educational video featuring NHO representatives ...Programmatic Agreement, September 25, 2018, D 2 a, p. 18                                                                                                                                                                                                                                                    | The Programmatic Agreement educational video is beyond the scope of this EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Cory Harden | Sierra Club  | Technical issues derailed a listening session. 2. III.D.2.a. Native Hawaiian Listening Session b. A listening session was planned for November 5, 2020 ... Technical complications with Microsoft Teams prevented unregistered participants from logging into the meeting and as such most invitees were unable to participate. Report p. 4 Office facilities were inadequate for an extended time. The cultural resources office is not connected to the network so the government staff flex between the isolated program office and a computer on a kitchen counter at Headquarters that is connected to a printer. Report p. 6                | The listening session is beyond the scope of this EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Cory Harden | Sierra Club  | The entire base, including the impact area, needs to be surveyed, before cultural resources are destroyed by training activities. If the Army does not plan to survey, cite legal authority allowing this.<br>Some native Hawaiians report there are numerous undiscovered caves and archaeological sites in the impact area. For environmental, archaeological, and cultural studies the Army often claims it is too dangerous to go there. But they went in to check for depleted uranium, and even did construction in the impact area for a new training range. What criteria are now being used to determine when people can enter?          | <p>EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been added to show where surveys have been completed and the general locations and types of sites within state-owned lands.</p> <p>Section 3.1.4 of the EIS describes the methodology for analysis; for each resource area, specific significance criteria are presented. These are standards or thresholds by which a significance conclusion can be drawn. Section 3.4.6 presents the findings of the analysis.</p>                                                                                                                                                                 |
| Cory Harden | Sierra Club  | 3.4.6 Environmental Analysis 3.4.6.1 Alternative 1: Full Retention Traditional and Customary Practices Summary of Impacts: ...The overall impact to traditional and customary practices under Alternative 1 would continue to be significant but mitigable through potential mitigation measures. Potential Mitigation Measures: Through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, provide access to promote and protect cultural beliefs, practices, and resources. Level of Significance: Significant but mitigable. p. 3-64 Explain why access is still a problem after over five decades on the lease. ? | The EIS has been updated to include the Army's ongoing best management practices, standard operating procedures, management measures, and mitigation measures to clarify the Army's efforts to protect cultural and natural resources. Information regarding standardized access procedures for cultural consultation, NAGPRA, and traditional practices is detailed in Section 3.4.4.6 ("Exisitng Management Measures") of the EIS.                                                                                                                                                                                                                                                             |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Cory Harden | Sierra Club  | Supply a history of requests for access, including which requests were granted, and which requests were denied and why. Describe fully how access will be provided. Include this information from the Cultural Impact Assessment: Eleven cultural practices are “adversely impacted by limitation of access”. CIA, Table 25, p. 361 “...the acquisition of lands by foreigners, including the U.S. Military, has caused and continues to cause Hawaiians pain and even trauma...the obligation of the state to ensure that these rights [for traditional or customary access] are protected is much more than a legal obligation, as such rights are a necessity of indigenous human life...” CIA, p. 365                                                                                                                                                                                                                                                                                                                                                                                        | The Army is not required to maintain records or data of public access requests. Information regarding standardized access procedures for cultural consultation, NAGPRA, and traditional practices is detailed in Section 3.4.4.6 ("Existing Management Measures") of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Cory Harden | Sierra Club  | 3.5 Hazardous and Toxic Materials and Wastes 3.5.3 Region of Influence The ROI for hazardous and toxic materials and wastes is the area on and immediately surrounding the State-owned land. p. 3-71 The ROI should include areas through which such materials and wastes are transported, and areas where they are disposed of. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Region of Influence for hazardous substances and hazardous wastes revised to include transportation corridors and disposal areas. Hazardous wastes and used hazardous materials and petroleum products are trucked to one of two harbors (Hilo or Kawaihae) and shipped off-island to the U.S. mainland or other areas for recycling, reuse, or disposal, as necessary, in accordance with state and federal regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Cory Harden | Sierra Club  | 3.5.4.11 Military Munitions and Munitions and Explosives of Concern Despite cleanup efforts, erratic bullets and gun components have been found on the TAs, FPs, and ranges. p. 3-79 Soil sampling has not been performed on all the TAs, [training areas] FPs, [firing points] and ranges to determine the presence or absence of MCs. [munitions constituents] p. 3-79 The Former Bazooka Range, including the High Mortar Concentration Area, is on TA 17 and measures approximately 60 acres... In 2015, the site underwent a surface only cleanup action that removed over 1,000 pounds of visible munitions debris. The debris was heavily concentrated within an 11-acre central location (USACE-POH & USAG-HI, 2017a). Subsurface military munitions have not been addressed. p. 3-79 During the construction of the DKI Highway, subsurface investigations identified MEC including mortars. Therefore, there is a potential for MEC to be found anywhere on the State-owned land . If MEC is discovered, the Army immediately responds and deactivates and removes the item... p. 3-80 | In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Cory Harden | Sierra Club  | Specify what will be done to clean up all these hazardous and toxic materials before the current lease expires. Retention of the land would allow more firing into the impact area. For years, EISs for Pohakuloa have said the impact area will be cleaned up after the base is closed. But we know Kaho'olawe and other former military sites remain in hazardous condition despite similar promises. Will the Army post a bond to ensure cleanup of the impact area?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text revised to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>The State's obligations to native Hawaiians are outside the scope of the EIS.</p> |

## Responses to Draft EIS Comments

| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Cory Harden | Sierra Club  | <p>3.5.4.12 Radioactive Materials Include and evaluate information from the “Independent Review of Pohakuloa Training Area (PTA): Depleted Uranium from the Davey Crockett Weapon System”, attached. Explain why that review, posted about 2008 on the Army “Depleted Uranium in Hawaii” website (<a href="https://home.army.mil/hawaii/index.php/garrison/dpw/du">https://home.army.mil/hawaii/index.php/garrison/dpw/du</a>), has now disappeared from the website. Include and evaluate information from Cory Harden’s May 28, 2013 e-mail to Gary Gill, attached. Address the concerns raised in comments on this EIS by Mike Reimer, a retired geologist who has been communicating his concerns about DU to the Army and Nuclear Regulatory Commission for years. For example, he states that the one test sample for 133,000 acres is grossly inadequate, and risks from inhaled DU oxides, that lodge in the lungs and emit radiation directly into body tissues for years, are not even being considered. ?</p>                         | <p>"Independent Review of Pohakuloa Training Area (PTA): Depleted Uranium from the Davey Crockett Weapon System" and Harden-Gill email reviewed and relevant information considered for addition to the EIS. The presence or absence of documents on USAG-HI's website is beyond the scope of the EIS.</p> <p>Section 3.5.4.12 of the EIS expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> |
| Cory Harden | Sierra Club  | <p>3.6 Air Quality and Greenhouse Gases 3.6.2 Regulatory Framework A quantitative, full life-cycle analysis of GHG emissions (i.e., CO2, methane, and nitrous oxide emissions from direct Army activities on PTA as well as from indirect activities such as manufacturing and shipping equipment and materiel and troop movements to and from PTA) and their associated social costs has not been performed because there are no tools, methodologies, or data inputs reasonably available to support such calculations for a real estate transaction, such as the Proposed Action. p. 3-89 Define “reasonably available”. This analysis must be done to give decision-makers full information.</p>                                                                                                                                                                                                                                                                                                                                             | <p>Section 3.6.2 revised to define "reasonably available."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Cory Harden | Sierra Club  | <p>3.6.3 Region of Influence While the effects of climate change are felt worldwide, they differ greatly depending on the region or locality. Therefore, the ROI for the effects of climate change is the island of Hawaii?i. p. 3-89 Since effects are felt worldwide, the ROI should be worldwide. 3.6.4 Existing Conditions Regional Air Quality No monitoring stations are located within PTA, and the nearest air monitoring station is located in Hilo, approximately 25 miles from PTA. p. 3-89 There should be monitoring stations in or near PTA to assess impacts of military operations. Climate Change No new impacts from GHG emissions would occur, but long-term, minor, direct and indirect, adverse impacts from GHGs would continue from activities within the State-owned land...The continued production of identical levels of GHGs would not meaningfully contribute to the potential impacts of global climate change. p. 3-93 Evaluate GHG emissions from all actions that will be enabled by retention of the land.</p> | <p>Analyzing the effects of climate change from a worldwide perspective is not a reasonable methodology because the effects differ by locality.</p> <p>The locations of Hawaii Department of Health air monitoring stations are outside the scope of this EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Cory Harden | Sierra Club  | <p>3.7 Noise 3.7.3 Region of Influence The ROI extends into surrounding areas on and around PTA that might be affected by aircraft conducting training on PTA or military munitions noise. p. 3-101 The ROI should include much of the island--residents report hearing explosions as far away as Kurtistown, and having windows rattled in Honoka’a. Concussions should also be analyzed—one resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Analyzing the region of influence from an island-wide perspective is beyond the scope of this EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| Cory Harden | Sierra Club  | <p>3.9 Water Resources 3.9.2 Regulatory Framework The State-owned land is located above the UIC line indicating that the site overlies a potential drinking water source. p. 3-129 3.9.4 Existing Conditions 3.9.4.1 Groundwater and Watershed Carbon-14 age dating conducted on water retrieved from PTA-2 from the regional high-level aquifer that underlies the saddle area yielded an age of 5,000 years. A similar age of 5,000 years was measured in the groundwater pumped from the Waiki'i well to the northwest... Due to the depth of groundwater beneath the State-owned land and the minimal direct recharge from infiltration of rainfall that falls on the State-owned land, existing impacts to groundwater from training are less than significant. Limited surface water and groundwater pathways on State-owned land pose minor potential impact to soil and groundwater quality (Section 3.5.4). p. 3-134 A number of EISs for P?hakuloa have also claimed minor impacts to groundwater because of its depth. At what depth would impacts from training become significant? The proposed action would enable numerous future actions including removing groundwater for Army use. Since there is "minimal direct recharge"—apparently almost none in 5,000 years-- would Army removal of water deplete the groundwater used by the Army and Waiki'i Ranch, and (in the future) nearby DHHL lands? ?</p> | <p>Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.</p>                                                                                                                                                                                                                                                                                                                                  |
| Cory Harden | Sierra Club  | <p>3.10 Socioeconomics p. 3-140 Include the cost of cleanup of the impact area and the rest of the base after the base is closed. For reference include the cost of cleanup on Koho'olawe—which is not even completely cleaned up. Calculate the cost of lost opportunities for other uses of the land, such as: a park that preserves cultural resources, educates the public about history and culture, and allows outdoor activities; agricultural uses that provide food and building materials locally; raising of livestock., etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                   |
| Cory Harden | Sierra Club  | <p>3.11 Environmental Justice 3.11.3 Region of Influence p. 3-151 Analyze impacts to people driving by, hunting, or visiting Mauna Kea Park, and also to people living miles away, who are affected by cultural impacts, as well as by noise and concussions from weapons firing, explosions, aircraft, etc. Air Quality and Greenhouse Gases ...air quality impacts would not adversely affect any populations... p. 3-152 Greenhouse gases generated by military activity affect everyone on Earth through climate change. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>The environmental justice region of influence is limited to environmental justice populations, not all populations that traverse areas near the Proposed Action. Section 3.11.3 states the environmental justice region of influence includes populations for impacts to cultural resources.</p> <p>Analyzing the effects of climate change from a worldwide perspective is not a reasonable methodology because the effects differ by locality.</p> |
| Cory Harden | Sierra Club  | <p>3.12 Transportation and Traffic<br/>           Since 2012, media releases to the public about convoy transport between PTA and Kawaihae Harbor have varied from 11 to 25 releases per year.. p. 3-169<br/>           Summary of Impacts: Alternative 1 would result in no new impacts on PTA and regional transportation systems and traffic; however, continued long-term, minor, adverse impacts on PTA and regional transportation systems and traffic would occur due to ongoing activities within the State-owned land.<br/>           Potential Mitigation Measures: None recommended.<br/>           Level of Significance: Less than significant.<br/>           p. 3-175 Provide the criteria and rationale for deciding impacts are less than significant despite a convoy every 2 to 4 weeks. Analyze impacts from vehicles supplying water, fuel, food, equipment, and other supplies. Calculate the cost to the County and State from wear and tear on roads. A resident reported being almost blown off his motorcycle on Saddle Road by the concussion from weapons firing several years ago. Evaluate military hazards to people using various vehicles on Saddle Road, and propose mitigation.</p>                                                                                                                                                                                                      | <p>Traffic is analyzed in Section 3.12 of the EIS. Section 3.12.5 of the EIS provides the Methodology and Significance Criteria for the analysis.</p>                                                                                                                                                                                                                                                                                                   |

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| Cory Harden | Sierra Club  | <p>Include this information in the EIS-- <a href="https://www.staradvertiser.com/2017/05/15/breaking-news/u-s-soldier-killed-in-trainingincident-on-big-island/">https://www.staradvertiser.com/2017/05/15/breaking-news/u-s-soldier-killed-in-trainingincident-on-big-island/</a> U.S. soldier killed in training incident on Big Island By Star-Advertiser Staff and Associated Press May 15, 2017 A 36-year-old U.S. soldier has died during a training incident on Hawaii island. Army Major John Landry says two soldiers were inside a military truck and were hauling equipment to a dock. He says one soldier died and a second soldier was injured and released from the hospital. Both soldiers had been assigned to the 25th Infantry Division on Oahu. Big Island police say the incident happened in North Kona about 7:30 a.m. Sunday as a 20-year-old man was towing heavy machinery on a military tractor-trailer on Daniel K. Inouye Highway. The man lost control while turning left at the three-way intersection with Route 190 and the tractor-trailer struck the southbound guardrail on Route 190 before overturning into a culvert, police say. The front seat passenger was taken to Kona Community Hospital where he died at 12:35 p.m. Sunday. The driver was taken to North Hawaii Community Hospital. An autopsy has been ordered to determine the older man's exact cause of death...</p>                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                    |
| Cory Harden | Sierra Club  | <p>3.15 Utilities 3.15.4 Existing Conditions Potable Water Water is regularly trucked 40 miles via 5,000-gallon tanker trucks... Fire Protection Water The dip tanks are refilled via 5,000-gallon water tankers... p. 3-194 to 3-195 Evaluate impacts for safety, traffic, and road wear. Liquid Fuel The PTA fueling station includes gasoline, diesel, and Jet A fuel.. p. 3-196 Evaluate impacts for safety, traffic, and road wear from transporting fuel. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Section 3.12 revised to better highlight existing and potential impacts on traffic, road wear, and safety hazards associated with trucking water and fuel to PTA.</p> |
| Cory Harden | Sierra Club  | <p>3.16.4 Existing Conditions Wildland Fire Management p. 3-205 How will climate change affect fire frequency and intensity, and what steps will the Army take to deal with this? Include information on inadequate staffing and equipment: <a href="https://www.hawaiinewsnow.com/2022/05/12/federal-firefighters-pohakuloa-battlearmy-over-safety-retaliation-complaints/">https://www.hawaiinewsnow.com/2022/05/12/federal-firefighters-pohakuloa-battlearmy-over-safety-retaliation-complaints/</a> "We have minimal trucks available, we're very undermanned..." [union President Kaanapu Jaccobson] says shoddy vehicles and equipment have been ignored for years." Include information on these fires—causes, impacts, prevention measures taken in response: <a href="https://www.bigislandvideonews.com/2021/08/11/10-acre-wildland-fire-reported-inkeamuku-maneuver-area/">https://www.bigislandvideonews.com/2021/08/11/10-acre-wildland-fire-reported-inkeamuku-maneuver-area/</a> ...10-Acre Wildland Fire Reported In Keamuku Maneuver Area... <a href="https://www.bigislandvideonews.com/2021/07/15/pohakuloa-fire-engine-catches-fire-on-highway/">https://www.bigislandvideonews.com/2021/07/15/pohakuloa-fire-engine-catches-fire-on-highway/</a> ...A P?hakuloa Training Area fire engine caught fire on the Daniel K. Inouye Highway on Wednesday morning... July 17, 2021 fire and 2018 wildland fire (also discussed in DEIS pp. 3-32 to 3-33)</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                    |
| Cory Harden | Sierra Club  | <p>4.3 Past, Present, and Reasonably Foreseeable Future Actions 4.3.1 List of Projects p. 4-3 Include a list of all current and former military sites on Hawai'i Island. For each former site, state whether it is cleaned up, or where is it in the cleanup process and when cleanup will be completed. How many private properties cannot be evaluated for cleanup because owners refuse? Is it still legal if a person selling property does NOT reveal that cleanup for unexploded ordnance has occurred on the property? How much time and effort is the Army is putting into lobbying for cleanup money, vs. time spent trying to get money for new projects</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The evaluation of all current and former military sites on the island of Hawaii is beyond the scope of the EIS.</p>                                                   |

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| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Cory Harden | Sierra Club  | <p>Chapter 5 OTHER REQUIRED CONSIDERATIONS 5.2 Incomplete Information 5.2.2 Lease Compliance Actions Explain how the State can fulfil its legal obligations to beneficiaries (see comments re. 3.2.2) if it allows the Army to retain the land, knowing that the Army is a bad actor which has violated terms of the lease for years by leaving discarded and hazardous materials on the land at Pohakuloa and other sites. Review State law, past DLNR decisions, contested case decisions, and court decisions re. renewal of State leases for lessees who have not fulfilled obligations in their lease agreements, and/or have been bad actors when using non-lease lands. Describe how well the Army has complied with lease requirements to avoid damage and pollution and to clean up waste. Describe steps that have been taken to clean up the area and comply with the 2019 Supreme Court decision, including any formal inspection, monitoring, and reporting process conducted by Department of Land and Natural Resources. Include future plans and timelines. Include a copy of the lease, lease amendment, and court decision, or a link to access them. What is the impact of past and proposed Army activities on the public trust obligations of the state? The State of Hawai'i has responsibilities as a Trustee of the lands at issue, including fiduciary responsibilities to the beneficiaries, identified in the law as Native Hawaiians and the General Public.</p> | <p>The State's compliance with its fiduciary responsibilities and trust obligations is beyond the scope of the EIS.</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits. Army only accommodates the requisite site visits as requested by the Court Ordered Management Plan.</p> <p>Section 3.5.4 describes cleanup of hazardous substances and hazardous wastes within the State-owned land.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison PTA External Operating Procedures.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>The Court Ordered Management Plan and current lease were added to EIS as appendices for easy reference by EIS readers.</p> |
| Cory Harden | Sierra Club  | <p>Do the environmental impacts of the State of Hawai'i continuing to lease the trust lands to the Army benefit the beneficiaries, or is the documented degradation of the leased lands a violation of the fiduciary responsibilities? (See Ching v Case SCAP-18-0000432) What is the fair market value of the land the Army is currently using? Has the State of Hawaii carried out its trust obligations to the beneficiaries when the lease fee is \$1 for the entire 65 years? If the land is rendered useless and dangerous as a result of Army activity, does that reduce the fair market value, and is the State of Hawai'i complicit in this degradation of the benefits of the trust? The P?hakuloa lease calls for cleanup: Conditions from State General Lease S-3849 dated August 17, 1964 between State of Hawai'i (Lessor) and U.S.A. #9: ... the Government shall make every reasonable effort...to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner. #14: ...the Government [USA] hereby agrees that, commensurate with training activities, it will take reasonable action to...remove or bury all trash, garbage and other waste materials resulting from Government use of the said premises.</p>                                                                                                                                                                       | <p>The State's fiduciary responsibilities and trust obligations are beyond the scope of the EIS.</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits.</p> <p>Sections 3.2.4.1 and 3.5.4.11 revised to note that the lease requires the Army to make every reasonable effort to remove or deactivate all live and blank ammunition upon completion of a training exercise or prior to entry by the public, whichever is sooner.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| Cory Harden | Sierra Club  | <p>But the Army did not clean up: Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 30 - 34 <a href="https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf">https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf</a> Cultural monitors spent “extensive time” at the leased PTA land and observed military debris on the ground, including UXO and “spent shell casings, scattered across” the land. The concerns of the cultural monitors were documented in a number of federal reports. For example, the United States prepared a November 2010 report entitled “Final Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawaii#i Island, Hawaii#i” that included a recommendation from cultural monitors that “[ t]he Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash are everywhere.” (Emphasis omitted.)</p>                                                                                                                                       | <p>Section 3.5.4 describes cleanup of hazardous substances and hazardous wastes within the State-owned land.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to state Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>Sections 3.2.4 and 3.5.4 revised to state that DLNR has implemented the Court Ordered Management Plan and site visits are occurring. Army has received no corrective actions from the site visits. Army only accommodates the requisite site visits as requested by the Court Ordered Management Plan.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |
| Cory Harden | Sierra Club  | <p>The report also stated that the cultural monitors voiced the following: “Another major concern is the military debris that is left behind after training including [UXO] that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process.” ... These concerns were reiterated four years later in a second, similarly titled report. This report contained observations from cultural monitors who stated that “[r]emnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape.” The report noted the cultural monitors feared that if the litter continued to remain on the land, “ the land will be rendered unusable forever--one eighth of our island will become unavailable for use by any of our future generations .” The cultural monitors therefore “strongly recommend[ed] the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas.” (Emphasis in report.)</p>                     | <p>In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Cory Harden | Sierra Club  | <p>The military has also been a bad actor at other sites. Findings of Fact from SCAP-18-0000432, Ching v. Case, pp. 31 - 32 <a href="https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf">https://www.courts.state.hi.us/wp-content/uploads/2019/08/SCAP-18-0000432.pdf</a> ...the court found that the previous Chair of the DLNR, William Aila, Jr., was aware of the United States’ failure to clean up other sites in the state such as Kaho’olawe, Mākua, and the Waikāne Valley, and the court imputed this knowledge to the State in this case. The court noted that a website maintained by the State contained a history of the island of Kaho’olawe that explained that the United States Navy did not clear all UXO from 25 percent of the surface of the island. Additionally the court found that the United States’ failure to properly clean the Mākua area was... documented in the federal court decisions in Makua v. Rumsfeld, 163 F. Supp. 2d 1202 (D. Haw. 2001), Mākua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mākua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## Responses to Draft EIS Comments

| Commenter           | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                                                                                                                                                          |
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| Cory Harden         | Sierra Club  | <p>Aloha, Please acknowledge receipt. Adding to our eariier comments, please consider information from the attached article. mahalo, Cory Harden, Sierra Club, Hawai'i Island Group Firefighters complain about unsafe conditions at PTA By MICHAEL BRESTOVANSKY Hawaii Tribune-Herald   Sunday, May 22, 2022, 12:05 a.m. The U.S. Army is addressing complaints by federal firefighters about unsafe conditions at Pohakuloa Training Area, according to an Army official. In March, firefighters at PTA made a complaint to the U.S. Department of Labor Occupational Safety and Health Administration listing several unresolved safety violations. Those violations included a missing fire suppression system in the living quarters of the PTA fire station, reportedly requiring firefighters to live in decades-old prefabricated steel Quonset huts without a formal kitchen area, and forcing them to wash dishes in a makeshift area by their toilet and shower. Other violations reported included a lack of proper fit-testing for breathing apparatuses and masks, a nonfunctioning ventilation system that failed to remove gases from fire trucks, and other safety rules not being followed.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                             |
| Kimi Abbott-Jackson |              | <p>Please do not renew the militaries lease on Pohakuloa. I do not agree that the military should continue to bomb on an active volcano. Year after year they continue to desecrate the island of Hawaii. This island has been used as a training area for too long. Even in Waikoloa Village we have been unable to build because of the unexploded ordinances. It is time to stop.<br/>Aloha Kimi Abbott</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                             |
| Chelsy Abe          |              | <p>The last Biological assessment was done in 2003. I think there should be a new study since it's been almost 20 years.<br/>How many miles away does the training affect?<br/>We have many endangered animals and insects in the area including the pueo which frequents Waiki'i area and nests on the ground, the nene which flies by and lands by the cattle guard on Mauna Kea access road, or the 'ua'u who nests in the mountain, also the Vanessa tameamea aka Kamehameha Butterfly<br/>and the Udara Blackburni aka Koa Butterfly which dwell in the area etc. When I am on the Mauna Kea access road or close to Kamuela, I can hear and feel the vibrations of all the training going on at Pokahuloa. If i can hear and feel it, imagine how all the animals and insects feel. I propagate a lot of native plants such as ohia, mamaki, koa and other native plants to help the native animals and insects thrive. All that land pohakuloa is taking up could be developed to reforest and preserve what little we have left.</p>                                                                                                                                                                      | <p>The Army is preparing a draft programmatic biological assessment that is comprehensive in scope. It will describe current status of the species (based on the best available information), impacts and conservation measures.</p>                                                                                                                                                              |
| Chelsy Abe          |              | <p>I spoke with a woman named Alice at Imiloa. I gave her my email and phone number so she could answer some of my questions. I haven't heard from her since then. My question is how far was the Environmental Impact Assessment done? Was it only in the area of the training area or how many miles away does the training affect? We have many endangered animals in the area including the pueo which frequents Waki'i area and nests on the ground, the nene which flies by and lands by the cattle guard on Mauna Kea access road, or the 'ua'u who nests in the mountain etc. When I am on the Mauna Kea access road or close to Kamuela, I can hear and feel the vibrations of all the training going on at Pokahuloa. If i can hear and feel it, imagine how all the animals and insects feel. I propagate a lot of native plants such as ohia, mamaki, koa and other natives to help the native animals and insects thrive. All that land pohakuloa is taking up could be developed to reforest and preserve what little we have left. Alice said the people training were in charge of how far it affects but is unknown when the last assessment was done. Could someone please contact me?</p>      | <p>Noise impacts on species are discussed in Sections 3.3.4.4 and 3.7. Resource areas vary in geographic analysis based on the needs of the section as noted in each individual Region of Influence section. For noise, the region of influence extends "into surrounding areas on and around PTA that might be affected by aircraft conducting training on PTA or military munitions noise."</p> |

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| Commenter  | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Justin Abe |              | <p>I oppose the full continued lease of the Hawaiian Lands to the United States Military. As a born and raised Hawaiian and pursuing a degree in Environmental Science with knowledge of the NEPA process, I believe that water resources and hazardous materials are of concern with extending the lease for the full 23,00 acres.</p> <p>In the original lease, Paragraph 9 states that the military must "make reasonable effort to...remove or deactivate all live or blank ammunition upon completion of a training or prior to entry by the said public". This agreement goes with paragraph 19 that states they will "remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and provided that the expenditures for removal of shells will not exceed the fair market value of the land". I do feel that it is strongly beneficial that the military covers the Resource Conservation and Recovery Act of 1976 for management of the control of hazardous wastes and addition to removing the shells and ammunition once training is completed.</p>                                                                                | <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) regarding cleaning ranges after training.</p> |
| Justin Abe |              | <p>In addition, paragraph 14 states the military agrees to "take reasonable action...to prevent unnecessary damage or destruction of vegetation, wildlife and forest cover, geological features and related natural resources" and to "avoid pollution or contamination of all ground and surface waters and remove OR bury all trash, garbage and other waste materials". I do not see how an option for burying trash an option for land within Hawaii is.</p> <p>With the training being completed 1,800 feet above an aquifer, the future possibility of pollution entering he water resources are increased with the lack of responsibility placed on the military. From the original time that the lease had been started, 65 years ago, there have been new technology with stronger weapons that has the capability to damage the land further and also create a higher chance of pollution into the soil and water resources. One example was the bazooka range that had been heavily contaminated with ammunition and unexploded ordinance that was reviewed in 2014-2015. If the military had been up to their lease agreement, there would not have been hazardous materials of dangerous levels reported.</p> | <p>Specific water resources protection actions have been added as Section 3.9.4.6, "Existing Management Measures." These procedures minimize impacts on water resources from ongoing activities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Justin Abe |              | <p>The United States Military has had the many years of access to this land and failed to address the conditions on their lease agreement and within the EIS such as clearing hazardous materials after training procedures. The in-depth review of archaeological literature and cultural impact has many sources and statements that shows how important that the land is to the people of Hawaii and with the failure of clearing ammunition, should not allow them to extend their lease without engaging in surveying and removing hazardous materials.</p> <p>The review of this is also lacking for archaeological aspect as only 45% of the land has been analyzed for archaeological importance.</p> <p>There is over 11,500 acres that have not been surveyed for importance and possibly damaged from the 65 years of training completed by the U.S. Military. This reasoning should not allow the military for extension of the lease. If the decision is made for any of the alternatives besides the no action alternative, the lease should be modified to be applied to the new technology for clearing the land as well as hazardous materials within the ammunition.</p>                                 | <p>EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed, and the general locations and types of sites within state-owned lands.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Kalei Acia |              | Please save pohakuloa!!! Our 'aina is deteriorating!!!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Commenter       | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Jim Albertini   |              | This is Jim Albertini from Kurtistown, Hawaii. I have been trying to watch this livestream on your -- on video online. The sound system at Waimea is just terrible, it's very, very difficult to understand people, and your print translation is awful. It doesn't make any sense whatsoever. So it's a very, very poor opportunity to have these -- to see what's going on. Besides, the Big Island is a big island. You should be having meetings in every district on the island. The Puna District in itself where I'm from is bigger than the island of O'ahu. So with the price of gas and everything to only have two meetings on the island, and with terrible sound systems, it's a disgrace. Please improve yourself. All right? Thank you. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                |
| Nancy Aleck     |              | Re: Pohakuloa Americans with power believe in the trickle-down theory. That's because they can keep their power and wealth and steer clear of the toxins that trickle down to the rest of us. I do NOT support lease renewal. I DO support an immediate end to military use. Stop the bombing. Clean it up and return the land. Most Sincerely, Nancy Aleck                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                |
| Karen Altergott |              | Hi, this is Karen Altergott, a resident of Waikoloa. I'm calling to encourage you to do an Environmental Impact Study. I know living here with the bombing sound is most unpleasant, and I am concerned about chemicals in the air that head down this way. Thank you very much for your time.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for sharing your concern. Discussion on the Army's compliance with the Clean Air Act is found in Section 3.6 (Air Quality and Greenhouse Gases) of the Environmental Impact Statement.                                                                                                                                                                                                                                                                              |
| Theresa Arriola |              | I am writing to request that a comprehensive independent assessment of the chemicals at PTA be conducted in order to ensure that proper clean-up of these lands occurs. I believe the 133,000 acres of land should be returned to the Native Hawaiian people.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Hazardous substances and hazardous wastes are discussed in Section 3.5 of the EIS.<br><br>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process. |
| Cameron Atsumi  |              | Driving by Pohakuloa on Saddle, one can notice more and more visible developments on the slopes of Mauna Loa. From satellite imagery, one can view at the southwestern end of the old Kona-Hilo hwy these visible developments. Closer look showing jets parked in a white dashed quadrant above 7,000'. Please understand that the visibility of these developments and operations are an increasing concern to the growing surrounding populations. Greater traffic along Waikoloa Road during convoy transfers must also be addressed. Thank you.                                                                                                                                                                                                   | Section 3.12.4 has been revised with the most updated available information.                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Commenter | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                 |
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| Lyle Auld |              | <p>With the renewal of the lease, the military would better accommodate training requirements and testing new weaponry. The lease lands would bring more responsibilities of compliance, stewardship and management of the cultural properties and environmental resources. A new lease may require an updated Integrated Cultural Resource Management Plan (ICRMP) that combine efforts of management and conservation with the daily activities and training SOP. The ICRMP is the base commander's main tool for cultural resource management and should be tailored for each installation needs. Communication between all players, military, contractors, SHPO, Burial council, Tribes, NHO, stakeholders, and community, will be essential for a successful management plan. Dr. Alex Woods of Colorado State University writes, " Each Army installation and it's ICRMP are unique and special snowflakes, largely resulting from the culture and personality of installation staff and their ability to wheel and deal" (Woods, CSU online discussion 2022). The ICRMP should define the traditional cultural (TCP) and historical properties. The goals of the community, tribes and the identified stakeholders should be shared with the SHPO and the federal agency to come to a balance or happy medium. Not everyone will walk away happy, but all should try to be open to negotiation (CSU online Lesson 15, page 3). I would even suggest adding the comments of the community/Native tribes/NHO in the ICRMP to show transparency, positive efforts and it will set milestones of progress. Many of the installation ICRMPs are made open to the public. There should be a conversation of the tangible and intangible, moveable and immovable, old and new model, and all the different ways of classifying the resources, relevant eras or time periods, architecture, landscapes, sites, and districts. If everyone is on the same understanding than it would eliminate confusion and I would expect fewer negative blowbacks to the everyday maintenance and upkeep of an installation and its cultural properties.</p>                                                                                                                                                                   | <p>Your comment on the updated ICRMP is noted but is beyond the scope of this EIS. The Army addresses cultural resources in Section 3.4 of this EIS.</p> |
| Lyle Auld |              | <p>Around the globe, federal installations have similar struggles and issues with management of cultural properties (CSU online discussions). I would suggest exploring possible SOP changes. First, I would combine the environmental and cultural ways of thought. I know it's a funding issue of value and significance, but one cannot mention our culture/cultural properties and then not talk about the environment, plants, or landscape. In many cultures, the environment (flora and fauna) is intertwined. The Hawaiian culture and the rest of the pacific islanders, are plant based cultures and every aspect of their survival is based off the plants (<a href="https://dlnr.hawaii.gov/dofaw/files/2014/02/Hawaiian-Ecosystems-and-Culture-Growing-Lei-plants-1.pdf">https://dlnr.hawaii.gov/dofaw/files/2014/02/Hawaiian-Ecosystems-and-Culture-Growing-Lei-plants-1.pdf</a> page 7). Total integration with other departments, allows the team to be more diverse and able to recognize so much more of the history and functions in the culture. I am not suggesting the sharing of roles or duties, I mean collaboration of data and understanding. Water has been its own category, but I believe it should be part of one unit with cultural and natural resources all with the same shared management goals. If money and time was not an issue, I suggest contractors to invest in team force development and providing enough employees to handle compliance and responsibilities required by law. I would recommend workshop or trainings to strengthen the employees and entire workforce to be extra-disciplinary (King 2004). Cultural awareness and shared collaborations with the tribes, to help educate, can go a long way. There are several federal and state laws that have been created to protect the cultural properties. GENERAL LEGISLATIVE AUTHORITY MANDATING ARCHAEOLOGICAL CURATION 1906 Antiquities act (P.L. 59-209) 1935 Historic Sites Act (P.L. 74-292) 1966 National Historic Preservation Act, as amended (P.L. 89-665, 95-515, and 102-575) 1979 Archaeological Resources Protection Act (P.L. 96-95) 1984 Department of Defense Directive Number 4710.1 1990 36 CFR Part 79 (Curation of Federally Owned and Administered Archaeological Collections)</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                    |

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| Commenter   | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                         |
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| Lyle Auld   |              | <p>The proper facilities to house the collection and artifacts should be available or constructed for the cultural resources. Many installations would require a proper space that could keep human remains until the native tribes and or lineal ties and burial council were involved, (if in-situ was not an option). Someplace that was secure, quiet and safe for this type of NAGPRA compliance duties ( <a href="https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm">https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm</a> ). Another easier said than done suggestion, is to plan projects early enough to handle the delay for the Section 106 process and the feedback from SHPO. Time and time again, DPW and other contractors forget about the 106 process and complain of the schedule delays. The section 106 process of communicating to the stakeholders, community and Native Tribes/NHO is often viewed as step to avoid at all costs by the federal agency, but compliance is in place to aid with liability and blame (King 2003 page 30). More land would equal the need for more money. If the landholdings double then personnel, contracts, funding, and time to accomplish the task, will all be altered.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                            |
| Lyle Auld   |              | <p>Several thoughts come to mind with this lease issue. Where does the money go and how does it help the Hawaiian people as a whole? Would the military be able to pause training during the opening of Makahiki, Winter/ Summer solstice and other relevant days to do protocol, ceremony, or cultural practices on the installation? Could the hunting access be more frequent or open, so hunters could use the designated hunting zones more than several times a year? In conclusion, it is my findings that with the proper planning and communication, of the community, stakeholders, lineal descendants, and agencies, I believe land and cultural management on military lands can be done . I prefer the "new model" way of thought, to stimulate the next generation and to prepare them to assume the role of stewards and managers. It would be great to change the mindset of heritage resource management around the globe, but value is an individual choice to be learned and shared. Work cited <a href="https://www.bos.com/inspired/40-quotes-on-adapting-to-change/">https://www.bos.com/inspired/40-quotes-on-adapting-to-change/</a>, (Web) <a href="https://www.geeksforgeeks.org/impact-of-technology-on-society/">https://www.geeksforgeeks.org/impact-of-technology-on-society/</a>, (Web) <a href="https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm">https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm</a>, (Web) Byrne, Dennis, Heritage As Social Action, 2008 Woods, Alex, CSU online discussion 2022 King, Thomas, Places That Count: Traditional Cultural Properties In Cultural Resource Management, 2003 King, Thomas, 2004, Learn More Than One Specialty , Lesson 15 CSU online.</p> | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p> |
| Kalia Avery |              | <p>Aloha to All involved in this EIS study.<br/>I recently spend a day of solitude on Pu'u Huluhulu. This very sacred part of the Island where one can view all The Maunas at one time. During my time in self reflection I was very disturbed by the incessant bombing at Pohakuloa. This is so very disrespectful to use this beautiful Aina, the place that feeds us, to play war games and pollute the environment like this. I do believe it is past time to pull back the leases that were given long ago, and reconsider how we treat these Islands. It's time to remember that life as we know it will be gone if we don't stop mistreating this earth. Please think about the future generations and preserve our climate, water air and tranquility. War is not the answer! Stop pretending to be culturally aligned with the values of Hawaii. Mahalo for including this testimony.Be Pono and don't continue this lease! With all Love and Respect<br/>Kalia Avery</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                            |

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| Commenter    | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                              |
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| Ronald Awaya |              | <p>Being a veteran (US Army, Czech border patrol 1968-1970 4th Armored Division) I believe that the Army does need training to be "combat ready". However, does the training at Pohakuloa meet the necessary requirements to be combat ready should a war break out? Perhaps some extra training like AIT would benefit the soldiers more to be combat ready. Seeing that the soldiers aren't privates, instructional classes by instructors who specialize in warfare tactics would be beneficial say at an AIT center elsewhere within CONUS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Hector Ayala |              | <p>My name is Hector Ayala. I come from the desert south of Sonora and Mojave, so I'm Chicano. I'm Mexican. I have lived in Hawai'i for about a year. I have worked on the aina for about a year, a little over a year. I guess some points that I'd like to say is stop the bombing. Don't tap into the water. I love these people. I'm not Hawaiian, but I love Hawaiian culture because it relates to my culture so much. The things that I have seen here and the things that I have understood about myself here I cannot change. The wounds that I have put on here I cannot change. I come from a point of view of an enlisted soldier at some point in my life. 2015 I joined to leave Riverside, California for a better life. I served my years and I left drunk. Long story short, not the point. The impact that the United States Army and the United States has had on native culture and native people, in general, has been absolutely atrocious, in my personal opinion. There is no other words for that. Well, there is a lot, but no point saying them now, because anyway. My point is, speaking to Colonel, Lieutenant Colonel, standing at a position of parade rest to let you know I'm not here to hurt you. I love you. I love everyone here. And I want you to know that our presence here and when we talk about matters. You both are very smart, very intelligent, both officers. You went to college. You must hear what we are saying. You must feel what we are saying. You are not robots, you are humans. The Army makes you robots. You are truly human, luminous being of love. Anyway, you both probably have families and know that love, as well. That same love, we have that love for our aina, for what we live on. This is family. We don't shoot our family. I don't have much to say any more, but Aloha. Thank you. I don't know how long I am going to stay in Hawai'i. I know I won't stay here. I know I will go back to the desert of Sonora, but the time I stay here I will continue to malama aina and I will continue to support the Mainland and hopefully teach aloha. Thank you.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Commenter          | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Bronson Azama      |              | <p>This process is fraudulent! The Army and its nation-state the United States needs to address the legalities that are perceived to allow the ability to conduct this study. I am a Hawaiian National, and until the Army can prove its jurisdiction and the United States reveal how these lands were legally obtained then the EIS cannot be accepted. We cannot operate from the illegality of annexation to the United States because if it is not your land then we cannot follow your laws. Until you can prove that the Newlands Joint Resolution could legally obtain the Hawaiian Kingdom's Government lands and the private estate of our mo'oi, which we refer to as the "Crown Lands", then we SHOULD NOT LEGALLY BE ABLE TO MOVE FORWARD WITH AN EIS, because we are not following the proper laws of the land.</p> <p>Since the illegal military occupation of our islands started on January 17, 1893, we have now seen our lands, waters, and air polluted to a level unprecedented compared to times prior to the illegal usurping of our Queen and Government. Just recently the Navy's fuel stored at the Red Hill Bulk Fuel Storage Facilities; which is utilized by other branches of the military; has contaminated my island's aquifer. Such fuel has fueled the exercises that further pollute our islands, and our ocean, and even support the bombing of Pihalea. We cannot lose sight of ensuring the continuity of our ability to live on these islands.</p> <p>The United States as an illegal occupier should not be able to move forward with their operations until the legal questions surrounding land ownership and jurisdiction in Hawai'i are addressed. I do not support this EIS, nor this fraudulent process until the legal issues are addressed.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Camille B          |              | This is extremely disrespectful to Hawaiians. This is a sacred spot. More sacred than Notre Dame or Great Wall of China. Respect the land and return it                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Christoph Baranec  |              | I live and work on Hawaii island. I fully support our military's continued use of the ~23K acres of state owned land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Leilani Barga      |              | I do not agree with the proposal of the retention and extension of the Army training land at Pohakuloa training area. The land should be returned back to the State of Hawai'i for use by local Hawaiian peoples.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Natalie Baribeault |              | Please get out of this land. The environmental and cultural impact is too great. Do not renew this lease and do not continue activities there.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Kallie Barnes      |              | The No Action Alternative is the only option for the U.S. Military on these lease lands. The 24/7 bombing is enough and honestly the EIS seems to be significantly undermining the damage done by the military at PTA. As a worker in conservation I am often in remote areas on both the east and west slopes of Mauna Loa. The bombing is constant, stressful and unsettling. I can only imagine what it feels like to live where you can here it consistently. It's a crime that the military was able to lease the land for \$1 and it would be a crime to allow them to continue to lease this land. This land should be designated for both Hawaiian Homestead and conservation land. The U.S. Military should be required to clear and clean up the land and take it's training elsewhere.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Sections 3.3 and 3.4 (Biological and Cultural Resources) of the EIS for more information. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process. |
| Darcy Bartoletti   |              | Please end the unsanctioned use of Hawaiians land. The spiritual and environmental impact is devastating.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Responses to Draft EIS Comments

| Commenter       | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Response                                                                                       |
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| Beau Bassett    |              | The area should be added to Mauna Loa forest reserve as well as Puu Waa Reserve and Mauna Kea FR. A removal of UXO should be done and converted to a hunting unit for sustainable harvesting and preservation. Access should be open to the public just as Mauna Kea Forest Reserve. The US military does not need training and makes no logistical sense for this area when places on the contiguous US have many better places for training, as well as Oahu which the military currently owns 50% of combined. Please give back the lands to the public and remove all ammunition and military waste that has littered the area for over 50 years, similar to what has been done in Kahoolawe, Waikane, and Makua. Mahalo.                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| JOHN BEGG       |              | The Department of Defense should pay the State of Hawaii and the County of Hawaii a substantial lease payment for occupying so much area. Inflation adjusted terms need to be part of any new agreement as well as restoration should the lease be terminated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Thomas Belfield |              | I lived and worked on the Big Island from 1986 to 2010. Pōhakuloa Training Area should be shut down and cleaned up. It is an absolute travesty what the Army has done there and there are some places that likely never will be safe or clean again in 100 years. Shameful. Clean it up and go home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Sam Bergstrom   |              | This training area is a waste of beautiful land that could be used for such more environmentally important things like native species regrowth, nature trails, planting trees. The military presence on the island is unhelpful and worrisome. Please put it to better use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Emily Black     |              | I believe that pōhakuloa should longer be used as a practice site for the military. continued bombardment to the land is not good for the environment or the people.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Alyssa Bolante  |              | It is time to give the land back to the people of Hawaii. Keeping this as a military training area has significant adverse impacts on the land, cultural practices and resources for the people of Hawaii. When deciding to move forward with this draft who does it center the people in power or does it center the people of Hawaii who are most vulnerable and have been marginalized. Are we listening and trying to understand the people of Hawaii who want the land returned?                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Duke Bourgoin   |              | Proposal that the US Army assist with selecting some land to develop small half-acre farm lots for Hawaiians with local Hawaiian control of housing standards/rules and assistance from Army Engineers for building infrastructure with organic sustainable land management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Eduardp Bradley |              | There is absolutely no good reason to continue this lease. I choose EIS option 4 the no action alternative. It's the right thing to do, Protect this Island from toxic impacts. Sincerely Eduardo Duran Bradley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Skyler Brown    |              | Aloha. Being born and raised in Hawaii , I have developed the inherent care for the aina that is common among our people here. Learning as I have, of the way it used to be , it has become apparent that the saddle of the island .. the area between all four mauna , was once densely forested and held a cloud bank which fed the water tables tenfold of what they receive today. Today, our water tables are threatened, and with future development we can't help but compensate for, it is crucial to reestablish forest in this vital area.<br>This reforestation effort would do so much for the island that the west side would become much greener, and the forest east side would have less of a settling effect on the clouds; thus balance would be restored upon the aina. There is no way for the community or the governance of big island to make these sorts of changes while military occupation continues. Aloha and mahalo. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                              |
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| Robert Gregory |              | <p>Dear Senators Aloha to you and although you are from NY and this article that follows is about Hawai'i, I believe the concerns are important to all americans - the US military has trashed the once pristine island of Hawai'i - Big Island.</p> <p>The island has not only been trashed, it is dangerous to all who live there, visit, or come in contact - given the humongous quantity and the quality of the poisons, toxins, heavy metals, depleted uranium, and unknown materials that certainly influence health of the environment and of creatures near and far as the winds, water, time spread these chemicals - such a sad situation for the world.</p> <p>I call on you to affirm that the US military, which has caused this problem, now must be forced to clean up the mess - and/or get appropriate agencies at federal and state levels, to clean this up for the military has shown little interest an no ability in cleaning, preventing problems, or even minimizing the harm from this situation. Please read the comments by Jim Albertini and please do something positive while you are in Washington - clean up the mess, remove the military presence from Hawai'i, prevent the military from renewing a ridiculous lease that was forced on the people and negates anything resembling "fair", and return the island to some state of sanity whereby health and safety of people and unique plants and unique creatures and land and the ocean will be protected. The military is incapable of doing this on its own, so it is up to politicians with the interest of all people, with the interests of future generations, with the interests of the environment, to act. While you are at it, you might consider the impact of the US military on other locales, throughout the entire world, where US bases operate. They too, are not improving the environment, or even preserving the environment - trashing and destroying is what the military is about and that is very very sad. Mahalo - bob g</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Commenter     | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                              |
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| Shantee Brown |              | <p>My name is Shantee Brown. I was raised in Waikoloa, which is right below Pohakuloa. One thing that really stood out from this EIS is how narrow it is. What I first see is the statement of like how important it is for all of the missions in the Pacific and really world-wide for training. And then the impact statement is this very narrow 23,000 acres. When really we need to look at what is the world-wide impact, the island wide impact of this training. The use of munitions that are going to be used to kill innocent civilians, which, you know, in 2022 we already know that civilians are -- they are overly killed in war. That is a burden that we carry on this island that we're training to kill people around the world, but something that should be looked at is the psychological impact not only to civilians here, who know that but also our troops who are going to face probably PTSD and now high rates of suicide. You know, we talk about in the EIS the mammals that are impacted. I'm like can we maybe include the human mammals and impact to us? You know, I grew up with bombs shaking my house. I would say like the first big awareness of the world was watching 911, and then following that the propaganda for the wars in Afghanistan and in Iraq. If I was a little older I probably would have signed up like you guys and thought that was the very thing to do. And I'm glad I wasn't that old, because as I grew up I met a lot of Brits and what they told me of how it negatively affected them and how the war affected civilians in those countries really changed my world view, that we're not really protecting. Thank you for giving me this time. Okay. Yeah, and that we should look towards our Veterans who are for peace to start practicing diplomacy, because it's time. It's 2022. We don't need to practice bombing anymore. = We're really good at that. Maybe we should start paying our fair share for resources instead of starting wars for resources. There is no reason for us to not have integrity and pay people for their resources in other countries. We don't need to take them. We don't need to force them to pay it or to give us low rates for oil or anything. No. We are all adults here. We can afford, we have a 750 something billion dollar budget a year. We can reallocate that to better ways to work with other countries. Yeah. Thank you.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Shantee Brown |              | <p>Can you hear me? I heard a lot of people say, why are there not more people here? And one comment I have. So it was stated in the EIS that you all posted in newspapers three times, three different days. I don't know anyone -- I'm 32. I don't know anyone my age who reads a newspaper, like a paper newspapers or probably even like has a subscription. You have to pay for it. So that's a socio economic affect of not being able to see when we have these events. Also, that there were a hundred post cards emailed. I mean, you guys have a huge, huge budget. You could send a post card to every single person on this island, because we are all downwind and downstream from this base. So please for the next EIS do appropriate outreach to get us here, because I guess -- it's not working. The communication to get us out here is not working, because I know a lot of people who would like to be here.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Meredith Buck |              | <p>My name is Meredith Buck and I live in Kailua Kona, HI. I am a descendant of many generations of Army and Navy veterans (on both sides of my family) as well as a 5th generation descendant of Portuguese and Japanese subjects to the Hawaiian Kingdom. Thank you for the opportunity to share my mana'o regarding land use at Pōhakuloa.</p> <p>Many astute observations have been shared around cultural and environmental impacts. I would like to echo those centering Kānaka 'Ōiwi genealogical relationship to the land; endangered and endemic species; concerns around toxicity and pollution to air and water; and reminders that the US government and military are exerting an unlawful occupation of sovereign Hawaiian lands to conduct operations.</p> <p>I do agree that national and international security are of utmost importance, but I wonder at what cost we will obtain them. Native Hawaiians and wild endemic species will bear the greatest and most immediate brunt of the impacts caused by military operation at Pōhakuloa, and those effects will reach all of us in time if not right away. If the military's purpose is "to serve and protect," I ask that that service and protection be extended every day to those most vulnerable right here at home.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for the Hawaiian native population. Please see the revised Sections 3.3 and 3.4 of the EIS and Appendix I for the CIA.</p> |
| Meredith Buck |              | <p>I know that our great military has the capacity to maintain a strong defense while also caring for the daily lives of Native people, plants, and birds. To that end I'd like to share a message written by the team at Birds Hawai'i Past Present: "If the military really needed Pōhakuloa they would have taken care of it over the last nearly 70 years.</p> <p>However since they have held control over the area 6 species of native birds have disappeared. 'Alalā, 'Ua'u, Palila, 'Elepaio, 'I'iwi, and Nēnē. Some of these species were found at PTA up until the early 2010s.</p> <p>"A 7th species the 'ake'ake has only ever been found breeding in PTA. Despite this the base has not taken needed action to protect them, and individuals have been killed by predators. Only three native birds can still be found on the base down from at least 9 and maybe as many as 12. "PTA is also a major source of sheep and goats that damage surrounding forest reserves, and base activity likely attracts and sustains large numbers of predators such as free roaming cats and mongoose that damage palila and game bird populations in public lands." Finally we know from O'ahu that the US Military is capable of protecting native birds and their habitats. Some of the largest populations of forest birds, and waterbirds occur on military controlled lands because of the predator control and restoration work they support."</p> <p>My relatives who have served, and who are currently serving, know well that it is not only by thoughts and intentions that defense is granted to all, but by well-thought action and sacrifice. For that reason I ask that the military take full responsibility for caring for Pōhakuloa, especially by calling in support from conservation experts and cultural practitioners on Hawai'i Island.</p> <p>Mahalo nui loa for your time and consideration. Envisioning a thriving 'āina, native birdsong calling across Mauna Kea, and a healthy, happy lāhui across the pae 'āina. E ola.</p> | <p>Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for the Hawaiian native population. Please see the revised Sections 3.3 and 3.4 of the EIS and Appendix I for the CIA.</p> |

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| Kelsey Bunting  |              | <p>My name is Kelsey Bunting. I'm not here representing a business or an industry or a corporation, and I'm not just speaking as a Hawaiian or a native person, because I have all blood mixed in me. I just want to be speaking as a young woman. And what I have been learning as a young woman is my potential to give life to this planet and how deeply tied I am to this earth and this land, because how deeply tied I am to creating life on this planet. I'm speaking as a young woman who is concerned about the state of war, the state of war in Hawai'i, the injustice, the illegal occupation, because the state of war is a state of mind. The state of war is a state of mind. The state of war is a state of mind. It's a feeling of fear and anxiety in your body. It's a feeling of toxins inside, and I have learned as a woman that to give our future and our children a better life that I have to have a particular state of mind and to clean my body as much as I can of the toxins. If I'm in a state of war and I'm upset and stressed my child feels that and I give birth to that life on this planet. But if I'm able to retain a state of peace in my body and my heart and my mind, I'm giving birth to that. I'm giving birth to a better life. As a young woman and human of this planet, I care about creating healthier life for all of us, healthier land and healthier state of mind, which is so much more deeply tied together than just seeing the land as resources. No, the land is my skin. I feel the toxins and the firearms in Pohakuloa. I can feel the bombs like a cigarette burned into my own skin. I feel the land because I as a woman am giving birth to new life constantly and that potential for life that we all know exists beyond the barriers of our own skin. This life is inside of me as much as it is outside of me, and that state of mind is how we feel the land. You don't need to just ask us. You need ask the land. Ask how the land feels. Ask what it asks of you and listen. Because the world speaks, because the world has an electromagnetic energy field, just like we have an electromagnetic energy field, which indicates to us that it is alive. It is pulsing out vibrations for us to listen.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Kelsey Bunting  |              | <p>And I want to make it clear that I'm not speaking to anybody as an enemy because I do not have a state of mind for a state of war. I speak to everyone here as brothers and sisters, and as brothers and sisters I love you. And I believe when we love someone we want to teach them. We do not just abandon them or scold them or exclude them from our society or our lives. We choose to show up and show and teach, try to walk with each other. And when we're able to accept that love that is given to us, when you accept that love that is given to you, you join the hui. You join the people, the community. And when you do that you learn, that you become also one with the land and the waters, and they are as much a part of you as your brothers and sisters. And Pohakuloa should be seen as such, even more than just a resource. Pohakuloa is not a resource. It is land, and it needs to heal. The military should not continue the lease. And additionally, it will be a continued legal act of the U.S. military occupying these islands. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Abilene Bushong |              | <p>An agreement was made for a time duration of your occupancy of the Pohakuloa Training area, and that time is coming to an end. Your time is up, honor your agreements and let the land go back to its natural state. You have poisoned the aina for decades and it's time to stop. This land does not belong to you and you are not entitled to continue using it once the occupation reaches its agreed upon end date.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Jeffrey Cabanting-Rafael |              | <p>I support the presence of Pohakuloa Training Center with some changes. I don't think it's fair to follow antiquated patterns of the past. A 65 year lease on \$1 is pretty horrendous no matter which way you look at it. The military can surely afford to pay more for occupying 2300 acres of land. The military installations on every island are quite important to our state's defenses as well as training for our military. Opponents of this I feel are entitled to their opinions and have strong personal and cultural reasons to oppose it, but in a matter of personal opinion - especially considering the state of the world currently - I would prefer to have a military base present in close proximity to our civilian populations. It's also of my opinion that if the people of this state are going to pay more in taxes for the land we own and occupy then our government should follow through and pay more for the land they occupy. I don't believe it's prudent to try and push out military installations on any island considering Hawaii as a state is an isolated series of land masses in the Pacific Ocean, but it also isn't feasible to expect the people of Hawaii to be expect be okay with 2300 acres of occupied land on a \$1 lease for another 65 years. Hunters and commuters alike use the road for leisure and daily life, The US Military should shoulder more than what it currently does to upkeep the roads and local economy.</p>                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted.</p>                                |
| Jeffrey Cabanting-Rafael |              | <p>I believe that anyone who poses a cultural issue with Pohakuloa may bring up valid points of "taking advantage" of the land, but I do not agree with "train their troops to go kill people..." and so on as stated in a recent news article from Hawaii News Now (which is how I found my way here). Majority of the service members who train there that I have met are all local, and of Hawaiian descent it's akin to calling our own people murderers. It is also noteworthy that many Hawaiians joined the service and had exemplary careers such as General Albert Kualii Brickwood Lyman whom Lyman Museum is named after, as well as the memorial display at Hilo International Airport. As much as our culture has diverged from what happened in the past, there is also a crucial part of our culture and people intertwined in it. The Lyman Brothers: Albert, Clarence, and Charles were all appointed by Prince Jonah Kuhio to attend West Point and represented the Hawaiian People in the US Military. Other names that seem to be passed by or simply forgotten are Captain Francis Wai (killed in action in WWII) who was a distinguished cross recipient, later upgraded to a medal of honor recipient posthumously, or Private First Class Herbert Pilila'au who was the first native Hawaiian to be award a medal of honor for his actions in the Korean War. Just a matter of opinion that I feel like people forget. In conclusion, I support Pohakulea remaining in it's current location with the understanding that I as an individual believe that the US Government should pay more of its fair share to our local government for the land they are using.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

## Responses to Draft EIS Comments

| Commenter        | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                             |
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| Shawn Cahill     |              | <p>I trained at PTA from 1992-1996. I was stationed at Koneohe Marine Corp Air Station (Now KMCB) with 1st Battalion 3rd Marine Division Weapons Company 81's Platoon. PTA was our only live fire range except Schofield Barracks which I believe was shut down in 1994. Effectively making PTA our only live fire range. I can attest that without live fire capabilities it would drastically impair the infantry. The Army and Marines need to be trained in live fire training to become combat effective. There is a multi level platform on how a weapon operates, malfunctions, and percussion of the weapons to become proficient in that weapons system. It will drastically impair the effectiveness of the Soldiers and Marines of gun shyness from engaging in combat if live fire is taken away. The impact zone of weapons systems is in a safe zone where a'a and pa'hoihei lava field does not endanger the land. Literally breaking rocks into smaller rocks. It is clearly uninhabited and unusable area. Combat readiness is an important part of the Defence of United States of America. Hawaii was voted by Representatives of Hawaii to become a state. This is the home of the Pacific Fleet. Without it this would be under the rule of the Empire of Japan not a Hawaiian Monarchy. With respect to all Hawaiians, to efficiently protect the island we need a safe place to live fire for our troops. I believe respecting the Ai'na is very important. Respecting the local culture is important. It is as simple as trash, it has to go somewhere. The military has to have somewhere of low impact to Hawaii in order to train proficiently in order to protect Hawaii from foreign enemies. This is the 21st century not the 19th century. The world has changed and there are many extremist willing to take siege of opportunities to turn Hawaii into a communist or totalitarian state if the United States was not here guarding the islands. Yes the military is not perfect, nor is anything else. We need to work together to come to a common goal of working together for the best interests of Hawaii lands, Hawaii's people, the military, and it's civilians. I believe that PTA is a must need to keep our military in a state of combat readiness for the Pacific Fleet. It is a small piece of land, a small price to pay, to keep Hawaii safe from people who would do far worse if given the chance to exploit Hawaii lands. With all do respect, Shawn Cahill</p> | <p>Thank you for your correspondence. Your comment has been noted. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians.</p> |
| Phill Cain       |              | <p>MILITARY OUT. Stop the desecration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                |
| Lindsey Caldwell |              | <p>The United States and their military have abused Hawaiis people, land and resources for far too long. The military cannot be trusted not their operations. Falsified information, lack of transparency, and the total destruction of land are just a few of the major issues hawaii faces with military occupation. It's time to give Hawaiis land back to the true people of hawaii, the Kanaka. Pohakuloa is on the verge of becoming Kahoolawe, it's disgusting and disgraceful. Time to put an end. I DO NOT support the us military occupying and using ANY land in Hawaii. Driving through Pohakuloa everyday reminds me of this and will jump at any opportunity to get them out. Til the last ALOHA AINA!!!!!! Time to Shut down PTA for good!!!! Time to get the land back to its original beautiful state not the disgusting buildings, ordinance, broken trucks, air strips and other Opala/ Destruction they are leaving behind.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                |

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| Ben Catriz      |              | <p>My name is Ben Catriz. I'm a private citizen. My last name is C-A-T-R-I-Z. I don't represent nobody. I'm here basically to express my opinion and try to educate the Lieutenant Colonel on what everybody is trying explain to him. I have hunted in Pohakuloa. I think there is nobody that loves Pohakuloa more than I do. I hunted there since I was ten years old. Pohakuloa back then you drive along by the state park, you look to the left, you cannot see the old Saddle Road below. The trees were so thick. You had Mamane trees, fountain grass. Everything was alive in there. Now you drive through you can see the osero (ph.) downside. So basically whatever you guys are doing you are killing the mountain up there. It was never like that. That section over there, what's called Area 1, I hunted there with bow with my father, but I never did hunt in that area. It was so thick you wouldn't be able to see the sheep to shoot the arrows through to hit that animal, it was so thick. Now you look at that area, it's like a desert. Something is killing it.</p>                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                 |
| Ben Catriz      |              | <p>You drive on Saddle Road, it doesn't take a rocket scientist to figure out, look on the left into Pohakuloa, everything is dead. Look on the right towards Mauna Kea, it's alive. That's how Pohakuloa used to look on that side. You used to drive through, when you see -- people seeing the goats and the sheep. You couldn't see that. The fountain grass, the Mamane tree were so tall in there, you couldn't see it at all if they was right inside there. Now you can see all the way to the base of Pukaki Hill, which you couldn't see before. So just to educate you, Colonel, it's -- what it was before when I was ten years old to what it is now is like a rain forest turned into a desert. That is what the people are trying to say, you guys are killing the environment, and nobody is doing anything to make it any better. That's all I have to say. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                 |
| Ashley Cazemiro |              | <p>We cannot, with one breath, speak of reparations and with the very next continue to abuse indigenous land and people. No more.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                 |
| Autumn Chong    |              | <p>Living in Hawaiian homestead in Pu'ukapu, Hawaii, I feel the land shaking from the bombs blowing up at Pōhakuloa. I hear the bombs almost everyday from Waimea and it echoes. The water table is below the surface of the land, this is not new news. Military training in this area is contaminating the land, soil health, and water. Military training is a threat to Hawai'i island and the different communities that exist there: in the soil, native birds, native plants, archaeological sites, and more. There were 12 native birds when the military started training at Pōhakuloa, now only 9 survive. No attention to the health of flora, fauna, and people native of Pōhakuloa is a reflection of the lack of care, attention, and awareness of the military for Hawai'i. Only weapons, disruption, and killing of native Hawaiian communities is what the military does. This is not protecting, this is not learning, and this is not training. Facts don't lie and this is one of many ways that show the detrimental effects of military training in Hawai'i state wide and at Pōhakuloa. I do not support the renewal of the lease for military training. Do not renew this lease for the military! Natives of Hawai'i, born and raised, do not support this.</p> | <p>Thank you for sharing your concern. Native species are discussed in Section 3.3.4.3 and 3.3.4.4, impacts to native species are discussed in Section 3.3.6. Text within these sections has been revised and expanded to include natural resource management measures that the Army is implementing that benefit the land and protected species.</p> |
| Rachel Clyde    |              | <p>Give Pōhakuloa back to native Hawaiians and remove the military from this land. The military is desecrating sacred land and destroying the environment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                 |

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| Emily Collins   |              | <p>Aloha.</p> <p>It is very apparent that military presence, training drills and usage of resources is damaging to our delicate ecosystem on Mauna Kea. We should be protecting and replenishing native species of birds and plants that have gone extinct. Instead, with military occupation and regular drill training, one could argue that it further detracts what is already so fragile.</p> <p>With everything that has happened with the fuel spills at Red Hill, it is safe to assume it is only a matter of time before a catastrophic incident poisons one of our islands largest water source. There is no possible way military occupation is safe or positive for our environment. Shut down PTA.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Joe Collins     |              | Please remove the Ching and Kahalelio vs. Case from this document. So many wasted pages. If it need to be included, incorporate by reference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted.                                |
| Olivia Collis   |              | you disgusting deplorable military dingbats need to get off of Hawaiian land and leave local kanaka alone. You have ruined and raped the hawaiian islands for so many decades, and to actively continue this tradition by occupying this land and using it to train future bigots makes you evil.                                                                                                                                                                                                                                                                                                                                                                                                                   | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Shannon Corbeil |              | <p>It is past time for the US military to withdraw its presence from the Hawaiian Islands. The negative impact of the military there is indefensible and unnecessary. The US Army has no reason to maintain a presence in Hawaii and the land should be returned to Native Hawaiians in order to help restore the environmental and cultural damage done by our occupation.</p> <p>Shannon Corbeil<br/>US Air Force Veteran</p>                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Raleigh Coulter |              | Return the land to the people of Hawaii and the state of Hawaii for clean up and conservative. No justice no peace!! Protect the 'aina.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Molly Crane     |              | Please stop desecrating native Hawaiian land—this harms the environment and doesn't honor the indigenous culture and spiritual significance of the land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Mike Davis      |              | I fully support Alternative #1 and believe that perhaps Alternative #2 could be a consideration by the us army to return in kind lands not utilized like the pallila habitat or paprts if not all of the Keamuku parcel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Amanda Dillon |              | <p>Army Training Land Retention at Pōhakuloa Training Area Environmental Impact Statement – Public Comment I am a resident living in Waimea and I have worked in the fields of environmental science and conservation for the past 14 years. I am concerned about the environmental impacts of excessive noise pollution, invasive species, unexploded ordnance, and contamination from the Pōhakuloa Training Area on biological and cultural resources, native and endangered wildlife, and our island community. Our home is 45 miles away from PTA and we can hear live-fire and bombing clearly here and all the way down to the coast. The noise of bombs detonating repeatedly throughout the day and into the night is alarming and distressing. The EIS should include a survey of residents across the island to collect information on noise pollution and its impact on their lives and families. The EIS should provide information on the extent of the noise pollution from PTA and public health impacts. The high-elevation, tropical, sub-alpine environment of the Pōhakuloa area, between volcanic mountains, is one of the rarest ecosystems in the world (U.S. Army). This rare ecosystem, with critical habitats and endemic species, that exist nowhere else in the world, is exactly why this land should be protected and preserved—not bombed. Pōhakuloa provides habitat for rare, native, and endemic plants, insects, and birds including 27 endangered species such as the nēnē (Hawaiian goose) and ‘ōpe‘ape‘a (Hawaiian hoary bat), the only native terrestrial mammal in the state. Military installations in the State of Hawai‘i, including Pōhakuloa Training Area, have the highest number of species listed under the Endangered Species Act in the country (Stein, B.A., Scott, C., Benton, N., 2008. Federal lands and endangered species: the role of military and other federal lands in sustaining biodiversity. Bioscience 58 (4), 339–347). The EIS should provide the current status and a complete inventory for all rare, native, endemic, endangered, and threatened plant, animal, and insect species in the area, along with all efforts to protect, preserve, and restore their habitats. The EIS should also provide an inventory of invasive species and methods used to prevent and control their spread.</p> | <p>An analysis of noise impacts with respect to the proposed action and alternatives is provided in the Section 3.7 of the EIS. Existing management measures are addressed in Section 3.7.4.1 and best management practices and standard operating procedures are located in Appendix E. An island-wide survey is beyond the scope of this EIS. Wildlife noise impacts are discussed in Sections 3.3 and 3.7.</p> |
| Amanda Dillon |              | <p>There is no evidence that the U.S. military needs the 23,000 acres of leased land or any of the land that comprises the Pōhakuloa Training Area. With modern military and technological capabilities, military bases abroad, and large installations on the mainland, it is no longer accurate that the state of Hawai‘i, or Hawai‘i Island specifically, is "strategically vital for national defense as a logistics hub and for rapid troop deployment in response to emergent world events." The EIS should provide specific evidence and examples of how the leased area and entire PTA is currently "strategically vital for national defense." The high-elevation, tropical, sub-alpine ecosystems of Pōhakuloa are unlike any other environment, or possible warzone, in the world. It is inaccurate to claim that the unique environment at PTA is "critical to prepare our troops to 'fight as they train' in similar conditions to which they may be deployed." The EIS should explain why PTA and the leased area are necessary for training when the U.S. military has large installations on the mainland, in remote areas with mountainous and desert conditions. If the Army insists on listing financial benefits in EIS documentation and lease negotiations, it should be noted that the U.S. military claims to contribute "a significant number of jobs and money" to the County of Hawai‘i, but employs only "240 personnel on the Island of Hawai‘i." Therefore, the military provides employment for approximately 0.1% of Hawai‘i Island residents, yet controls 132,000 acres that is the "largest contiguous live-fire range and maneuver training area in Hawai‘i." Per the online documentation, this is also "the only training area in Hawai‘i able to support larger unit (i.e., battalion and brigade) collective live-fire and maneuver training." PTA has the largest land area and the greatest environmental impact with smallest economic benefit for the community.</p>                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                             |

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| Amanda Dillon |              | <p>The EIS should explain how PTA, and specifically the leased land, provides economic benefits for residents and provide specific details for the "jobs and money" contributed to Hawai'i County. If the U.S. military is going to claim financial benefits to the County of Hawai'i as part of lease negotiations, the EIS should include a socioeconomic survey of residents. As part of the EIS, the Army should ask residents if the economic benefits outweigh the cost to the environment, public health impacts, and the importance of biological and cultural resources in the area. As stated in the EIS Scoping Presentations, "PTA is the only training area in Hawai'i where military units can use weapon systems at maximum capabilities." It is unacceptable for the military to deploy weapons near our homes, fragile critical habitats, and endangered species—especially at "maximum capabilities." ?The EIS should fully disclose the extent to which the U.S. Army has fulfilled lease requirements and legal obligations to remove ammunition and waste materials. The EIS should provide an inventory of the entire lease area to determine if there is ammunition, unexploded ordnance, depleted uranium, lead, toxins, or other military debris. The U.S. military has not proven that the leased land or entire Pōhakuloa Training Area—a rare, fragile ecosystem with endemic species and cultural resources—is necessary for national defense or the safety of our country.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Amanda Dillon |              | <p>I fully support the "No Action Alternative" wherein the Army would not retain any of the State-owned land at Pōhakuloa Training Area?. The environment should be restored to its natural condition and returned to the Department of Land and Natural Resources when the lease expires in 2029.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Sky Doherty   |              | <p>As a long time resident and photographer on the Big Island, I'm regularly disappointed at the vast and beautiful landscape that is take over by the training area.</p> <p>This is our island, and some of its most beautiful landscape is off limits due to the training area boundaries. Perhaps the area can be more limited, so that the Pohakuloa Game Management Area to the South of the highway is open to the public. The vast trails and cinder cones in that area are a treasure to our community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Recreation on PTA is discussed in Section 3.2.4.2.</p>                                             |
| Pete Doktor   |              | <p>In interest of precious time, I will keep this brief: I vehemently oppose the renewal of land leasing by the US military, as both an Army veteran and an `ohana living in Hawai'i. As an Army medic in the late 1980s, I personally engaged in massive destruction of public lands at multiple locations including Piñon Canyon, Colorado; Yakima, Washington; Mojave Desert as a young combat medic in training. This included destroying natural habitat and wildlife with armored personnel carriers that served as our ambulances. The EPA would have to shut us down periodically due to this routine training devastation to let areas recover from our damage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Pete Doktor   |              | <p>These were routine operating and training procedures, often without any supervision. Knowing what damage the US military conducts as a matter of routine exercises, it deeply concerns me when such destruction is human error accidents — like the many so-called "controlled burn" activities such as at Mākua Valley on O'ahu that have went out of control with devastating consequences, or by young soldiers engaging in unbecoming behavior. I start and end with this personal testimony on the matter of renewing military leases rather than dig into the details of the draft EIS because for whatever rhetoric it contains, my own experience both as an Army medic and as a resident of Hawai'i does not buy military assurances of being a "good neighbor." The fact that they've used this expression for so-long and continue to do so, underscores how out of touch with reality the military rhetoric is. "Good neighbors" do not dictate to or poison the neighborhood. "Good neighbors" clean up their messes and pay for all their liabilities (not at tax payers expense).</p>                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Pete Doktor |              | <p>"Good neighbors" do not destabilize the neighborhood by inviting foreign hostilities due to blowback by their operations. "Good neighbors" pay fair market on land, and do not get governmental favoritism, like securing tens of thousands of acres of land for one dollar, in contrast to what the neighbors have to pay. And any neighbor who waged war against the local ecosystem would be held responsible for criminal behavior. By those standards, the US military cannot be a "good neighbor" by definition, regardless of military or political rhetoric or restrictions. Its mere presence under routine operations and training violates these community standards for public health and safety.</p>                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>            |
| Pete Doktor |              | <p>And this does not go into the fact that this "neighborhood" is considered sacred to many in the aboriginal nationals; this "neighborhood" happens to be like a church for many K?naka Maoli, underscoring the fact that objectively speaking, this is a military occupation of a sovereign nation technically. Rhetoric over "national security" does NOT trump genuine human security, which is not secured through ballistic missiles but a peaceful foreign policy that commands skilled leadership for diplomacy and conflict resolution — not conflict escalating, as military exercises do. Nor, do such political, nationalistic policies trump the democratic voices of the very citizens the military is commissioned to protect.</p>                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>            |
| Pete Doktor |              | <p>Instead, the devastation without any clean up at P?haku?loa and its history of toxicity such as depleted uranium poses a threat to public health and safety, as does its presence invite retaliation from actors with legitimate grievances with US foreign policy. My opposition to the renewal of military leases at P?haku?loa is not ideological because I understand the argument for reasonable protection of one's borders. However, it is for that reason and my experience as a soldier that US intervention militarily and otherwise does not make us safer, nor does training in such an environmentally and culturally sensitive region such as P?haku?loa.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Section 3.5.4 describes cleanup of hazardous substances and hazardous wastes within the State-owned land.</p> |
| Pete Doktor |              | <p>Moreover, the expanding of military plunder to foreign militaries in RIMPAC exercises further alienates the use of P?haku?loa for local residents as it makes Hawai'i a center for war preparations, rather than a center for international peacebuilding by civil society it needs to be if we are to secure peace through the islands, and not a constant site for military retaliation or offensive operations. Also, as mentioned in the beginning, my experience as a combat medic confirms that even "peacetime" military training is highly destructive, and should not be permitted in such ecosystems as Hawai'i that is one of the endangered species centers in the hemisphere. As the military concentration of Pearl Harbor demonstrates, it ultimately does not facilitate conflict resolution, but ultimately results in deaths such as those who perished in Imperial Japan's attack on legitimate military targets in O'ahu. We may be even less lucky in a retaliation by China or Russia — and such an event would partially be the fault of those who argued for military concentration in Hawai'i.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>            |
| Pete Doktor |              | <p>So as a former soldier from an illustrious military family, I plead with the DoD: please withdraw your occupation and let the people of Hawai'i be and cultivate a center for aloha, not war. If there is any integrity as a "good neighbor" it would reside in its own neighborhood — not impose itself on sacred areas such as P?haku?loa, M?kua Valley and so on. Why not be a "good neighbor" and respect other neighbor's churches and historical communities? No more military favoritism, such as the one dollar leases at P?haku?loa: nothing can reek more of militarism collusion: listen to the people, not the politicians.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>            |

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| Bob Douglas         |              | <p>The PTA lease should not be extended. Three main reasons.</p> <ol style="list-style-type: none"> <li>1. The bombing and artillery are incredibly devastating to the area. The destruction can never be remediated.</li> <li>2. Depleted uranium and current/future munition byproducts are entering watersheds. We are witnessing in real-time a future superfund site.</li> <li>3. This is sacred land. Belongs not to the State but rather the Native Hawaiians. The trust was violated. It's high time to recognize and honor the true heirs to these lands.</li> </ol>                                                                                                                                                                              | <p>Thank you for sharing your concerns. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> <p>Sections 3.5 and 3.6 discuss depleted uranium. Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land.</p> <p>Section 3.5.4.11 notes that the migration of munitions constituents at PTA is limited due to limited surface water and groundwater pathways because of low rainfall, lack of perennial streams, and the deep depth to the groundwater aquifer.</p> |
| Bob Douglas         |              | <p>As a US Army vet I am totally opposed to extending the lease. Those munitions contain hazardous and dangerous materials that will or have started to enter the aquifers. This land belongs to the Native Hawaiians and none I have contact with want the lease for PTA extended. To them it's sacred ground that needs to be restored and returned to them. Please respect the wishes of the host culture. You are a guest here, not the owner.</p>                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Ipolani Duvauchelle |              | <p>The military needs to give up its occupation of stolen land back to Hawaiians. The military presence is inherently violent. Our land rejects violence and our people reject violence; we are full of aloha. Please stop the military training at Pohakuloa.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| McLean Eames        |              | <p>I choose the EIS option 4, the no action alternative, to not renew the lease for pta. The impact on significant cultural and historical sites and activities is too severe. I appreciate our military, but we can do better than what is occurring at PTA. Mahalo for your consideration for my comment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians and cultural resources. Please see Section 3.4 (Cultural Resources) of the EIS for more information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Kerry Eastwood      |              | <p>I urge you to let your lease lapse or renew the lease on the least amount of acres possible. The Hawaiian people deserve to have their culture honored and their wishes for their land honored. The US should be a partner in peace with the Hawaiian Islands - not a colonizer of them. It's time to Move beyond this archaic practice and allow other cultures to flourish instead of extracting them like a resource to be had.</p>                                                                                                                                                                                                                                                                                                                  | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Mina Elison         |              | <p>Mahalo for the opportunity to submit comments on the Draft EIS for the Army Training Land Retention at Pōhakuloa Training Area. I stand in strong opposition to the retention of 23,000 acres of land to the Army as the presence of this military operation has significant negative impact to Kanaka Maoli and our ability to exercise important cultural and religious practices which connect us with our ancestors and our descendants. Actions of the army on our beloved 'aina have displaced Hawaiians and permanently altered and destroyed the natural flora, fauna and unique ecosystems which once flourished in the area. Please listen, with an open heart, to our pleas to malama 'aina and one another. Me ka ha'aha'a, Mina Elison</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Lucy Emerson        |              | <p>I'm really hoping this does not go through. As a concerned citizen, I would like you to strongly consider the ethics of taking peoples land when it doesn't belong to you. This isn't moral. Imagine how you would feel if someone came to your home and said "this is ours now" and pushed you out of your own surroundings? If that sounds cruel, you should reconsider what you're doing.</p>                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Louise Fa           |              | <p>We do not want this. We do not need this. We do not want what is happening on red hill to happened on the north shore. Do not build this.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Jade Figueroa       |              | <p>Pōhakuloa is sacred land. It's physical and cultural preservation is most important to native Hawaiians. The draft EIS is ultimately HARMFUL, Disrespectful, and not in Favor of the people who live in the area and who want to protect it. I'm opposed to this draft and I stand as an ally with native Hawaiians who want to keep the land free of destruction and military occupation.</p>                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## Responses to Draft EIS Comments

| Commenter        | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Greg Fleming     |              | <p>Thank you, good evening. My name is Greg Fleming, F-L-E-M-I-N-G, and I'm a citizen here in Hilo, Hawaii. I rise in support of course of action number 1, which is full retention of the training lands at PTA, and I do so from a perspective of my service to the Army and knowing full well of the importance of PTA to both the Army, the Navy, the Air Force, Special Operations. The National Guard that is trained up at PTA. From that perspective, I would say that we owe it to the sons and daughters of Hawai'i to make sure that they are well trained, if they were to go out on any contingency operations and to bring them home safely, and PTA does that, and I believe that course of action 1 does it best.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Greg Fleming     |              | <p>The issue with course of action number 2, which is a partial retention, is that it fragments PTA and leaves portions on the north side of PKI, critical infrastructure on that other side. It also leaves that area not available for any future considerations, for any likely fielding of equipment or capabilities that may be used somewhere to threat Chinese aggression in the Pacific, the mid-Pacific. Course of action number 3 does not -- or is fragmented and does not allow for operational consideration in terms of the road network that would have to be maintained and managed. And I believe that would be the most difficult piece. And without doubt, I want to recognize the men and women at PTA working the environmental, ESA environmental section, the ESA and the Section 7 that goes with it, as well as any consideration for the cultural resources that are up there and working issues related to that. And I believe that they have done so in a superb job and should be acknowledged. I'd like to see that continue for all the lands under the full retention. And that's it. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| E, Kalani Flores |              | <p>I wasn't going to come tonight, because we come to all these hearings and give testimony. Nothing ever comes of it. So why even come? But I just turned on the computer, I saw Aunty Max, and I said, I have got to come down here to support Aunty Max and Kako (ph.) everything she said and everything everyone else said. And then if Aunty Max and Kako can be here I better get down here and just support what they are saying. Mahalo. I'm sorry I missed all the testimonies provided earlier and comments. We live in Puukapu Waimea, our ohana, or our sinkase (ph.) ohana. We've been to Pohakuloa a number of times. I have served on the Pohakuloa Cultural Advisory Committee for a number of years under various different commanders. I have been on the land, done practices on the land, and know Pohakuloa. I haven't had time to review that whole document, but from a quick glance at it, there is some problems with the EIS. And it's not just this EIS. It's all the EISs that have been done. The Army for PTA has not done a comprehensive EIS for the entire activities happening at Pohakuloa. You are piecemealing the EISs, and that's against the rules and laws of the intent of an EIS. You cannot do an EIS for just this boundary authorization. You have to do an EIS for everything you are doing on the property there, on the lands there. You are piecemealing the EIS process. I know that's against the rules and the laws of the process of NEPA. I have made those comments a number of times for all your projects. Not all your projects, but a number of your projects. You are piecemealing all these little EAs, and EISs. You are supposed to do a comprehensive EIS for an entire area that you are using, not just this one little section.</p> | <p>As discussed in Section 2.1, the Proposed Action is limited to retention of the State-owned land at PTA in support of continued military training. Additionally, the Proposed Action is a real estate action (i.e., administrative action) that would enable continuation of ongoing activities on the retained State-owned land. The EIS analyzes the potential impacts from continuation of ongoing Army activities on the State-owned land.</p> <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p> <p>The EIS has been revised to clarify the ongoing activities (with prior NEPA documents cited) to demonstrate that the current and proposed uses are the same; and to identify ongoing best management practices, standard operating procedures, management measures, and mitigation measures in support of those activities to highlight the Army's ongoing environmental monitoring and conservation efforts.</p> |

## Responses to Draft EIS Comments

| Commenter        | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| E, Kalani Flores |              | <p>That's one of the problems with what I saw in the EIS. The EIS lacks a Comprehensive Cultural Impact Assessment. You guys have not done any -- I read the EIS Cultural Impact Assessment. It's incomplete. You just took a few reports here and there. You regurgitated and you threw it as a CIA. It's incomplete in this EIS. There is no oral histories, no cultural practitioners that have been consulted or included in that CIA. And it's not the first time. It's every time. You guys have not -- when I say you guys, I'm saying the Army has not done any type of appropriate traditional cultural properties assessment for Pohakuloa. There was some small -- little report done a few decades ago, nothing recent, and even that report was inadequate. This is not new. I have been saying this for decades, too, at hearings and comments on your reports and other projects at PTA. So here I have got to come again, say the same thing over and over. And it's going to be rubber stamped all the way through. We know the process. But I came here for Aunty Max. I saw Aunty Max, and she said Uncle Ku was here, so I better come down here. The significance of Pohakuloa, if you guys don't understand, it's the center piko of this Island of Hawaii, of this moku keawe. It's the center, piko, P-I-K-O. The energetic piko sits right in the middle of the island, right within the area of Pohakuloa. There is energy lines around the east, west, to intersect at a pu'u called Pu'u Koli. The energy lines run from Ha'ena to Ahu-ena, and then go from north to south, these energy lines, and they intersect right up to Koli. It's the piko, the center energetic piko of this island.</p>                                                                                                                                                                                                                                           | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p> <p>Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.</p> |
| E, Kalani Flores |              | <p>And you guys -- so what are you guys doing there? They are causing a -- not just the physical destruction of the land every time you bomb it, shoot at it, but you are also causing an energetic disturbance on our island that has far more repercussions than you can understand. And some of those -- so you have physical disruption, destruction, desecration happening, but you also have the energetic disruption and disturbances happening there. Every time you bring forces and personnel on the lands of Pohakuloa, you are leaving an imprint, an energetic imprint of hate, war and hostility on our lands, and you guys are responsible for that. So you are causing the physical and the energetic disturbance in the middle of our island, and it sits in the middle of a significant water aquifer in the middle of this island here. How do I know some of these things? It's from EK Kupuna. EK Kupuna, ancestral insight and knowledge given when I have been on the land of Pohakuloa. There are Kupuna there, there are divine beings and others there that are giving us insight about this area of Pohakuloa. And you guys have been mistreating it, destroying it, desecrating it more than you really can understand, and I'm just hear says enough is enough. You cannot continue doing this on our lands, and it's not even our lands. It's the lands of the creator, ke akua. They put these lands here, and you guys are causing far more desecration and destruction than you could even put in your EIS incomplete report. So I'm just here to say stop it already, because you are accountable. Each individual is accountable for what you do. And now you know. I'm just say once again, enough is enough. We're going to stand for Pohakuloa and all the lands and to the ocean to protect what we need to protect, because we as kanaka have the responsibility and kuleana to do so. That's all I have to say for tonight.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| E, Kalani Flores |              | <p>And I want -- actually, this is a request now. I'm requesting that all your reports, archeological reports and surveys that have been done for Pohakuloa or PTA area, all the natural botanical and biological reports be posted online so we can easily access these reports. There is numerous reports that nobody has access to. And if you are going to do these EISs then the public should have access to all these reports and you should make them available online in some form or fashion. That's my request. A hui hou.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is: <a href="https://home.army.mil/hawaii/index.php/ptaais/public-info">https://home.army.mil/hawaii/index.php/ptaais/public-info</a>.</p>                                                                                                                                                                   |

## Responses to Draft EIS Comments

| Commenter          | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| E. Kalani Flores   |              | <p>And mahalo. So you know the comments and things that have been directed against the Army and the personnel and military, it's not really against you folks personally. So we just want to make that, note that. It's just what the actions you are doing. So it's not against -- this is not against the military or the Army or the individuals who aren't part of the Army or the military. It's the actions you are doing that we don't agree with, not just agree with, but we cannot continue to condone. So we still have Aloha for you folks, whoever you are. And that's the strongest gift that this island and the kanaka and other people that are connected to this island have to offer to the rest of the world, that we have to offer Aloha and the peace and the lokahi to all the world, so that there is no war, that we can live in harmony with each other and live in harmony with the land and the sky and the heavens and the oceans and the waters. So this is what the pule is for, to have Aloha for all and to replant the seed of peace and maluhia and lokahi amongst all, and that we all walk in a way that we are mindful of what we do to keep the harmony with all things. And that's what the pule is going to be. (Whereupon, a Pule was given asking for forgiveness, peace, harmony and unity amongst everyone present and on the land, that love is shared amongst everyone with the land forever.) Pa'i kalima. Pa'i kalima. Aloha no.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                    |
| Flores-Case 'Ohana |              | <p>SUMMARY OF COMMENTS. The Flores-Case 'Ohana provides the following substantive comments to this Draft Environmental Impact Statement (DEIS). Overall, the DEIS is incomplete, inadequate, deficient, and fails to be in compliance with the National Environmental Policy Act (NEPA) and Hawaii Environmental Policy Act (HEPA) as well as other relevant rules and statutes. This DEIS fails to accurately describe the affected environment by limiting the Region of Influence (ROI) and the scope of discussion regarding certain resources to only the parcels of State-leased lands by excluding the other adjacent and relevant lands of the Pōhakuloa Training Area (PTA). Thus, the environmental consequences lack a thorough discussion of the environmental effects and their significance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The EIS has been revised to 1) include HEPA-specific section headings for clarity, 2) more fully identify mitigation measures, SOPs and BMPs adhered to by the Army as defined in previous NEPA-HEPA documents, and 3) provide analysis of resources where effects may vary based on retention estate (fee simple title and lease).</p>                                                                                                                               |
| Flores-Case 'Ohana |              | <p>The U.S. Army is not in compliance with the National Historic Preservation Act (NHPA). A comprehensive archaeological inventory survey for PTA including the State-leased lands has failed to be conducted. This has resulted in a number of eligible historic properties not being nominated to the National Register of Historic Places (NRHP). Also, the U.S. Army has failed to complete an accurate assessment of Traditional Cultural Properties (TCPs) and properties of traditional religious and cultural importance (PTRCIs) to Native Hawaiians within PTA. In addition, a required Section 106 consultation process has not been done for this DEIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>EIS Section 3.4.2 documents that ongoing activities at PTA have been taken into account through the Section 106 consultation process, and are documented in a 2018 programmatic agreement to resolve adverse effects.</p> <p>Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.</p> |
| Flores-Case 'Ohana |              | <p>There are deep concerns about the health issues for this land and our people as the result of PTA being contaminated with military munitions that may potentially have soil, groundwater and surface water contamination from munitions residues (including explosives and heavy metals, chemical warfare agents or depleted uranium). These residues may derive from partially detonated and decomposing ordnance and explosives from training activities, flares, smoke grenades, open burning and open detonation disposal activities, munitions burial sites, weapons testing or other military activities. Although initially denied by the U.S. Army, it has since been documented that the military used munitions with depleted uranium (DU) during the 1960's within PTA. Likewise, there are concerns about the disbursement of lead from the ammunition of small arms firing from past and ongoing training activities. Also, it's highly likely that spills or dumping of toxins have occurred at PTA. All of these environmental impacts have occurred right over a major water aquifer on Hawai'i Island.</p>                                                                                                                                                                                                                                                                                                                                                        | <p>Groundwater and surface water quality are discussed in Section 3.9 of the EIS. Limited surface water and groundwater pathways on State-owned land pose minor potential impact to soil and groundwater quality.</p>                                                                                                                                                                                                                                                    |

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| Flores-Case<br>'Ohana |              | Also, we have recently witnessed the Navy's fuel storage tanks at Red Hill, poisoning a major water aquifer on O'ahu. What is presently happening at PTA is what was happening on the island of Kaho'olawe when it was used for live-firing training and as a bombing target by the U.S. Navy and other military forces. Except that the size of PTA is nearly four times as large as Kaho'olawe. Despite several decades and \$400 million in funding, it was impossible to clear Kaho'olawe of unexploded ordnance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Flores-Case<br>'Ohana |              | Situating within a sacred space held between Mauna a Wākea, Mauna Loa and Hualālai is a key cultural, energetic, and spiritual area in the center of Hawai'i Island. There are significant cultural and historic sites within this landscape. Ancestral guardians of this land have made their presence known and shared 'ike kupuna (ancestral insight and knowledge) regarding the energetic piko of our Moku o Keawe (Hawai'i Island). In earlier times, there was a group of elderly men who would walk along these energy lines that run east-west and north-south, intersecting at Pu'u Koli within PTA, in addition to an energy line that encircles the entire island. Our kupuna walked upon these lines of energy because they knew the significance of maintaining them. Lines such as these are part of the energy grids that sustain the vitality and health at many different levels for this island and its people. Figures: Cultural landscape and sites at Pu'u Koli that are eligible as a TCP/PTRCI/ATI.   | Section 3.4.2.1 of the EIS ("Evaluation of Traditional Cultural Properties Under NHPA") describes the status of Traditional Cultural Properties at PTA.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Flores-Case<br>'Ohana |              | The analysis of cultural resources in this DEIS is inadequate and incomplete as the ROI for the historic and archaeological resources was reduced to only the State-leased lands and not the entire geographic extent of PTA as required by the NEPA and HEPA regulatory framework and laws. At the minimum, an archaeological inventory survey should be done for all State-leased lands that are being considered as alternatives in this DEIS. However, this has not been done. Also, the U.S. Army should make the surveys and reports listed in the archaeological literature review of this DEIS accessible to members of the public to review by posting digital copies online. Without such access to these documents, the public doesn't have the ability to make adequate and thorough comments pertaining to the potential impacts upon the cultural resources within PTA. In addition, without access to these documents, information presented in this DEIS can't be verified for accurateness and completeness. | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed, and the general locations and types of sites within state-owned lands.<br><br>To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is:<br><a href="https://home.army.mil/hawaii/index.php/ptaais/public-info">https://home.army.mil/hawaii/index.php/ptaais/public-info</a> . |
| Flores-Case<br>'Ohana |              | This DEIS lacks a comprehensive archaeological analysis as it only included a limited literature review of previous archaeological reports. Upon examination of this Archaeological Literature Review (ALR), it's very apparent that over the past several years, the U.S. Army has only done project specific archaeological inventory surveys and failed to complete a comprehensive archaeological inventory survey for the entire PTA. There has been a piecemeal approach, thus avoiding an appropriate analysis of the cumulative impacts upon the historic sites and cultural resources of this area.                                                                                                                                                                                                                                                                                                                                                                                                                  | An archaeological inventory survey of all of PTA is beyond the scope of this EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Flores-Case<br>'Ohana |              | According to a 2018 Programmatic Agreement (2018 PA), the identification of potential historic properties through intensive pedestrian archaeological surveys have only been conducted on about 45% of the accessible land (approximately 81,000 acres outside of the high hazard Impact Area) at PTA. As of the signing of this 2018 PA, only about 31% of the identified archaeological type properties at PTA had been evaluated for NRHP eligibility. The remaining 69% of known archaeological properties distributed across the accessible land were to be treated as eligible for the NRHP and adverse effects avoided in accordance with AR 200-1 Part 6-4(b)(9). Similarly, of the approximately 23,000 acres that comprise the State-leased land, inventory surveys have only been conducted on about 52% or 12,050 acres. The remaining 11,920 acres are unsurveyed.                                                                                                                                               | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed, and the general locations and types of sites within state-owned lands.                                                                                                                                                                                                                                                                                                                                                |

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| Flores-Case<br>'Ohana |              | The nature of this DEIS that would trigger a Section 106 undertaking would also warrant a more comprehensive cultural resources study and archaeological investigations for the State-leased land. Likewise, the U.S. Army has failed to conduct aerial inventory surveys using drones or other aircraft for remote or inaccessible areas, including unsurveyed areas, despite having the technology and means to do so. The ALR has omitted significant figures under the false pretense that it's sensitive information. How can maps showing survey coverage of previous archaeological studies be considered sensitive?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed and the general locations and types of sites within state-owned lands. |
| Flores-Case<br>'Ohana |              | Without the ability to review these omitted maps, the public doesn't have the ability to make adequate and thorough comments pertaining to the potential impacts upon the cultural resources within PTA. Updated copies of these maps should be included in the EIS. There aren't any practical reasons why identified archaeological sites and cultural resources couldn't be shown on a map similar to Figure 1-3: Pōhakuloa Training Area Training Areas and Features or Figure 2-1: Training Areas and Facilities on State-Owned Land (DEIS pp. 1-13, 2-3). Especially since previous EISs have included maps that showed archaeological studies and sites within PTA without fully disclosing their precise locations. [See Figures 3.10-3, 3.10-4, & 3.10-5 from the FEIS Military Training Activities at Mākua Military Reservation, Hawai'i, June 2009. (FEIS MMR 2009)] It appears that this DEIS is failing to disclose that a large portion of the previously surveyed area within the State-leased lands has identified "Archaeologically Sensitive Areas" with numerous "Recorded Archaeological Sites." | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed and the general locations and types of sites within state-owned lands. |
| Flores-Case<br>'Ohana |              | The U.S. Army has not completed an accurate and thorough assessment of Traditional Cultural Properties (TCPs) and properties of traditional religious and cultural importance (PTRCIs) to Native Hawaiians within PTA, including the State-leased land. Some of the previous archaeological studies have identified Areas of Traditional Importance (ATI) that might be potential TCPs and/or eligible as formal PTRCIs within PTA. Likewise, landscapes that are connected to the Native Hawaiian culture are considered ATI. However, cultural landscapes have not been formally evaluated at PTA. (FEIS MMR 2009, p. 3-303).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.  |
| Flores-Case<br>'Ohana |              | Consultation with Native Hawaiian organizations, and other interested groups and individuals to assess the cultural significance of these properties and their NRHP eligibility has not occurred. The DEIS and associated reports, including the ALR, failed to include any narratives and information on these matters. Although the CIA does list some wahi pana as PTRCI, the list is incomplete. In other documents prepared for the U.S. Army, they have identified 'Areas of Traditional Importance' (ATI) that have not been formally evaluated at PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.  |
| Flores-Case<br>'Ohana |              | Trails are key in identifying cultural resources and sites within PTA as also noted in the ALR. Archaeological evidence suggests that many of the site types identified within PTA may be associated with travel corridors through the region (Robins et al. 2006; Shapiro et al. 1998; Williams 2002). (p. 8) Temporary and repeated-use habitation site types are typically located along trails running through the Saddle Region and near important upland resources, such as quarries, lava tubes with drip water sources, and bird nesting areas. (p. 39) Despite this reference, the ALR only showed one such trail in Figure 5 associated with 'Umi and failed to identify other trails and travel corridors through this region. Also, the identification and narratives of other trails/roadways that would fall under the Highways Act of 1892 are noticeably missing from the reports.                                                                                                                                                                                                                    | Sites within the cultural resources region of influence are presented in Section 3.4.4.4. Sites outside of the State-owned land are beyond the scope of the EIS.                                                                      |

## Responses to Draft EIS Comments

| Commenter             | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                  |
|-----------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flores-Case<br>'Ohana |              | Cultural Impact Assessment (CIA) prepared by Honua Consulting cites the ethnographic study by Patrick McCoy and Maria Orr, Final Report: Ethnographic Study of Pōhakuloa Training Area and Central Hāmākua District, Island of Hawai'i, State of Hawai'i, (November 2012). However, this report is considered very incomplete and inaccurate as it pertains to traditional cultural properties (TCPs) within PTA. This study was extremely limited in its ethnographic scope, oral histories, and archival research that was utilized in the analysis of TCPs. In addition, this study failed to properly consider significant cultural landscape features such as pu'u as being TCPs. Despite several other EISs and surveys having identified potential TCPs within PTA, the archaeological firm and authors of this report, with limited or no previous survey experience within PTA, have systematically dismissed previously identified TCPs.                                                                                                                                              | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.                      |
| Flores-Case<br>'Ohana |              | Although the authors of the report have apparently at least looked at National Register Bulletin 38, there is little evidence that they've made any reasonable effort to identify potential TCPs by following the guidelines and methods set forth in this bulletin. Instead, it appears that they have cherry-picked concepts, and in some cases made them up, to support their conclusions that TCPs are non-existent within PTA. Thus, providing an ostensibly authoritative basis for writing-off TCPs within PTA and perhaps more importantly, allowing military activities and undertakings to move forward within an environmentally and culturally sensitive landscape.                                                                                                                                                                                                                                                                                                                                                                                                                 | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.                      |
| Flores-Case<br>'Ohana |              | In addition, as noted in Section 2.1 of this report, it lacked any direct consultation with Native Hawaiian organizations (NHOs), Office of Hawaiian Affairs (OHA), or cultural practitioners in the identification of TCPs. Likewise, field inspections with NHOs, OHA, or cultural practitioners were not done. This report was done in a method that is in contradiction to guidelines set forth in Bulletin 38 as noted below (emphasis underlined): <u>Contacting traditional communities and groups</u><br>An early step in any effort to identify historic properties is to consult with groups and individuals who have special knowledge about and interests in the history and culture of the area to be studied. In the case of traditional cultural properties, this means those individuals and groups who may ascribe traditional cultural significance to locations within the study area, and those who may have knowledge of such individuals and groups. Ideally, early planning will have identified these individuals and groups, and established how to consult with them. | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.                      |
| Flores-Case<br>'Ohana |              | Conclusively, this Ethnographic Study of PTA is deficient in its identification of TCPs within PTA and should not be cited or referenced in this DEIS or CIA to substantiate any conclusions pertaining to TCPs. This report further affirms that the lack of sufficient archaeological survey work, information, and mapping has prevented the U.S. Army from completing the NRHP nomination process for known historic properties within PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.                      |
| Flores-Case<br>'Ohana |              | Very little new information and archival research was included about the Mauna Loa region even though the boundaries of PTA extend up its slopes and the ahupua'a of Ka'ohe extends up to its summit and Moku'āweoweo caldera. Similarly, there is a lack of cultural information about the region of Hualālai. The CIA only included one interview as part of this report and thus lacked adequate information as well as engagement with NHOs and cultural practitioners.?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic. |

## Responses to Draft EIS Comments

| Commenter             | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Response                                                                                                                                                                                                                                                                    |
|-----------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flores-Case<br>'Ohana |              | The information in Tables 4, 5, 6, and 15 of the CIA has been presented in an unorganized and inaccurate manner. Firstly, the listing of place names should be listed in alphabetical order so that they can be more easily searchable. The listing appears to be unorganized and done randomly. Also, it's suggested that the place names in Tables 4-6 be combined into one table/list and include another column that identifies the map(s) or sources. Place names/wahi pana from other earlier maps and other sources should also be included in the combined table/list. This would make it much easier for someone from the public to review and analyze the research. It is very apparent that Tables 4-6 are missing several noted wahi pana such as Kūkahau'ula (summit), Waiau (lake), Lilinoe (spring), etc. Also, Table 15 is missing the unnamed pu'u within PTA. | Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.                   |
| Flores-Case<br>'Ohana |              | Secondly, some of the data in the "Translation" column are actually descriptions of these place names and not literal translations. Likewise, some of these descriptions are for place names on other islands or in other districts and they are not even relevant to the wahi pana of this area. The source of descriptions and translations in the tables are not identified, although they appear to be extracted from Place Names of Hawai'i. It is suggested that translations of these place names also be extracted from the various Hawaiian dictionaries as well as from other sources if available. Some of the translations appear misconstrued and their source unidentified.                                                                                                                                                                                       | Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.                   |
| Flores-Case<br>'Ohana |              | The CIA can be greatly improved with the presentation of the maps in the figures. The resolution of some maps are so low that it's impossible to adequately review them (e.g. Figure 12). It's also suggested to not superimpose place names on older maps if they aren't actually on those maps. It makes it difficult to view these maps within their historical context (e.g. Figures 3 & 4). Also, some of the superimposed names are in the wrong locations. Names should only be superimposed on the map if it is difficult to read. If the CIA had a combined table/list of place names, then it could include one map locating all these place names by either a number or actual name. Likewise, unnamed pu'u and other geological features/cultural resources should also be identified on this map.                                                                  | Your comment is noted.                                                                                                                                                                                                                                                      |
| Flores-Case<br>'Ohana |              | The CIA failed to include a listing of all known Hawaiian plants found in PTA. This plant list in Table 9 only includes endangered or threatened plants. Similarly, the plant list in the DEIS is also incomplete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Your comment is noted. The purpose of a CIA is to assess potential impacts to cultural practices. Requirements are not prescriptive to the type and depth of resources described. Section 3.3 of the EIS analyzes impacts to biological resources, including native plants. |
| Flores-Case<br>'Ohana |              | The CIA failed to identify a number of pu'u within PTA. Only the pu'u identified on maps are referenced in this report. As a result, there were a number of pu'u without traditional Hawaiian names within PTA that weren't identified in the CIA. Also, the superimposing of pu'u and other place names on some of the historic maps when they aren't actually found on these maps distorts the historic record. (See Figure 3) Likewise, when some of these names were superimposed on these historic maps, they were positioned in the wrong locations. Based upon personal experience from site visits with PTA staff, E. Kalani Flores has noticed that some of these unidentified pu'u were used as landmarks that were in alignment with certain trails and habitation sites.                                                                                            | Updated figures have been included in the revised CIA.                                                                                                                                                                                                                      |
| Flores-Case<br>'Ohana |              | In addition, the CIA failed to identify other significant geographical features such as lava tubes, caves, and gulches, and some lava flows. The significance of these features are that they are referenced in early accounts, surveys, and travels through this area. Also, only two photos (cover photo and Figure 29) of the landscape are included in the CIA. Thus, the CIA lacks sufficient photos and information depicting the cultural landscape and significant features that are directly connected to Native Hawaiian cultural traditions and practices. Shown below is an example of the types of photos (depicting a cultural landscape in Kohala) with the pu'u names superimposed that should be included in the CIA.                                                                                                                                          | Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.                   |

## Responses to Draft EIS Comments

| Commenter          | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                         |
|--------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flores-Case 'Ohana |              | <p>The CIA lacks an adequate discussion of wai (freshwater) elements and the connection to Native Hawaiian cultural practices, traditions, akua and kupua. Traditional mo'olelo and oli clearly identify Kāne, Waiau, Poliahu, Lilinoe, Līhau, Kahoupuokāne, and others associated with their kinolau and fresh water forms on Mauna a Wākea. Therefore, it's not surprising that the sacred springs on this mountain were called Lilinoe, Waihuakāne (Waihu), and Kahoupuokāne (spelling variations: Houpokane, Hopukani, Hapukani, etc.). Consequently, the use and diversion of water from these sacred springs by PTA and the State are considered forms of desecration in a cultural context especially when it's being used to flush toilets and other non-potable uses. There are cultural practitioners today that still collect this wai kapu from the source points where they first emerge from the ground for use in ceremonies. Inaccurate accounts are interspersed throughout the ALR and CIA.</p> | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p> |
| Flores-Case 'Ohana |              | <p>The references to Ka'ohē Mauka and Pā'auhau Mauka/Makai as being ahupua'a is incorrect as substantiated by early Mahele records, survey accounts, and maps that reference these traditional ahupua'a without the terms "Mauka" or "Makai." Neither is this a "modern ahupua'a designation." Instead, the use of these terms misidentifies and misconstrues the actual names of these ahupua'a. The terms "Upper" and "Mauka" didn't appear on the maps until after 1900, not as the name of these ahupua'a, but instead were used as a reference to the inland portions of these ahupua'a. This is similar to how the directional terms of "uka" and "kai" were used when referencing different portions of an ahupua'a. However, the use of these terms did not change the actual original names of these ahupua'a.</p>                                                                                                                                                                                       | <p>Ahupua'a names referenced in the CIA and EIS are based on State GIS data, publicly available at <a href="https://geoportal.hawaii.gov/datasets/ahupuaa">https://geoportal.hawaii.gov/datasets/ahupuaa</a>.</p>                                                |
| Flores-Case 'Ohana |              | <p>Some of the information pertaining to the Mahele in the ALR is inaccurate. The lands of Ka'ohē and Humu'ula were not "awarded" to Victoria Kamamalu. They were initially "claimed" on her behalf and then relinquished as part of her commutation. In addition, Ka'ohē was not "designated as Crown Lands" during the Mahele. After this ahupua'a was relinquished by Victoria Kamamalu, then it became Government Lands of the Hawaiian Kingdom. Likewise, Humu'ula was not "initially designated as Crown Lands" during the Mahele. Instead this ahupua'a was relinquished by Victoria Kamamalu and it then became Crown Lands after Kamehameha III retained it as part of his inventory of lands.</p>                                                                                                                                                                                                                                                                                                       | <p>The ALR has been revised to include additional information.</p>                                                                                                                                                                                               |
| Flores-Case 'Ohana |              | <p>Information from the ethnographic study by Social Research Pacific, Inc., Final Draft Report: Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pohakuloa Training Area, Hawai'i Island, Hawai'i, (July 9, 2005) appears missing from the ALR and CIA. [See attached copy.]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your comment.</p>                                                                                                                                                                                                                               |
| Flores-Case 'Ohana |              | <p>The CIA fails to clearly define "the Study Area." Throughout the CIA, there is an inconsistency of what area is being assessed with convoluted references to the "Region of Influence," "Project Area," "Geographic Extent," and "Study Area." Although the CIA states the following, the Study Area is depicted in Figure 5 as only the PTA area. The study area or geographic extent for traditional and customary practices can extend beyond the ROI utilized for tangible cultural resources. For the CIA, the geographic extent considered included the region between Mauna Kea, Mauna Loa, and Hualālai, known generally as the Saddle Region (Figure 5). Based on the collected ethnographic data, which largely focused on PTA, it was decided that the installation would make the most appropriate Study Area.</p>                                                                                                                                                                                 | <p>The CIA has been revised to clarify the Study Area.</p>                                                                                                                                                                                                       |
| Flores-Case 'Ohana |              | <p>The ROI for the cultural resources assessment was limited to just the State-leased lands instead of the entire PTA area as noted below: The ROI for historic and archaeological resources includes the entire geographic extent of State-owned land within PTA. (DEIS p. 3-42). Even with this ROI being restricted to just the State-leased land, archaeological inventory surveys have not been completed for about 11,920 acres or 48% of these lands.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed and the general locations and types of sites within state-owned lands.</p>                     |

## Responses to Draft EIS Comments

| Commenter             | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Flores-Case<br>'Ohana |              | The ROI for the biological resources was also limited to just the State-leased and adjacent lands instead of the entire PTA area as noted below: The ROI for biological resources includes State-owned land leased by the Army and adjacent lands, both Government- and State-owned lands, where population distributions of plants or animals are contiguous. This ROI includes wildlife corridors and areas encompassing habitats that connect to the State-owned land at PTA, which potentially support protected populations. Even with this ROI being restricted to just the aforementioned areas, Figures 3-4 and 3-5 failed to accurately show "where population distributions of plants or animals are contiguous" to State-leased land. Also, these maps fail to accurately show the "wildlife corridors and areas encompassing habitats that connect" to the State-leased land.                                                                                                                                                                                                                            | The wildlife corridors discussion in Section 3.3 has been revised with the most updated available information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Flores-Case<br>'Ohana |              | Native Hawaiian traditional and customary practices are directly tied to the biological resources. With the failure to complete a comprehensive review of the cumulative impacts pertaining to these biological resources, an analysis of the potential impacts upon Native Hawaiian practices cannot be adequately assessed. Conclusively, this DEIS doesn't include a comprehensive review of the cumulative impacts upon the cultural and biological resources within PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Archaeological and cultural resources known within the State-owned land at PTA, and the Army's management program for these resources, are described in Section 3.4 of the EIS. This includes a discussion of traditional and customary practices as identified in the Cultural Impact Assessment, included as EIS Appendix I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Flores-Case<br>'Ohana |              | It's contended that the Level of Significance being listed as "Less than significant" for Alternatives 1-3 is totally inaccurate. The DEIS doesn't include any cost estimates or analysis for the clean-up and removal of hazardous and toxic materials and waste, including unexploded ordnance and munitions debris/residues, from State-leased lands as it pertains to the various alternatives. The land contaminated with military munitions may potentially have soil, groundwater and surface water contamination from munitions residues (including explosives and heavy metals, chemical warfare agents or depleted uranium). These residues may derive from partially detonated and decomposing ordnance and explosives from training activities, flares, smoke grenades, open burning and open detonation disposal activities, munitions burial sites, weapons testing or other military activities. Also, the entire 2017 ECOP report should be included in the DEIS appendix or an online link to this report should be made accessible to the public in order to verify the analysis of this criteria. | <p>The economic costs to the Army under the various alternatives is beyond the scope of the EIS. The EIS analyzes the potential effects on the environment.</p> <p>The purpose of the Environmental Condition of Property report is to establish baseline environmental conditions at PTA, and the report was prepared to formulate an opinion of the environmental condition of the Subject Site (State-owned land leased by the Army). Due to the pre-decisional and deliberative nature and intent of the Environmental Condition of Property report, it is withheld from public distribution under Freedom of Information Act Exemption No. 5. To the extent feasible, the Army has made relevant resources available to the public. Additional Army documents are located at: <a href="https://home.army.mil/hawaii/index.php/ptaeis/public-info">https://home.army.mil/hawaii/index.php/ptaeis/public-info</a>.</p> |
| Flores-Case<br>'Ohana |              | There is no evidence that demonstrates a Section 106 consultation with NHOs has been conducted for this DEIS. Instead, the U.S. Army is attempting to apply a previously limited Section 106 process that was specific to only a 2018 PA that was primarily done for the development and operation of the Infantry Platoon Battle Course (IPBC) at PTA. It's also contended that the proposed undertaking for this DEIS falls outside of the scope of the afore-mentioned 2018 PA and as such would require a Section 106 process as stipulated in this PA:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EIS Section 3.4.2 documents that ongoing training activities at PTA have been taken into account through the Section 106 consultation process, and are documented in a 2018 programmatic agreement to resolve adverse effects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Flores-Case<br>'Ohana |              | Furthermore, the U.S. Army was reminded about Section 106 requirements during the public scoping process of this DEIS as noted below. Yet, this Section 106 consultation was still not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E. NEPA has no requirement or procedure for conducting studies or assessments of historic properties significant for religious and cultural reasons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Responses to Draft EIS Comments

| Commenter             | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Flores-Case<br>'Ohana |              | <p>The DEIS is incomplete for failing to provide a complete analysis of several other potential alternatives by reducing it to just Alternatives 1-3. Likewise, training sites outside of Hawai'i are not identified as an alternative. In addition, there is no analysis for the use of blank and non-explosive munitions for military training. artillery, mortar, and rocket systems to mitigate the extremely adverse and destructive live-firing activities. Also, there is no disclosure as to what the U.S. Army intends to pay for the lease of State lands it plans to retain as part of the alternatives as well as how much it would cost to completely clean-up those lands not retained. The DEIS is incomplete for failing to identify the specific types of military activities that occur in each of the training areas in order for the public to make adequate comments in regards to potential adverse impacts associated with the alternatives.</p> | <p>Locations outside of the State-owned land at PTA and alternative training scenarios (e.g., computer-based simulation training) do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).</p> <p>Compensation for retention of the land would vary based on alternative and land retention estate selected and would be negotiated with the State after the NEPA/HEPA process; therefore, it is not possible to discuss potential compensation in the EIS. Likewise, costs to investigate, remove, and clean up hazardous substances and hazardous wastes and conduct various other lease compliance actions would depend on the alternative selected and negotiation with the State after the NEPA/HEPA process; therefore, it is not possible to discuss these potential costs in the EIS.</p> <p>Table 2-1 describes the training facilities and associated actions within the State-owned land, and Figure 2-1 illustrates the locations of those training facilities as well as the Training Area boundaries. Section 2.1.2 summarizes the types of training conducted in the State-owned land.</p> |
| Flores-Case<br>'Ohana |              | <p>The DEIS Section 3.3 Biological Resources is incomplete as it fails to include a listing of all known Hawaiian plants in addition to those listed in Table 3-3.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Native species are discussed in Section 3.3.4, impacts to protected and native species are discussed in Section 3.3.6. Text within these sections has been revised and expanded to include natural resource management measures that the Army is implementing that benefit the land and protected species.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Flores-Case<br>'Ohana |              | <p>Section 3.6 Air Quality and Greenhouse Gases is incomplete for failing to provide a detailed description of the type of fugitive dust that has been generated by ongoing live-fire exercises, troop training, and wind erosion. There have been times when travel on Saddle Road has been curtailed during dust storms generated from the PTA area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section 3.6.4 revised with the sources of fugitive dust.</p> <p>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p>                                                                                      |

## Responses to Draft EIS Comments

| Commenter          | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Flores-Case 'Ohana |              | <p>The DEIS Section 3.7 Noise is inaccurate and incomplete because it is apparent that the noise analysis of troop training is based primarily on modeling instead of actual monitoring. Case in point, we have experienced hearing live-firing outside of the PTA boundaries in cultural and recreational areas such as the Gilbert Kahele (Mauna Kea) Recreational Area, summits of Mauna Kea and Mauna Loa, and surrounding areas both during daylight and evening hours. In addition, artillery live-firing can be heard and felt in residential areas from adjacent Waiki'i and Humu'ula – Department of Hawaiian Home Lands and as far away as Waimea and other residential areas. The noise impact upon Kanaka Maoli cultural practitioners during ceremonies and activities occurring within and outside of PTA is not addressed. Alternatives 1-3 should be considered a "Significant impact" especially with the concentration of training areas, firing-points, and the airfield within or adjacent to the State-leased land.</p> | <p>DoD evaluates noise in terms of the Hawai'i State Department of Health "Hawai'i Maximum Permissible Sound Levels", DoD's Installation Compatible Use Zone and Hawai'i Statewide Operational Noise Management Plans, as well as Army Regulations that categorize noise exposures. Noise modeling is a scientifically proven method of assessing noise impacts. A noise modeling study was done in 2020 that considered noise zones for military munitions using a baseline model (EIS Figure 3-8), a neutral weather model (EIS Figure 3-9), and a model for weather conditions that enhance sound propagation (EIS Figure 3-10). Analysis of the models indicate that less than significant (LUPZ) and generally not compatible (Zone II) noise levels extend slightly beyond the PTA boundary; however, the overlaps occur over uninhabited forest reserve areas and no noise-sensitive lands are impacted. It is understood that noise will be heard beyond the model contours, particularly during inclement weather as discussed in Section 3.7.4; however, any noise that reaches noise-sensitive lands would be less than significant.</p> <p>The EIS text has been revised to include the Army's public notification process. This additional text includes that the Army issues a monthly training advisory to the public informing the local community, stakeholders, and elected officials of upcoming training that may be louder and noticeable. Additionally for stand-alone large scale joint or Army exercises a separate advisory to put a spotlight on the increased level of training and increase the public's general awareness is issued 24 hours prior to training activities. These advisories provided via email news, radio, newspapers, various boards (e.g. neighborhood boards, Native Hawaiian Advisory Council) and are sent to people who have requested to be added to the Training Advisory subscription list.</p> <p>Please see Section 3.7 for additional information on noise and noise analysis.</p> |
| Flores-Case 'Ohana |              | <p>The DEIS Section 3.8 Geology, Topography and Soils is incomplete for not including a geological survey of the unique lava flows, substrate, configurations, and lava tubes within PTA and the State-leased lands. Also, the extent of permanent and irreversible impact upon this landscape as the result of site clearing, grading, ground softening, roads/trails, and quarrying has not been disclosed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Section 3.8.4.2 discusses lava flows and quarries within the State-owned land; these features are shown in Figures 3-12 and 3-13.</p> <p>Section 3.8 of the EIS notes that the U.S. Fish and Wildlife Service recommends rock from onsite location be used to minimize inadvertent transport of invasive plant species. Section 3.2 describes that the lease permits the Army to use rock and similar materials from the premises for construction on site.</p> <p>Impacts from maneuver training activities are monitored and managed through implementation of the ITAM program, which utilizes Best Management Plans to reduce erosion and runoff. These practices have been added to the EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Flores-Case 'Ohana |              | <p>The DEIS Section 3.9 Water Resources is incomplete and inconclusive as there is insufficient studies and data to support any type of analysis of the impact and level of significance upon the groundwater. Likewise, the amount of hazardous and toxic materials and waste, including nonpoint source pollutants such as contamination from military munitions use during training activities, that has the potential to leach into the groundwater due to the fracturing of the earth surface due to the constant bombardment within the Impact Area is unknown. Any analysis must consider the Impact Area since the firing-points are located on the State-leased land. Also, the DEIS lacks an analysis of the impact and level of significance upon the use and diversion of water from the sacred springs of Kahoupookāne, Waihūakāne, and Lilinoe on Mauna a Wākea, also considered significant cultural resources.</p>                                                                                                           | <p>Groundwater and surface water quality are discussed in Section 3.9 of the EIS. The Mink &amp; Lau 1993 reports serve as the framework for a groundwater protection strategy, utilized by the State, that classifies and assigns codes to the principal aquifers. The State Department of Health (DOH) Safe Drinking Water Branch (SDWB) monitors groundwater quality of aquifers as described in EIS Section 3.9. SDWB has released groundwater contamination maps for Hawai'i Island that show most contamination is along the eastern coast of the island. You can learn more directly from the source cited in this section, the DOH SDWB Environmental Health Portal at <a href="https://eha-cloud.doh.hawaii.gov/sdwb/#1/home">https://eha-cloud.doh.hawaii.gov/sdwb/#1/home</a>.</p> <p>Section 3.9.4.3 of the EIS estimates the Army uses approximately 1,500,000 gallons of water from the closest spring (approximately 4,100 gallons per day) for non-potable purposes. Water use is authorized under a separate water lease from the State.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Flores-Case 'Ohana |              | <p>The reference in the DEIS pertaining to the Republic of Hawai'i assuming ownership of the Crown and Government lands of the Hawaiian Kingdom is inaccurate. These were clearly "stolen lands." Likewise, the Republic of Hawai'i was never legally annexed to the United States as a treaty of annexation was never executed and approved with a two-thirds vote of the U.S. Senate in 1898 due to Kanaka Maoli resistance at the time. What occurred in 1898 was just an illusion to secure and occupy Hawai'i due to its strategic military location in the middle of the Pacific.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## Responses to Draft EIS Comments

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| Flores-Case 'Ohana |              | There are several individuals named Kalani Flores. If the one listed in Table 1 of the CIA is referring to E. Kalani Flores of the Flores-Case 'Ohana, he isn't associated with the University of Hawai'i at Hilo.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your comment. Kalani Flores' association has been verified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Flores-Case 'Ohana |              | Firstly, the proposed continued military operations at PTA are not an allowable use for this conservation district per HRS Chapter 183C and HAR Chapter 13-5. Also, military use is not in alignment with the purpose of land use in a conservation district as noted below. §183C-1 Findings and purpose. The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 3.2.4 of the EIS describes that military activities on State-owned land were authorized by the 1964 lease. The Conservation District rules were enacted following the lease, and consider uses prior to October 1, 1964 as nonconforming, as described in HRS §183C-5. The 1964 lease has been included as Appendix F. The EIS has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.<br><br>Sections 3.3 and 3.4 of the EIS have been revised to include standard operating procedures (SOPs) and best management practices (BMPs) to minimize impacts to natural and cultural resources. |
| Flores-Case 'Ohana |              | the proposed Alternatives 1-3, especially with the military activities, firing-points, training areas, and live-fire operations within the State-leased lands, would continue to cause a severe disturbance, destruction, and desecration to the land and everything and everyone connected to it at various levels and dimensions. The analysis pertaining to environmental impacts is considered extremely inaccurate especially when the level of significance for almost all resources is listed as "less than significant" in this DEIS. This analysis is inconsistent with the environmental impacts identified in other EIS for military uses within PTA such as the Record of Decision: Military Training Activities at Mākua Military Reservation, Hawai'i (see Tables 5 & 6). Particularly, the impacts to biological and cultural resources of military activities at PTA were identified as being a "significant impact." So how can impacts of these military activities that are occurring in the State-leased lands as shown in the photos below be considered less than significant in this DEIS? ?                                                                                                                                                                                                                                                                                                                                                                                                                                           | The Proposed Action, alternatives, and existing conditions at Makua Military Reservation are different from those at PTA; hence, the potential impacts are different. The potential impacts from continuation of actions in the photographs provided are analyzed in the EIS.                                                                                                                                                                                                                                                                                                                                                                                                   |
| Cindy Freitas      |              | Aloha. I am Cindy Freitas. C-I-N-D-Y, Freitas, F-R-E-I-T-A-S. I'm a culture practitioner from a long line of practitioners. Prior to 1776. The EIS is unacceptable to me for one reason -- for many reasons. I know SHPD had recorded a lot of stuff up there. 1998, the 12 [inaudible] up there. 1986, the habitation of the cave up there. 2015, the carrying stick, which I think is something else that I saw. The cordage of the kaula, which is the coconut fibers and husk. But I think you left out the bones. Our ancestors were smart people who cultivate the land, who grow food to provide for their people. And one thing about the kumulipo, they buried themselves on the land. So there is a lot of missing things in here. I see some.<br>But the main important stuff is the iwi, which I know it's up there. And that's why I'm here today, because they call upon me to come and talk. There is a lot of missing pieces up there, and that's why I feel the EIS is unacceptable.<br>In all due respect to the PTA, I honor you guys in what you do to protect and serve, but I don't think you are serving for the people, especially those of my ancestors who was there way before my time, way before your time, who have done what they had to do. I can say in the provision of 711-1107 HRS of desecration of a sacred place, a burial place, that is what that rule is. HRS 711-1107 is what you are missing in your EIS. Desecration of our land.<br>So in all due respect to you guys, and mahalo for this opportunity, mahalo. | The EIS was prepared within the statutory regulations provided under NEPA and HEPA. The Army will be responsible for compliance with NHPA and HRS Chapter 6E. Any questions regarding the applicability of HRS 711-1107 should be raised during the HRS 6E compliance process.                                                                                                                                                                                                                                                                                                                                                                                                  |
| Ella Friedman      |              | Pōhakuloa is not a place for military training. It has adverse impacts on Hawaiian cultural practices, natural resources, wildlife, and more. The land needs to be preserved, not taken from the people who care for it most. Land and nature has a connection to Hawaiians that many fail to understand. The land is sacred and revered, that belief has been there since the Ancient Hawaiians. Your desecration of Hawai'i must stop.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Mackenzie Fugett   |              | No need. It is harmful to our native plants, birds and people whose ancestors are burried.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Commenter  | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Keala Fung |              | I do not support any military training in The Pohakuloa area, The military needs To permanently and completely vacate the area as well as remove any trace of its existence in that area, and restore the space to its natural state before the military occupied that area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                   |
| Len Gambla |              | <p>Thank you for soliciting comments. The document is quite extensive and almost thorough. My comments are less on the merits of the EIS and more on the assumptions that feed into the narrative.</p> <p>I would like to comment on items that are not in the document rather than address what is in the document. I believe having all of the information and understanding the assumptions is more important than discussing the merit of the information within. You are setting the conditions with a pre-determined outcome and while I can appreciate such an effort, let's look outside the Army box for a minute.</p> <p>First, three alternatives are mentioned with a fourth as an afterthought... "The Army developed three action alternatives for the Proposed Action..." However, what is missing are alternatives numbered five and greater outside of Hawaii. Clearly those must be under deliberation by the U.S. Army and while not specifically part of this exercise, could have been noted. Otherwise, under-informed individuals might not be aware that further alternatives exist.</p> <p>Second, perhaps it's the assumption of the 'mission' that needs to be examined. Again, while not the focus of this document, it underpins the planning and the rationale for the three action alternatives. I would assert that refocusing the mission would be a better focus of efforts. I would love to see the Army's assessment of the chances that the U.S. will be invaded in a land war. I would assert it's very low.</p> <p>Thus, the 'mission' as implied is to help our allies who might get invaded. This goes back to my point about redefining our mission. In short, I would say we focus less on being the world's policeman and more on working with other countries. Look for other less offensive 'action alternatives'.</p> | <p>The Army established screening criteria to identify the range of potential alternatives that support the purpose of and need for the Proposed Action in Section 2.1.4 of the EIS.</p> <p>Locations outside of the State-owned land at PTA do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).</p> |
| Len Gambla |              | <p>Without going into a long diatribe, I wholly support ES.8.4 No Action Alternative. The U.S. Army has considerable resources and I am sure with enough effort, a suitable non-Hawaii based alternative can be found -- especially if the underlying 'mission' is reconsidered as we reduce our policeman role around the world. I understand this might be hard to understand. If your going in philosophy is centered around 'war' it will be hard to understand what I'm saying. However, if your view is not on a mission that focuses on 'war', then the chances are you will be better to see alternatives.</p> <p>Conversely, if my view was only on 'peace' I might not see your point of view. What I am saying is that there is a middle ground.</p> <p>Set the conditions for this middle ground concept. Then put your considerable resources together and try to see what I am referencing here and provide action alternatives in this vein.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                   |

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| Mary Garcia         |              | <p>The sacred islands of Hawaii have been littered and destroyed for far too long. Why is the military using these lands to train anyway? There's plenty of other sacred lands on the mainland they could choose from. Oh wait, they already did that. So, not only are we taking the ancestral homes from the indigenous peoples of what we call "America" but we're also blowing some of their most sacred sites to smithereens and rendering the earth as good as poison. The selfish greediness of the government would rather destroy the Earth and have a battle of ego by showing larger guns, as opposed to cultivating the land from coast to coast in order to create prosperity and nourishment for its people to thrive and create a better future? Why should we give them permission to play with their deadly toys on the aina that cares for so many? Why should we give them permission to do that to any of the lands that they have stolen from their rightful stewards? Besides, if this lease were to expire without renewal, would they even leave? Would they return the land? Sounds almost impossible. Still, what if we didn't renew it. I think that's a solid idea to take a step in the right direction, to return this land to its rightful guardians.</p>                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Cassandra Giarrusso |              | <p>Hello, my name is Cassandra Giarrusso, and put quite simply, we need to return as much land to Native Hawaiians as humanly possible, because we as a country, the U.S. government, took this land from Native Hawaiians without asking 70 years ago, and we haven't done anything to help them to give it back to them since, and if we can -- even if a little bit helps. So thank you. Have a nice day. Bye.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Michelle Glowa      |              | <p>As the daughter of two parents who grew up in military families living for periods of time on the Hawaiian islands, I feel particularly aware of the grave impact militarism has had on the land, culture, and people of Hawai'i. The Pōhakuloa Training Area covers a vast and incredibly culturally important area of land between Mauna Kea and Mauna Loa. As the largest contiguous live-fire range and maneuver training area in Hawai'i, I believe the permit should be denied, which would only reduce the PTA's size by less than 1/6th. The Army has been responsible for damaging sensitive native ecosystems, leaving unexploded ordnance, depleted uranium, and other contaminants, and causing harm to Native Hawaiian cultural sites. In 2018 the State Circuit Court ruled in Ching v. Case that the DLNR failed to care for the PTA forsaking inspections over the first nearly 50 years of the lease. Judge Chang upheld Hawaiian land ethics ruling that the state has a duty to "mālama 'āina". The Judge called two DLNR inspection reports "grossly inadequate". It is now the state's responsibility to clean up the land. This does not include extending the permit to the polluter to continue this gross negligence and disrespect for the land. This land should be returned to Native Hawaiians and protected from continued degradation. The DEIR correctly states that even with mitigation "the cumulative impacts on cultural resources has been, and will continue to be, significant". To have a munitions and military training base over archaeological and spiritual sites is antithetical to respecting the sacredness of the land.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Bridget Goerke      |              | <p>I stand with and support the Native Hawaiians who disagree with how their sacred land is being used for military training. It is their right to the land and the land should be treated properly. Please stop all military trainings at PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Randy Goff          |              | <p>Oppose. We must protect our natural resources and native indigenous plants and animals that are under attack all over the world. Help us save what is left - give the land back to the people of Hawaii for protection of this beautiful state</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Lou Gold    |              | <p>I am very concerned that the EIS be conducted on all the relevant issues and resident concerns. Please give full consideration to the concerns detailed in the PDF files of the technical comments submitted by Cory Harden and the Sierra Club, which I am uploading with this submission. Thank you in advance for treating these concerns with utmost attention and seriousness. Sincerely, Lou Gold</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Maria Gomez |              | <p>To choose to go forth with the military action of the United States in Pōhakauloa is to paint the military, and all its members, as pure and blatant Terrorists. The nation is at a turning point right now, when young people all over are growing up, learning, watching. They will not turn a blind eye to the crimes you commit. Remember that as you go forward.</p> <p>To continue the usage of any part of Hawaii for military exercises is to desecrate the honor and thousand-year history of its people. Dishonor and brutality of the destruction of sacred land is something that no person can truly come back from. If you, who hears this, is a person of religion or spirit, I must ask, will you be forgiven? What use does your God have in the cruelty of the terrible and violent rape of these sacred lands? These are the acts of a devil, plain and pure. And if you are not a person of religion or spirit, will you live freely? Will the shame of these heinous acts not crawl at you in your last moments? Will you be able to truly forget the words I write here, forewarning you of the indignation, the shame, you will feel at the savage actions you may yet commit?</p>                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Maria Gomez |              | <p>The tremendous environmental impact is felt not by you, nor your peers, but by the people of Hawaii. Would you want your home destroyed? Would you leave your people without even a land to live on? Would you rip and tear at the earth of your home, careless of the needs of your children to live, all for some foolish military exercise? What, I ask, is the merit in continuing the fraught legacy of those who bombed Kaho'olawe? The military's actions there were horrific. The restoration will take generations and will yet never truly replicate the glory of that proud place. We call the men who took that land from us scum now. What do you stand for that is more important than the history, culture, livelihood, and love of the Kānaka Maoli, the People of Hawaii? What will your children remember you for? What are you saying, not just to the People of Hawaii, but to all the people of the United States, when your bombs are shattering the fragile stone that Hawaiians have walked on for centuries, or when they pollute the water that children have laughed and played in for a thousand years? That nothing is off limits to the military? That you are to be feared and hated? Your bombs will destroy not just the legacy of Hawaii, but your own as well.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Mark Gordon |              | <p>Just wanted to share some comments for the need for allowing the military to continue training at US Army Garrison, Pohakuloa (PTA), Hawaii Island:</p> <p>PTA is the only training area in the Pacific region where the Marines and Army can complete all mission essential tasks. Although the military does train on installations on Oahu and some other Islands, the only installation in Hawaii that can accommodate larger than company-sized units (i.e., battalion and brigade) for live-fire and maneuver exercises is PTA. This type of large-scale training ultimately prevents injuries and saves soldiers' lives when they are deployed to the battlefield. ·</p> <p>The importance of the military on Hawaii Islands is clearly demonstrated when RIMPAC, the Rim of the Pacific Exercise, the world's largest international maritime warfare exercise chose the Hawaiian Islands as the site for the every 2 year exercises. ·</p> <p>PTA is critical to ensure that our military is trained prior to deployment to other areas worldwide ·</p> <p>PTA has also been used in military training exercises with other ally countries ·</p> <p>PTA is the only such military training area in the Pacific Region ·</p> <p>As a regular volunteer of the USO-PTA, I many times visit with the soldiers. They are a very committed group and appreciate the area on the Big Island to train prior to deployment. In addition, they respect the land, people and the environment. ·</p> <p>PTA is geographically in the center of Hawaii Island with little negative effect on the public, other than convoys. However, convoy times on public roads are coordinated to reduce, as much as possible negative effects on traffic In addition, PTA PIO announces in advance what dates and projected times, as well as the roadways the convoys will be travelling.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Mark Gordon |              | <p>Having lived in Waikoloa Village on Hawaii Island for over 6 years, we have noticed none or very minor noise issues when soldiers are training the area ·</p> <p>Military aircraft avoids as much as possible flying over residential areas ·</p> <p>During military deployment to PTA, soldiers have assisted the community in helping build a new park in Kamuela; helped with food drives, etc. ·</p> <p>As a safety engineer and working on PTA as a USO volunteer, I feel that training exercises are done in areas that are not harmful to humans, plants or animals. In addition, training is done in areas of the facility with very low probability of fires occurring. The military work jointly during training exercises with the onsite PTA Fire Department.</p> <p>Staff from PTA has been helpful in emergency rescues around Saddle Road and other areas ·</p> <p>Waikoloa Village had the great assistance of PTA requesting and obtaining Federal fire fighting aircraft and other equipment in the recent wildfire which almost approached Waikoloa Village properties, homes and other areas. PTA played a Major role in containing the fire from entering the Village, with no loss of homes and no public harm.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Mark Gordon |              | <p>As Chair of the Waikoloa Village Firewise Committee, we have had many public information forums where the Lt Colonel of PTA, the PTA Fire Chief, along with HFD and other agencies have actively participated.</p> <p>Thank you for allowing me to share my comments and observations of why continuing the lease with PTA is necessary Mark Gordon, Waikoloa HI.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Jody Green      |              | <p>Aloha and thank you for the opportunity to comment on the use of Pohakuloa Training Area by the military. The only reasonable option is The No Action Alternative (no retention of State-owned land after lease expiration). Hawaii has been used by the military for too long and our environment has suffered dangerous impacts as a result of it. Now is the time to cut back the use of our precious lands by the major polluters who have flagrantly disregarded the health of Hawaii's population, and the sacredness of lands to the Hawaiian people. The military needs to clean up Pohakuloa and stop destroying our a'ina. The damage the military is creating is unacceptable, and needs to stop immediately before more of our lands are permanently damaged. The ones who have to pay for clean up of the water and the damaged lands always falls on the taxpayers. This is wasteful and makes the price of using our state for practicing war games far too costly. Stop the use of Hawaii's precious and sacred spaces by the military, clean up the a'ina and return the land back to Hawaii. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> |
| Patricia Greene |              | <p>Aloha and I am one of the 38 Kupuna that were Arrested on MAUNAKEA on Wednesday July 17th, 2019.<br/>           My Father ( Robert Joe Albert) was 17 and in the ARMY Stationed at Schofield, Pohakuloa, and Punalu'u (Green Valley). From Pearl Harbor Attack.<br/>           I am 71 and ENOUGH IS ENOUGH STOP THE DESTRUCTION OF OUR NATIVE LANDS WE CONTROLLED FOR 1,000 YEARS.<br/>           STOP POISONING OUR AQUIFER NOW ! My Father Warned me of RED HILL years ago.<br/>           STOP TEARING OUR LANDS INTO SHREDS BY HIGHLY TOXIC CHEMICALS. The Disrespect must CEASE NOW !!!<br/>           GO SOMEWHERE ELSE AND TEAR UP THEIR LANDS &amp; SEE THAT IT IS NOT TOLERATED.<br/>           HAWAIIANS HAVE NOTHING HAWAIIANS HAVE NOTHING HAWAIIANS HAVE NOTHING<br/>           OUR HOMELANDS, ILLEGALLY S T O L E N BY AMERICA. We Were an INDEPENDENTLY RECOGNIZED NATION BY OVER 60 OTHER NATIONS !<br/>           WE WERE 800,000 PEOPLES IN 1800.<br/>           THE ILLEGAL OCCUPATION BY AMERICA STARTED THE GENOCIDE OF THE HAWAIIAN NATION AND NOW A MERE 30,000 of US ARE LEFT. The GENOCIDE DID WHAT THEY WANTED AND REDUCED US TO ALMOST NOTHING AND EVERYONE OF US ARE POOR or BARELY ABLE TO SURVIVE SINCE THIS IS A DESTINATION FOR ONLY THE ARMY, THE TOURISTS AND HUNDREDS OF MILLIONAIRE INVESTORS.<br/>           We Get N O T H I N G.<br/>           My GRANDMOTHER BORN 1908 Was a Large Landholder due to Her FAMILY'S POSITION &amp; AMERICA STOLE ALL OF IT BECAUSE THEY COULD SHE WAS ONLY A CHILD</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                  |

## Responses to Draft EIS Comments

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| Robert Gregory |              | <p>Dear Gentle people Aloha - and thank you for the opportunity to address serious issues. Seems to me, as a visitor to Hawai'i in the past and hopefully in the future, the dangers of the residue of military activities on Big Island are many. Not only lead and maybe PFAS and unknown toxic substances, but radiation from the use of depleted uranium constitute a clear and present danger to the visitors, and certainly to those who reside on Big Island. Winds and water have a way of moving particles, especially radioactive particles, far from where they lodge after military exercises. Such particles tend to drift down, and then given bio-accumulation, will increase in intensity and risk. Visitors such as me in the past, are not warned of the risks and dangers of such radioactivity. At the least, given that any real cleanup is likely impossible at this time, the visitors and the local people should be given full and accurate information about the dangers, risks, and possible cancers or other illnesses that may result. I for one would like to see a plan for clean-up, both now and in the long term, including cost benefit analyses for the life of the people and their descendants resident on the island. Studies of the damage to plants and animals, and the sea creatures, would and should be mandatory. It seems a waste to defend an island by destroying it and the life that was doing so well in history. Sincerely and mahalo, bob g -- "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Robert F. Kennedy Capetown, June 6th 1966 Pacific still means peace, bob gregory</p> | <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations. Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality. Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> <p>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur under the CERCLA process, which is outside this EIS process.</p> <p>PTA only uses Aqueous Film Forming Foam containing PFAS for structural and aircraft fires. There is no known PFAS release within the State-owned land.</p> |
| Michael Guritz |              | <p>The low rate at which we are being compensated for this land is repulsive. Going rate for this land should be in the millions of dollars a year and I believe that Big Island county deserves millions to fix the damage of years of bombing, damaged roads from the giant convoys and environmental damage. If we can spend millions for bases in Kuwait and Germany, our citizens out towns out people deserve the same.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Cory Harden    |              | <p>The military needs to seriously consider moving training from PTA to a less sensitive area. PTA hosts 50 at-risk species and has tremendous cultural significance.</p> <p>The military already operates on thousands of acres of land, and hundreds of square miles of ocean and airspace around Hawaii. Regardless, they have plans to greatly expand PTA and other operations. They can't manage without PTA. But they said the same about Kahoolawe and Kapukaki (Red Hill). They also say they can't manage without State land, since it hosts vital facilities for electricity, drinking water, communications, and roads. But they built all that knowing the lease would expire in 2029.</p> <p>The military has not lived up to its lease obligations on State land. They failed to cleanup unexploded ordinance, junk cars, and old tank, shell casings, white phosphorous, and rubbish. There have been three fires in the past seven years. Only about half of the needed archaeological surveys have been traditional cultural property at PTA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| Cory Harden |              | <p>They have also been negligent elsewhere. At Waikoloa, unexploded ordinance has not been cleared for decades. On Kahoolawe, one out of every four surface acres has not been cleared of unexploded ordinance. At Kapukaki, the military claims the water is now safe, but people returning to their homes report continued problems.</p> <p>The military complains that Congress does not give them money for cleanup, or protection of environmental and cultural resources. But do they lobby as hard for that as they do for new land and new weapons? Congress and many business people see the military as good for the economy. But the water contamination at Kapukaki means Oahu may have to ration water, and some new construction may need to be put on hold. And the cost of eventual cleanup for military toxins and unexploded ordinance statewide is astronomical. Despite all these concerns, the military hesitated to allow public testimony at this meeting, and says it will not consider "non-substantive" comments such as general objections to the military. But if scores of people say they've had enough, it's time to listen.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Cory Harden |              | <p>2. What approvals will be needed from DHHL?<br/>                     "At this time, the U.S. Government's best information as to ownership of the TMK parcels comprising the State-owned land is as follows, from west to east: TMKs (3) 7-1- 004:007, (3) 4-4-015:008, and (3) 4-4-016:005 are owned by the State; the two easternmost TMKs, (3) 3- 8-001:013 and (3) 3-8-001:022, are owned by the State and managed and administered by the Department of Hawaiian Home Lands (DHHL) (Figure 3-1). These two easternmost parcels are referred to as "DHHL-administered" in this EIS. The TMKs do not correlate with the boundaries of the TAs or Parcels A, B, and C. A boundary survey is currently underway for State-owned land at PTA to validate the precise boundaries, including the DHHL-administered land."</p>                                                                                                                                                                                                                                                                                                                                  | <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Cory Harden |              | <p>5. Describe the progress and plans for providing potable water from a well. ?6. Since groundwater does not recharge, how long would such a well be useful? "The old age of the "fossil" high-level groundwater encountered at PTA and to the northwest at Waiki'i Ranch support the hypothesis that minimal direct recharge occurs to these aquifers from infiltration of rainfall that falls on these lands"</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Cory Harden |              | <p>7. Where is the land eyed for "East Land Acquisition"? Describe progress on this. Past, Present,...actions</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Please review the PTA Final Real Property Master Plan cited in the EIS as the information source. Chapter 6 (References) provides the full document citation and includes an electronic link to those documents available on-line. To the extent feasible, the Army has made relevant resources available to the public. Additional Army documents are located at: <a href="https://home.army.mil/hawaii/index.php/ptaais/public-info">https://home.army.mil/hawaii/index.php/ptaais/public-info</a>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Cory Harden |              | <p>8. People in Hamakua report hearing explosions that also rattle their windows. Noisy jets and helicopters sometimes fly over Hilo. What is being done to reduce noise?<br/>                     9. A resident reported he was almost blown off his motorcycle on Saddle Road by the concussion from weapons firing. What is being done to eliminate such hazards?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Cory Harden |              | <p>What cleanup has been done on State land since the court decision?<br/>                     Will State land be completely cleaned up before the lease expires?<br/>                     10. Is it correct that waste from cleanup after biological and chemical tests at Waiakea were put into the PTA dump years ago?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The current status of management and cleanup of hazardous substances and hazardous wastes is discussed in Section 3.5.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>The Army has no record of any cleanup related to the sarin tests conducted in Waiakea in April-May 1967 and there is no record of any associated materials being moved to PTA. The Army has no records or evidence to suggest that biological or chemical wastes were disposed of at either of the two landfills at PTA. The landfills are categorized as municipal landfills, which do not contain hazardous wastes.</p> |

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| Cory Harden |              | <p>11. What would justify nonconforming use for military operations in the conservation district??<br/>                     "The region including and surrounding PTA was included in the conservation district. The lease for Army use of State-owned land was signed in August 1964, prior to the enactment of HRS Chapter 183C. Per the statute and its enacting rule, HAR Chapter 13-5, Conservation District, lawful use of land prior to October 1, 1964, is considered nonconforming Military use is not included as an allowable use for any conservation district subzone. HAR Chapter 13-5 provides for authorization of additional uses through discretionary permits from the State Board of Land and Natural Resources (BLNR). Any request for a permit would follow the EIS process and determination of the land retention estate(s) and method(s)"<br/>                     " All of PTA was classified as conservation district under the State's 1961 Land Use Law. Hawai'i conservation district statute and rules, HRS Chapter 183C and HAR Chapter 13-5, were enacted in 1964. Lawful use of land, established prior to October 1, 1964, is considered nonconforming. The statute and rule define nonconforming as "the lawful use of any building, premises or land for any . . . purposes which is the same as and no greater than that established prior to October 1, 1964 . . ."<br/>                     The lease for military use of the approximately 23,000 acres at PTA was signed on August 16, 1964, and is considered nonconforming per HRS Chapter 183C and HAR Chapter 13-5. Military use is not defined as an allowable use for any conservation district subzone, but HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules."</p> | <p>EIS Section 1.4.2 has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.</p>                                                                                |
| Cory Harden |              | 12. Could PTA be closed by a presidential executive order?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                              |
| Cory Harden |              | 13. Describe how training would be accomplished if PTA is closed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The No Action Alternative is discussed in Section 2.2.4.                                                                                                                                                                                    |
| Cory Harden |              | What is the Army's preferred option for retaining the state land? And the likely option?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The Army's preferred alternative has been added to Section 2.4.                                                                                                                                                                             |
| Cory Harden |              | <p>Cory Harden. C-O-R-Y and H-A-R-D-E-N. The military needs to seriously consider moving training from Pohakuloa to a less sensitive area. Pohakuloa hosts 50 at-risk species and it has tremendous cultural significance. The military already operates on thousands of acres of land and hundreds of square miles of ocean and air space around Hawai'i. And regardless, they have plans to greatly expand Pohakuloa and other operations. You folks are saying you cannot manage without Pohakuloa, but the military said the same thing about Kaho'olawe and about Kapukaki, Red Hill, and they are going to manage without them. You are also saying you can't manage without the state land, since they built vital facilities there for electricity, drinking water, communications and roads. But the military knew that the lease was going to expire in 2029, so why did they put all that stuff there? The military has not lived up to its lease obligations on the state land. They failed to clean up unexploded ordinance, junk cars, an old tank, shell casings, white phosphorus and rubbish. There have been three fires in the past seven years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                       |
| Cory Harden |              | <p>Only about half of the needed archeological surveys have been done. No surveys have been done for nine years, and they claim they have not found even one traditional cultural property at Pohakuloa. They say this with straight face.<br/>                     The military has been negligent elsewhere. At Waikoloa unexploded ordinance has been not been cleared for decades. Kaho'olawe, one out of every four surface areas have not been cleared of unexploited ordnance. Kapukaki, the military claims the water is now safe, but people returning to their homes are reporting problems.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section 3.4.2.1 ("Evaluation of Traditional and Cultural Properties Under NHPA"), clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E.</p> |

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| Cory Harden   |              | <p>The depleted uranium hazard at Pohakuloa is not well-addressed . I followed it closely for I think eight years, reviewing things, conference calls, including a hearing with the Nuclear Regulatory Commission talking to experts. It's not well-addressed. The military complains Congress does not give the money for cleanup or protection of environmental and cultural resources. But do they lobby as hard for that as they do for their new land and new weapons? Congress and many business people see the military as good for the economy, but the water contamination at Kapukaki means O'ahu may have to ration water and some new construction may be may need to be put on hold. The cost of eventual cleanup from that basis, from all the military toxins and unexploded ordnance, if the base ever closes, is just astronomical. Also, increased military presence in the state means increased crime, including increased sex trafficking and higher housing costs. Despite all these concerns, the military says it's not going to consider nonsubstantive comments like general objections, but if you have scores of people objecting that is something you need to listen to. Thank you.</p>                                                                                                                                                                      | <p>Sections 3.5 and 3.6 discuss depleted uranium. Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> |
| Kye Harford   |              | <p>I do not approve of the army's goal to retain these lands.I strongly believe the American military has no place for Hawai'i. Not only they trash the lands, but they lack respect for the people that lives here and the 'āina. Being at the Mauna Kea State Park and looking over to the PTA last month was shocking. A helicopter was hovering and there were large booming sounds. The next thing I saw was bullets being fired towards the ground. I grew up on Uchinaa (Okinawa) where the US military occupies large areas of the islands, and lived with aircrafts fly over us everyday and night, but have never actually seen bullets being fired. Again, it is wrongful for the army to continue to retain these lands.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Suzanne Hart  |              | <p>I am in support of maintaining the lease at Pohakuloa. I believe having the military base is an asset as they provide assistance in times of disaster. It is also important to provide our military with training grounds that provide a variety of conditions. However, it would be lovely if Waikoloa Road could be widened to two lanes going uphill between Highways 11 and 190 as military traffic presents a significant hazard due to very slow-moving convoys, as well as causes very heavy damage to asphalt roadway. The military could also work on control of goats, pigs and sheep, all of which present traffic and environmental hazards.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your comment. Widening of Waikoloa Road is outside the scope of this EIS; however, please see Section 3.3 (Biological Resources) of the EIS for information on the Army's natural resources management.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Jazerick Hata |              | <p>Let it be known that I Jazerick Hata a student at UH Manoa, who's family served in WWII and who has strong ties to the Hawaiian community is torn and ashamed by the actions conducted by the US Army:</p> <p>The US Army has repeatedly showed the local and native communities complete disregard towards the environment and Hawaiian culture. Within the training areas multiple endangered species can be found (honohono, 'kio'ele, etc.) and while they remain endangered they are continually threatened by the armies actions. Whenever you have live fire training it destroys the land around it, an example of this is the navy's action on Kahoolawe which was systematically bombed to the point the island was stripped from vegetation. It is feared by many in the community that the actions of the Army have become to great and their actions have lead to generational damage to these sacred sites.</p> <p>It is critically important for future security that the Army shut this training area down and return the land to the state of Hawai'i. The relationship between the US Army and the Hawaiian community is more strained then ever, and at a time when unity is critically important this issue will last generations.</p> <p>You cannot undo the past, but the strongest and best advice to give it to start healing the now. Give back Puhakuloa.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| Kevin Hedlund |              | I am in full support of PTA lease remaining as is due to the fact they have acted responsibly regarding the environment and cultural sites as well as improving the habitat of endangered species. If history is any indication of the ability of the activists acting responsibly regarding protecting the environment one need only look at what happen during the TMT protests. I hope the PTA continues and the leaders not be swayed by the minority. PTA is good for the island.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Pua Heimuli   |              | I do not approve of the army's goal to retain these 23,000 acres of state-leased lands.<br><br>The Pōhakuloa region is home to many endemic, indigenous, and endangered plant and animal species. Any mitigation efforts by the Army will not be enough to make up for the impact it has and will have on the landscape.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Malia Heimuli |              | To whom it may concern, I am opposed to any military occupancy and activity in the Pohakuloa area of Hawaii Island. I urge the State of Hawaii and the U.S. Military to immediately stop the desecration of these lands and protect the cultural and natural resources found there. Malama pono, Malia Heimuli                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Devin Helton  |              | Remove US military from occupied Hawaiian lands. Native plant and animal species are being devastated by the use of these lands for military purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Neal Herbert  |              | I totally support the EIS and the continued lease at PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Jackie Hester |              | To whom it may concern:<br>I fully support having the Pohakuloa Training Area and any and all activities they see fit in order to retain readiness! If they wanted to train in my backyard, I would feel the same. A strong military protects US all!<br>GO ARMY!!! HOOAH ??????? Yes for the new lease! Bombs away! Lock and load! ??<br>Sign me, A Waikoloa Village Resident Jacqueline Hester ?? An American ?? Patriot<br>Sent from my iPhone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                            |
| Linnea Heu    |              | It is misleading and untrue to say that desecration and destruction of cultural sites is "mitigable through consultation with Native Hawaiians, and/or other ethnic groups as appropriate, to provide access to promote and protect cultural beliefs, practices, and resources," (pg 3-63). Consultation and access alone are not enough to mitigate this cultural damage. Continued destruction and disruption of culturally significant sites cannot be remedied without first ceasing the destructive actions and restoring access, which will only be done under the "No Action Alternative."<br><br>Additionally, in Table 3-24 (Potential Environmental Impacts), this EIS notes ". However, the increased risk of wildfire posed by Alternatives 1-3, have the potential to impact surrounding native shrubland and forest (managed by the State of Hawai'i) including habitat for the endangered Palila (Loxioides bailleui). Under the "No Action Alternative", while there will be a reduction in firefighting support, there will also be a decreased number of wildfires (pg 3-205 notes an average of 37 wildfires a year between 2012-2017, 60% of which were caused by military activities).<br><br>Finally, in 2019, in Clarence Ching and Mary Maxine Kahaleli vs. Susanne Case (Chairperson of BLNR), the Hawai'i Supreme Court found that the State of Hawai'i has a duty to inspect and monitor the lands leased to PTA. Testimony in this case referenced observations of "a range of debris left over from military exercises, including munitions and UXO, stationary targets, junk cars, an old tank, crudely built rock shelters, and other miscellaneous military rubbish." This is evidence that without constant and direct oversight from the State of Hawai'i, the military at Pōhakuloa are either incapable or unwilling to be responsible tenants and stewards of the land leased to them. | Thank you for your sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for the Hawaiian Native population and cultural resources. Please see Section 3.4 (Cultural Resources) of the EIS for more information. |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Response                                                                                                                                                                                                                                                                         |
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| Zahz HewLen    |              | Option 4, allow the lease to end and deoccupy Pōhakuloa. Military occupation is a threat to Hawai'i people, native species, and our culture.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect Native Hawaiians. Please see the revised Sections 3.3 and 3.4 (Biological and Cultural Resources) of the EIS and Appendix I for the CIA.     |
| DJ High        |              | Aloha,<br>My name is DJ and although I am not Hawaiian I strongly believe that the US military should not occupy this space.<br>The area of Pohakuloa is sacred for cultural and environmental purposes. By continuing to occupy and desecrate this land the United States military is continuing to do great harm to the people in the land of Hawai'i.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                   |
| DJ High        |              | As a newcomer to these islands it is not my place to talk about the cultural history and trauma that the military has done but as a teacher in Hawaii schools for nearly 10 years it is my obligation to teach students about the actions and impacts of those actions all around us. In my last role I was a life science teacher and spent a great deal of time learning about native ecosystems and birds and other species that occupy those spaces. Our students have less and less opportunity with each day to see and love these spaces and the illegal occupation And practices of the military are exponentially decreasing the ability for Hawaiian students to connect to this place. A place that their ancestors knew so intimately. These places should be protected and preserved, not bombed and destroyed causing irreparable damage for generations. I strongly encourage the United States military to end their illegal occupation in these cultural and environmentally sacred spaces. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                   |
| Rebecca Hill   |              | Hi, my name is Rebecca Hill. I'm calling regarding the Pohakuloa Training Camp. This training camp has significant adverse impacts on Hawaiian culture, practices and resources, and this should be stopped at all costs. Again, I oppose the training camp in Pohakuloa, and, yeah, that's it. Thanks so much. Bye.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                   |
| Selina Ho      |              | I am writing to express deep opposition to the proposed retention of up to approximately 23,000 acres of state-owned land to support continued military training at Pōhakuloa Training Area (PTA) on the island of Hawai ' I and strongly support the fourth no-action alternative. We must cease the desecration of Pōhakuloa and treat the land and the indigenous Hawaiian people and cultures with the respect and honor they deserve.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see the revised Sections 3.3 and 3.4 (Biological and Cultural Resources) of the EIS and Appendix E for the CIA. |
| Craig Hodges   |              | Hawaii requires authors of cultural impact assessments to disclose their personal bias. I cannot find this in the Cultural Impact Assessment despite the authors demonstrating a very definitive point of view. The lack of transparency calls the entire document into question.<br>Do we need Honua Consulting logo on every page? If your going to remind me of the author on every page, put the bias disclosure on every page too.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted.                                                                                                                                                                                                                  |
| Emily Holmberg |              | Due to the disappearance of native bird species ('i'iwi, 'alalā, 'ua'u, 'elepaio, palila, and nēnē) from Pōhakuloa as a direct result of military occupation of the area, there is no way in good conscious that the U.S. military should be allowed to continue to use this 'āina for their own gain. Pōhakuloa must be de-occupied and returned to Hawaiian hands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                   |

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| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Gabrielle Holt |              | <p>I am writing to express my strong opposition to the army's renewal of their lease of 23,000 acres of ceded lands on Hawai'i Island (hereafter known as Pōhakuloa). As a resident &amp; Native Hawaiian, I cannot support this renewal. I must express my profound concern regarding the continued cultural, environmental, and societal harm caused by the military's mismanagement, broken promises, and destructive use of our most precious resources.</p> <p>First, I am gravely concerned about the use of depleted uranium in live-fire training on these acres. Dr. Lorrin Pang's statement regarding the dangers of aerosolized depleted uranium is illustrative of how destructive continued training on these lands will be for the future of Hawai'i.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Section 3.5.4.12 states "DU-containing munitions are no longer used at PTA." Section 3.5.4.12 also includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> |
| Gabrielle Holt |              | <p>Not only will this aerosolized depleted uranium be distributed throughout the air, it will settle back onto the land, threatening the groundwater beneath Pohakuloa. Groundwater that was, in fact, confirmed to be present by a 2015 study conducted by the Army and the University of Hawai'i. These groundwater resources are constitutionally protected Public Trust resources that are held in trust by the State for the benefit of present and future generations. Kaho'olawe's groundwater was already destroyed by Military impact; O'ahu's aquifers continue to be threatened by the presence of fuel tanks put in place by the Navy. Must Hawai'i island also suffer the same consequences? The specter of further irreparable harm to Hawai'i's constitutionally protected Public Trust resources weighs heavily against the approval of the Pohakuloa lease. Indeed, the Hawai'i Supreme Court has held that "the state has both the authority and duty to preserve the rights of present and future generations in waters of the state." In light of the recent and continuing egregious mishandling of the Red Hill/Kapūkakī water crisis, the military has lost all credibility and cannot be trusted to properly mitigate the known (and unknown) impacts that continued training at Pohakuloa will cause. The State must fulfill its duty under the Public Trust doctrine and reject the renewal of the Pohakuloa lease.</p> | <p>Monitoring for airborne DU concluded that the past use of DU had not impacted air quality at PTA or in the surrounding area. DU is discussed in Sections 3.5 and 3.6 of the EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Gabrielle Holt |              | <p>Second, the army's previous lease agreement of 23,000 acres for 65 years for the sum of \$1.00 is astonishing from a fiscal perspective. Considering the fact that 46,255 Kanaka Maoli remain on the Hawaiian Homelands Waiting List, the exploitation and destruction of such a large area of land for such insignificant benefit constitutes a wildly irresponsible use of ceded lands. The \$0.015 per year that the Department of Defense paid for the use of this land is so laughable as to be disrespectful. I urge the state of Hawai'i and the Department of Defense to reconsider this agreement from a monetary standpoint. Third, the Army has demonstrated that it cannot or will not comply with the bare minimum mitigation and remediation obligations that were required under the original agreement. In 2019, the Hawai'i Supreme Court ruled that the state has not fulfilled its responsibility in ensuring the military is being a respectful steward of this land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Land retention negotiations, including compensation for use of the land, will be initiated following completion of the NEPA/HEPA process. The Army strives to comply with lease terms and was not a party to the lawsuit brought by Ching and Kaha'ulelio (referred to as Ching v. DLNR).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Gabrielle Holt  |              | <p>Part of the Army's agreement stated that the Army must " make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise." Yet - according to the highest court in the state, this has not been done . How, in good conscience, can the lease be renewed when the current agreement is not being respected? Finally, Pōhakuloa is known to contain a number of cultural and archeological resources that have never been properly cataloged, examined, or maintained. The United Nations Declaration of the Rights of Indigenous People states in Article 12 that "Indigenous people have the right to...maintain, protect, and have access in privacy to their religious and cultural sites..." These rights are similarly protected by state law. The renewal of this lease on this land will prevent Kanaka Maoli from doing just this and further risk the destruction of priceless cultural artifacts and history. And for what, a penny and irreparable water pollution? The history of the use of this land and its consequences have demonstrated a severe lack of forethought and respect for Hawai'i's 'āina and people. I want the children that I educate today to live in a Hawai'i that is not only the same Hawai'i I knew, but a better one. A clean Hawai'i calls for better management and stewardship that the Military is not capable of providing.</p>                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Land retention negotiations, including compensation for use of the land, will be initiated following completion of the NEPA/HEPA process. The Army is in compliance with the lease provisions and state law(s) that address the cleanup requirements.</p> |
| William Hoohuli |              | <p>I, want to thank the U.S. Army for letting me as a private civilian response to the Army Training Land Retention at Pohakuloa Training Area Draft Environmental Impact Statement (EIS), Island of Hawaii. I want to add my thoughts and opinions to the Army's public review.</p> <p>My understanding is the 132,000 acres that are leased (a 65-year lease expires on August 16, 2029). The Army proposes to retain up to 23,000 acres of State-owned land in support of continued military training. Right now, with so much uncertainty in the world, we cannot trust our adversaries but we can strengthen our forces in the event of a national threat.</p> <p>Since this is a real estate action that continues with ongoing military training use of the grounds/land. I can say from what I see, that the Pohakuloa terrain with hills and gullies is a great training ground. This area encompasses all seasonal training for the military. This area has some treacherous terrain with unpredictable weather conditions and sometimes snow. The retained land of 23,000 acres of rigorous training for the Army is a great need and benefit to the United States. 2.1.2 - Battle Area Complex pg.2-5</p> <p>The proposal requests to retain land for ongoing training but the land will be used for ball ammunition and rockets are not on state-owned land that uses live-fire exercises. So, this is on federal land by executive order? if so, this land will be part of 132,000 acres that will expire the lease in 2029.</p> <p>Aviation: I do see the need for required Aircraft training locations within the State-owned land including the FARPs, drop zone, landing zones, and Cooper Air Strip.</p> <p>Ammunition Management: I am glad to see safety first even with our training troops. Ammunition storage and Operations.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                        |

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| William Hoohuli |              | <p>3.2.2 Land-use planning in the Army is guided by AR 405-10, Acquisition of Real Property and Interests Therein. This regulation sets forth the responsibilities, authority, policy, and procedures for the acquisition of real property and interests by the Army for military purposes. To me, these are important factors I was looking for. The Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C. Section 1451), as amended, The Sikes Act (16 U.S.C. Section 670a-670o), as amended, Hawai'i has a unique system of classifying and managing lands in which both state and county agencies hold distinct responsibilities. HRS Chapter 205, State Land Use Law, was adopted in 1961 and established a framework of land use management and regulation in which all lands in the State are classified into one of four land use districts. Section 5.3.2 and Section 3.2.4.1 Here are some important things that were on my mind and listed just to let you know how this may impact the community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| William Hoohuli |              | <p>Alternative 1 – long-term, minor, adverse impacts on water resources due to ongoing ground disturbance within the State-owned land retained pg. 3-139 and 3-140. This has me a little worried. I have read through this portion and copied this section because of the vulnerability to contamination. Although, your research and study show low in other areas this portion specifically may cause some concerns and need to be tested periodically. The State Water Code, HRS Chapter 174, The SDWB administers these programs through Underground Injection Control (UIC) and groundwater protection. The State-owned land is located above the UIC line indicating that the site overlies a potential drinking water source, the groundwater contains less than 250 milligrams per liter of chloride; the uniqueness is "irreplaceable"; and the vulnerability to contamination is classified as "High," due to the classification of both aquifers as unconfined (Mink &amp; Lau, 1993) as stated in the proposal. One more thought that came to mind aside from this proposal. I want to address that Makua and Schofield are equally important and designed for specific uses for the readiness of our troops. Since these two bases have been upkept and periodically maintained over the years. The military has a big responsibility to continue to ensure the same air quality, hazardous materials, waste, public health, and safety for the private citizens of Hawaii. Pohakuloa will be an ideal location for training our troops to face biological and environmental national threats.</p> | <p>Groundwater and surface water quality are discussed in Section 3.9 of the EIS, and notes that there are no perennial streams in the area and low annual rainfall and highly porous rocks prevent regular monitoring of surface water. Impacts from maneuver training activities are monitored and managed through implementation of existing management measures, which utilizes Best Management Practices to reduce erosion and runoff.</p> <p>Section 3.9.4.3 of the EIS describes that surface water quality studies are limited as the intermittent streams cannot be regularly sampled.</p> |
| Misty Houchens  |              | <p>As a teacher of Pacific Island children, including many from the Marshall Islands, of which the US military have poisoned their homelands with nuclear testing and are refusing clean up their mess. I think the continued use should be contingent on the clean up and removal of the nuclear waste in the Marshalls . If they don't take care of their messes from the past, they won't take care of their messes in the future. The US Navy is currently poisoning the waters of Oahu , is Hawaii Island next? The US army should do what's right or pono and find an area on the mainland that has already been destroyed and build a training base there. No kuleana and malama no lease renewal. Mahalo</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Bailee Houle    |              | <p>You need to go. You are not welcome here. Enough is enough. Use this money and time to help the earth and humans instead of continuous destruction to the island. You have all proven yourselves to be immoral, untrustworthy, greedy, and truly do not care about the harm you bring to people and the planet. It's repulsive. Men need to step down in general - clearly you're all doing an absolutely horrendous job. Like it's 2022 you Neanderthals. Grow up. Get a life. Go do something productive with your time here on earth. I do not support any occupation of hawaiian land for us government and military use. I don't think anyone who has a brain supports the government or military in general at this point. We don't want you. Go grow some food or something useful or helpful. This ain't it.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| Annelise Houston |              | Our military is a major polluter on our Earth and always has been. Our tiny islands cannot sustain them any longer and they need to leave this precious island of Hawaii. With live volcanos, 10 of the 14 climates zones and surrounded by our ocean full of life that the runoff from the continued poisons are killing. Our reefs, coral and fish are dying from toxic waste, poisons, etc. being sprayed, bombed and put in our soils... enough is enough! Don not let this continue with your no vote. Thank-you, Annelise Houston                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see the revised Sections 3.3 and 3.4 (Biological and Cultural Resources) of the EIS and Appendix E for the CIA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Allan Hyatt      |              | Having trained at this site while stationed in Hawaii, I found it very valuable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Kiliheia Inaba   |              | Mahalo for the extensive EIS that provides a framework to understanding the potential adverse effects as well as benefits that that Alternatives 1, 2, 3 and No Alternative have on the land, resources, and people. Sections of the Environmental Analysis - 1) Land Use 2) Biological Resources 3) Cultural Resources 4) Hazardous and Toxic Materials and Wastes 5) Air Quality and Greenhouse Gases 6) Noise 7) Geology, Topography, and Soils 8) Water Resources 9) Socioeconomics 10) Transportation and Traffic 11) Airspace 12) Electromagnetic Spectrum 13) Utilities 14) Human Health and Safety 15) Protection of Children<br>3.11.6.1 Alternative 1: Full Retention CONCERNS: - In regards to Water Resources, the EIS references Mink & Lau 1993 for the Aquifer Codes created that list Anaehoomalu and Waimea aquifer systems as "high-level, unconfined, dike-impounded aquifers." In this classification scheme, both these aquifers are listed as "high" in their vulnerability to contamination as they are both unconfined. Though it states the salinity of groundwater is "fresh," this study was done nearly 30 years ago and should not be used in this EIS to support the supposed low impact PTA has on these aquifers. A new and updated study should be completed to show that since 1993 there has not been any contamination of the aquifers | Section 3.9.4.6 has been added to the EIS and documents the existing management measures utilized by the Army to protect water resources. Groundwater and surface water quality are discussed in Section 3.9 of the EIS. The Mink & Lau 1993 reports serve as the framework for a groundwater protection strategy, utilized by the State, that classifies and assigns codes to the principal aquifers. The State Department of Health (DOH) Safe Drinking Water Branch (SDWB) monitors groundwater quality of aquifers as described in EIS Section 3.9. SDWB has released groundwater contamination maps for Hawai'i Island that show most contamination is along the eastern coast of the island. You can learn more directly from the source cited in this section, the DOH SDWB Environmental Health Portal at <a href="https://eha-cloud.doh.hawaii.gov/sdwb/#!/home">https://eha-cloud.doh.hawaii.gov/sdwb/#!/home</a> .<br><br>There is no extraction from groundwater wells [test holes] in the State-owned land, so no data is available for the PTA area (other than information for the Waiki'i Ranch production well in EIS Section 3.9). |
| Kiliheia Inaba   |              | The EIS states that approximately 11,920 acres have not been surveyed. In regards to both surveyed and unsurveyed lands, what people or kupuna have you spoke and/ or sat with to learn about what Ka'ohe was used for by ancient Hawaiians?<br>You should also note that the EIS states that thirty-one surveys have been completed and "primarily have been generated from regulatory compliance needs" associated with development in the region; yet kanaka are the ones who should be consulted with.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been added to show where surveys have been completed and the general locations and types of sites within State-owned lands.<br><br>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Kiliheia Inaba   |              | "Within TA 22, Site 23694 is situated within the 'C' (Charlie) lava tube cave system,.. A subsequent site visit by PTA CRM staff in 2003 documented iwi kupuna at Site 23694 along with an artifact scatter containing lithic debitage, water-worn stones, and gourd fragments. A circular-shaped hearth containing charcoal, ash, and bird bone was also noted near one of the cave entrances." This is only one reference to a historical and cultural finding. Need I not say that there are more sites in this Ka'ohe Mauka region that have either been identified and not recognized in this EIS or have not yet been identified at all.<br>These are only two out of the fourteen sections that I am speaking to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Historic and cultural resources known from the State-owned land at PTA, and the Army's management program for these resources, are described in Section 3.4 of the EIS. Table 3.8 lists the 105 archaeological sites that have been identified on State-owned land through past surveys.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| Kilihea Inaba |              | <p>"Adverse impacts related to land use, cultural resources, and transportation and traffic would disproportionately affect low-income and minority populations, including Native Hawaiians. The respective resource sections, however, indicated that the impacts would be minor or mitigated, and there was no indication that the impacts would be harmful to the health or environment of the environmental justice populations..." - The EIS then states that this would have a "Less than significant" impact and does not have any potential mitigation measures recommended. Within the fine print of each of these sections, the reader can gather that there are a multitude of adverse impacts that would continue as a result of Alternative 1: Full Retention No Action Alternative - "Summary of Impacts: Under the No Action Alternative, none of the resources that were analyzed would result in a significant impact on environmental justice." It is evident that continuing to use the state-"owned" land by the U.S. Military displaces and again "disproportionately affects low-income and minority populations, including Native Hawaiians."</p> <p>Questions: 1) How do any Alternatives other than No Action Alternative benefit the people of Hawaii island, culturally, physically, spiritually, economically? 2) As the DLNR is fully aware of the harmful impact that PTA has had, what would the U.S. Army do differently (than has not been done already) to mitigate the adverse effects caused?</p> | <p>The EIS has been revised to better characterize, and mitigate as available, the continued effects on minority populations, including Native Hawaiians, in the broader context of historic inequities, cultural land values and access to traditionally important or sacred sites.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Kilihea Inaba |              | <p>The EIS references management measures to care for the land. Has any of that been done since 2008 when Hawaii County Council voted on a resolution 639-08 to have the army stop all live-fire at PTA and clean up the DU present. What has been done in regards to this? Thank you for your time in this matter, Kilihea Inaba</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>The Army makes every effort to be good a neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Kilihea Inaba |              | <p>(Shantee Brown reading testimony from Kilhea Inaba)...Mahalo for the EIS and some of her concerns for 3.11.6.1, alternative and full retention.</p> <p>In regards to water resources, the EIS references Mink and Lauer 1993 for the aquifer codes created that list 'Anaeho'omalua and Waimea aquifer systems as high level, and combined they compounded aquifers. In this classification scheme, both these aquifers are listed as high in their vulnerability to contamination as they are both unconfined. Though it states the salinity of ground water is fresh, this study was done nearly 30 years ago and should not be used in this EIS to support the supposed low impact ETA has on these aquifers. A new and updated study should be completed to show that since 1993 there has not been any contamination of the aquifers.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Section 3.9.4.6 has been added to the EIS and documents the existing management measures utilized by the Army to protect water resources. Groundwater and surface water quality are discussed in Section 3.9 of the EIS. The Mink &amp; Lau 1993 reports serve as the framework for a groundwater protection strategy, utilized by the State, that classifies and assigns codes to the principal aquifers. The State Department of Health (DOH) Safe Drinking Water Branch (SDWB) monitors groundwater quality of aquifers as described in EIS Section 3.9. SDWB has released groundwater contamination maps for Hawai'i Island that show most contamination is along the eastern coast of the island. You can learn more directly from the source cited in this section, the DOH SDWB Environmental Health Portal at <a href="https://eha-cloud.doh.hawaii.gov/sdwb/#!/home">https://eha-cloud.doh.hawaii.gov/sdwb/#!/home</a>.</p> <p>There is no extraction from groundwater wells [test holes] in the State-owned land, so no data is available for the PTA area (other than information for the Waiki'i Ranch production well in EIS Section 3.9).</p> |
| Kilihea Inaba |              | <p>Her second point is that the EIS states that approximately 11,920 acres have not been surveyed. In regards to both surveyed and unsurveyed lands, what people or kupuna have you spoke and/or sat with to learn about what kaohu was used for by ancient Hawaiians. You should also note that the EIS states that 31 surveys have been completed, and primarily have been generated from regulatory compliance means, associated with development in the region. Yet kanaka are the ones who should be consulted with.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>The EIS has been revised to describe where surveys have been completed and the general locations and types of sites within State-owned lands.</p> <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## Responses to Draft EIS Comments

| Commenter     | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Kilihea Inaba |              | <p>Within TA22-23694 is situated within the sea lava tube cave system, a subsquiscient -- sorry. I can't read -- site visit by TCACRN staff in 2003 documented iwi kupuna site 23694, along with an (indiscernible) scattered containing lithic debutage, water stones and gourd fragments. A circular shaped hearth containing charcoal, ash and gray bone was also noted near one of the cave entrances. This is only one reference to historical and cultural findings. Need I not say that there are more states in this kaohe mauka region that have either not been identified and not recognized in this EIS or have not been identified at all. Two other points. Out of the 14 sections that she's speaking to are adverse impacts related to land use, cultural resources, and transportation and traffic, with -- do I have to stop? Would disproportionately affect low income and minority populations, including native hawaiiians. The respective resource sections, however, indicated that the impacts would be minor or mitigated, and there was no indication that the impacts would be harmful to the health or environment of the environmental justice populations.</p> | <p>Historic and cultural resources known from the State-owned land at PTA, and the Army's management program for these resources, are described in Section 3.4 of the EIS. Table 3.8 lists the 105 archaeological sites that have been identified on State-owned land through past surveys.</p> <p>Section 3.11 of the EIS considers the analyses within the EIS through the environmental justice lens.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Kilihea Inaba |              | <p>The EIS then states this would not have, or this would have a less than significant impact and does not have any potential mitigation measures recommended. Within the fine print of each of these sections the reader can gather that there are a multitude of adverse impacts that would continue as a result of alternative 1 retention. It is evident that continuing to use the state-owned land by the U.S. military displaces and again disproportionately affects low income and minority populations including native Hawaiians.</p> <p>Her questions: How do any alternatives other than no action alternative benefit the people of Hawaii island culturally, physically, spiritually and economically? Also as the DLNR is fully aware of the harmful impacts that PTA has had, what will the U.S. Army do differently that it was not done already to mitigate the adverse effects caused? The EIS references management measures to care for the land. Has any of that been done since 2008, when Hawaii County Council voted on a Resolution 69-08 to have the Army stop all live fire at PTA and clean up the residue present. What has been done in regards to this?</p>  | <p>Sections 3.4, 3.10, 3.11, and 3.16 of the EIS discuss the cultural, socioeconomic, environmental justice, and health and safety impacts of the Proposed Action.</p> <p>EIS revised to include current management measures the Army implements and would continue to implement for ongoing activities. No new mitigation measures for hazardous substances and hazardous wastes are proposed because the Proposed Action does not include new activities and the Army complies with Army, federal, and state regulations as well as various Army Standard Operating Procedures for hazardous substances and hazardous wastes.</p> <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from PTA Range Operations Standard Operating Procedures regarding cleaning ranges after training.</p> <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>The Army makes every effort to be good a neighbor and steward of the environment; however, Hawaii County Council resolutions express policy or opinions and therefore are not compulsory to the federal government.</p> |

## Responses to Draft EIS Comments

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| Alan Jacobsen |              | <p>As the President of IAFF Local 263, we see from the inside out that the Army is not properly protecting the area they are leasing from the state. The fire department that is required to protect the base is not funded correctly, does not have the proper equipment or personnel to mitigate emergencies. For years the Army has turned a blind eye to the request by our union to bolster the personnel and to hire competent individuals who will be invested in the fire department. Instead they expect our men to fight fire and provide emergency services with broken vehicles and outdated safety equipment. This union will be at every meeting from here on out so the state and public tax payers are aware of what the army is really providing. 1 dollar a year should get the state a better deal than what they are receiving now. This union has never asked for more than the basics of what they deserve , this isn't a camping mission for our members , congress spent millions to build a new fire station that hasn't been opened for 7 years, yet the Army continues to build new barracks for their troops at the cost of over 1 million dollars. Our members who represent the Federal Fire Department and protect the Army's bases on Oahu wouldn't be caught dead working for a dilapidated dept such as PTA. If the training was that important to America and this states security I would start with protecting its natural resources and investing in the men and department who is on the front line.</p>                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Rick John     |              | <p>I'd like to say Aloha to all the people here that's perpetuating aina, that's here for these lands, here to grow food, here to love this land. So I think there is no way, there is no way you guys can lease and keep playing these gimmicks. You guys are brainwashed to think you guys are courageous. They brainwash you to think by guys are courageous by desecrating and bombing. Say we're bombing. We're testing bombs. To test, to take it to other places to bomb, where there is people, and those people is me here. I'm at war. I'm at war with you guys. Maybe not you specifically, but the dead entity of the Army I'm at war with. My people are here, I'm here getting hit with all the bombs. Getting hit where all the aina being taken. I am here, and my keike is here, as a Hawaiian here. So to say you guys are courageous doing these things, practicing on bombs and, yeah, we're going to kill people over here. You are already bombing. We are at war with you guys. You guys are the people we are at war with, and I don't understand how you guys don't know this. I'm younger than both you guys, and I understand this. As a human we learn these. We know every human has feelings. We know that we take care of others. We take care of the lands. Brah, we not going anywhere else. Elon Musk thinks we flying somewhere else. I am not leaving this aina. I am not leaving Hawai'i. I am Hawai'i. And for you guys to think you can just come here and kill off everything and then live, there is no way, there is not way this lease is going to keep going. You guys perpetuating death.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Rick John       |              | <p>We here to perpetuate aina to make food. We can't survive off of anybody. Brah, this place grows everything. It flourishes. We can't rely on nobody. Gas is getting crazy. Brah, we have three growing seasons. We can grow so much here, everything, but you guys want to bomb and kill, and that I don't understand. And that's all I have got to say. Maybe after this end put some posters up for the people. Perhaps the U.S. Army signature on everything. You desecrate everything already. We don't need that. So as men, as humans, I'd love to talk to you guys one-on-one. Maybe not change the Army's mind about nothing, but maybe you guys to look. To say that you guys are coming here and doing something noble, I don't understand that. That don't make no sense to me. That's like me going to you guys' houses with guns and telling your people to move and leave. I know this is all gimmicks, Brah. You guys have guns. You guys have so much to kill. People telling you is not going to change. Maybe in your hearts one by one you guys can leave the Army, change, but you guys get guns. How we going to move you with guns? We know for nothing. So maybe if you just talk to me one-on-one, we can work something out with just you two, because I don't need to go off anybody else. I don't need go after anything, but maybe you guys can see what it's like as a Hawaiian in Hawai'i, not in America. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Cora Johnson    |              | <p>My name is Cora Johnson. C-O-R-A, J-O-H-N-S-O-N. I was raised in Las Vegas, a place where many Hawaiian people have been displaced to, and that is due to a number of reasons, but it is directly correlated to the illegal overthrow. They have been displaced and forced to leave their home, their aina, and move to another place that was also stolen and also has a lack of food. And so I would just like to bring attention to the many people on these lands and elsewhere that don't have adequate access to food, to sustenance. Even in a place like this, that food can be grown abundantly all year long, everybody could be fed easily. Everybody here could be fed. But they are not, and that is largely due to the illegal occupation. That is directly because of the illegal occupation, and the actions that are taking place by us ripple out.</p> <p>Every action affects everything around us, especially on an isolated island in the middle of the ocean where 90 percent of our food is imported. All of the food could be grown here. Kids don't need to be hungry. Hawaiian people don't need to be hungry. They deserve access to their native foods.</p> <p>So I would just like to bring attention to those people that aren't able to be here today, the families that aren't able to make it because they are struggling to provide for their families. I would like you all to just consider those people as you consider if this lease should be continued. Obviously, I disagree. I would like to thank you guys for being here and listening, and just think about the resources that you use while being here. Is there an adequate give and take happening? Is this a reciprocal relationship between you and the land that you stand on, the air you breathe, the people, the community that you are around. I think all of us need to consider these things while we are in these lands and while we are making decisions regarding this land, and all of the people and life, all the animals that exist here. Thank you for listening. Mahalo.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Jessica Johnson |              | <p>I would love to see Hawaii's sovereignty restored completely. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Roger Johnson   |              | <p>That land could be used to house Native Hawaiians who currently can't afford to live here. Land is precious here, plentiful elsewhere.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Martha Johnston |              | The people of Hawaii do not support this and it is time for the government to respect their sovereignty. This is unethical and the people need to be able to have a say in how the aina is being utilized. The United State's illegal occupation of the country of Hawaii has left the native people in a constant battle to protect the natural resources and their livelihood. Our planet needs to be nourished not desecrated. Thank you. Let Hawaiians have a say in how their small islands function and thrive. LAND BACK.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Andrew Jones    |              | There recently was a video posted by the US Army regarding the Pōhakuloa Training Area on the island of Hawai'i. One of your officers said the Army has a great relationship with the Native Hawaiians and the upmost respect for the Hawaiian land. Actions speak louder than words. Is it respect when you release gasses like white phosphorus from munitions into the land and air? Is it respect when you directly contradict the will of Native Hawaiians who ask you to stop using their land for target practice? Please do the moral action and end your lease at Pōhakuloa, and honor your own words by respecting the 'āina and your relationship to Native Hawaiians and the residents of Hawai'i.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Michael Jones   |              | <p>comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to : ATLR-PTA-EIS@G70.DESIGN on 18 May 2022 from : Michael Jones ** Please confirm receipt of these comments.</p> <p>** 1) inadequate responses to scoping comments My scoping comments I-149 are on pages 447-8 of Vol. 2. Comment 3 stated that the EIS should indicate where the Davy Crockett ranges noted in section 3.0 of the 2010 PTA Baseline Human Health Risk Assessment (BHHRA) are located. The draft EIS does not contain maps in which these ranges are identified. These ranges are identified in the (CABRERA, 2009) memo cited on BHHRA page 3-1 but this memo is not cited in the draft EIS and apparently was not reviewed for it. Comment 4 asked whether the survey of range 11T recommended by CABRERA in the BHHRA had been done. There is no response in the draft EIS even though some relevant information is in the (CABRERA, 2009) memo. ----- The (CABRERA, 2009) memo is at <a href="https://www.nrc.gov/docs/ML0929/ML092950352.pdf">https://www.nrc.gov/docs/ML0929/ML092950352.pdf</a> It has U.S.NRC cover page dated 16 Oct. 2009 title page by Cabrera Services dated 24 July 2009 Technical Memorandum for PTA Aerial Surveys Map in Fig. 2-2 shows DC Area #1 (range 17), and ranges 13+14,11T,and 10. -----</p> | <p>The State-owned land only contains a portion of a firing location for one of the four former Davy Crockett ranges. Section 3.5.4.12 identifies this firing location as being Range 13 on Training Area 9, which is visible on Figure 1-3.</p> <p>A summary of health and risk assessments from past use of depleted uranium at PTA is described in the EIS. Individual soil sampling results and locations are not necessary to assess the impacts from continued use of the State-owned land. Surveys did not identify any indication of depleted uranium-containing materials on the State-owned land.</p> <p>Surveys, sampling, and existing conditions of areas that are outside of the State-owned land and would not be impacted by continued use of the State-owned land (e.g., Range 11T) are outside the scope of the EIS.</p> |

## Responses to Draft EIS Comments

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| Michael Jones |              | <p>2) preferred alternative seems to have been decided Section ES.4 contains the following statement: "The Army will decide on and identify a preferred alternative in the Final EIS." However section ES.6 states that the "Army proposes to retain up to approximately 23,000 acres of State-owned land at PTA." This would be done by "attaining a land interest that would allow continued use of the land." The specific land retention estate "would not be selected until after completion of this EIS." Thus it appears that the Army's preferred alternative is full retention together with a real estate action to enable continuation of ongoing activities on state-owned land. The responses to scoping comments about alternatives on page B-5 of Appendix B contains the following about land retention estates: "The alternatives do not incorporate the various land retention estates because the conditions that would be negotiated between the Army and State for each land retention estate are not known and it would be extremely cumbersome and difficult for readers to understand, particularly for alternatives that might work best with a combination of land retention estates." Therefore, even though the draft EIS views the proposed action as a real estate action, it avoids discussion because it would be "cumbersome and difficult for readers to understand." 3) impacts for alternatives favor minimum retention. Page ES-5 has a statement that impacts for alternatives 1-3 are "less than significant or significant but mitigable to less than significant" and that significant impacts are only for the no action alternative. Page ES-6 notes, "In general, there are anticipated beneficial impacts associated with decreased military activities on State-owned land not retained." Thus it appears that alternative 3 (minimum retention) would have beneficial impacts due to decreased military activity but no significant impact on Army training.</p> | <p>As recommended in DHHL comments, the EIS has been revised to remove the 250 acres of DHHL-administered land from Alternative 1. Consequently, the 250 acres of DHHL-administered land are no longer considered for retention by the Army in any alternative.</p> <p>The Proposed Action is discussed in Section 2.1 of the EIS and has been revised to state the Army proposes to retain up to approximately 22,750 acres of State-owned land at PTA in support of continued military training.</p> <p>The Army's preferred alternative has been added to Section 2.4.</p> <p>EIS revised to provide analysis where impacts vary based on land retention estate, including impacts related to assumed State conditions under State-owned estates (i.e., lease, easement).</p> |
| Michael Jones |              | <p>4) subjective criteria used to evaluate alternatives. Table 2-2 summarizes the evaluation of 6 alternatives on 5 criteria. Only alternatives 1, 2, and 3 satisfy all criteria for further analysis. However, these criteria seem subjective and it is not clear how it is determined whether the alternative fully meets, partially meets, or does not meet the criterion. For example, alternative 5 is eliminated because it does not meet criterion 1. The discussion of alternative 5 is contained in a single paragraph on page 2-17. Apparently, the Army objects to the provision that it would be "subject to restrictions on the types of training and future modernization that would be permitted by the State." However, the State has an obligation of oversight; in 2019 the Hawaii Supreme Court ruled that the State breached its trust duties at Pohakuloa. What kind of oversight would meet criterion 1? 5) alternatives not considered The quantity of land to be retained for Army training is 10,100 acres for alternative 3 and zero for No Action. Page 2-14 has the statement "training capabilities at PTA would be moderately reduced" for alternative 3. Why are there no alternatives where the amount of land retained is between zero and 10,100 acres? Poster 8 in the Scoping Documents section of the PTA EIS website indicates that the specific area to be retained in the minimum retention alternative is "to be refined in the EIS." This suggests some uncertainty about the minimum area needed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>As noted in Section 2.1.4, the screening criteria are based on the Army's purpose of and need for the Proposed Action.</p> <p>Section 2.2.5 revised to better explain why those alternatives did not meet the screening criteria or purpose of and need for the Proposed Action.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| Michael Jones |              | <p>6) information about Davy Crockett missing from maps Fig. 1-3 on page 1-13 shows training areas and other features . Existing ranges adjacent to TAs 7,8,9 and along boundary of TA 21 are outlined in black but not identified by number. Fig. 2-1 on page 2-3 is a large fold-out map which identifies PTA training areas by number but does not show Davy Crockett ranges. The Summary of Existing Site Data in BHHRA section 3.0 lists potential Davy Crockett ranges as 10, 11T, 14 and 17 with 11T most likely to have SRB. These ranges are not identified in the draft EIS. The second paragraph on page 3-81 states that Davy Crockett was fired partially from State-owned land from one (range 13 on TA 9) of four ranges. The other ranges are not identified in the draft EIS and none of the maps show the location of range 13. However, Fig. 2-2 in the (CABRERA, 2009) report shows 9 sampling locations and DC areas superimposed on a satellite photo. DC Area #1 (range 17) and ranges 13+14,11T, and 10 are shown. The sampling locations are: 2 on range 13+14, 2 outside range 11T, 3 inside 11T, 2 on range 10 Table 2-1 contains U-233,U-235,U-238 levels in 9 soil samples. The map and table should be included in the final EIS. A version of the map in good focus should be obtained.</p>                                                                                                                                                                                                                                | <p>The State-owned land only contains a portion of a firing location for one of the four former Davy Crockett ranges. Section 3.5.4.12 identifies this firing location as being Range 13 on Training Area 9, which is visible on Figure 1-3.</p> <p>A summary of health and risk assessments from past use of depleted uranium at PTA is described in the EIS. Individual soil sampling results and locations are not necessary to assess the impacts from continued use of the State-owned land. Surveys did not identify any indication of depleted uranium-containing materials on the State-owned land</p> <p>Surveys, sampling, and existing conditions of areas that are outside of the State-owned land and would not be impacted by continued use of the State-owned land (e.g., Range 11T) are outside the scope of the EIS.</p> |
| Michael Jones |              | <p>7) missing information on soil samples The last paragraph on page 3-81 states that no indication of DU was found in soil samples taken in 2007. No data are given but they are available in Table 2-1 of the (CABRERA, 2009) report. ----- The following text from the BHHRA indicates limitations of existing data on DU and recommends a survey of range 11T. "The visual and scanning surveys did identify non-oxidized metal fragments, partial spotter round bodies, and Davy Crockett system components on Range 11T consistent with DU and the Davy Crockett weapons." "While the soil samples collected around the perimeter and impacted areas of the range did not indicate the presence of DU, these data do not represent a statistically significant data set. A statistical field sampling design focused on the suspect Davy Crockett impact areas would hopefully yield more representative results. However, due to the general lack of the presence of traditional well developed soil, slightly weathered or unweathered volcanic rock predominates in some locales; thus, obtaining traditional soil samples typically used for risk assessment purposes will be problematic. CABRERA recommends that the Army attempt to conduct a characterization survey of the most impacted range (11T), with an emphasis on statistical sampling, defining the environmental characteristics of the impacted area, eliminating pathways, where possible, from further evaluation, and developing better statistically based data." -----</p> | <p>A summary of health and risk assessments from past use of depleted uranium at PTA is described in the EIS. Individual soil sampling results and locations are not necessary to assess the impacts from continued use of the State-owned land. Surveys did not identify any indication of depleted uranium-containing materials on the State-owned land.</p> <p>Surveys, sampling, and existing conditions of areas that are outside of the State-owned land and would not be impacted by continued use of the State-owned land (e.g., Range 11T) are outside the scope of the EIS.</p>                                                                                                                                                                                                                                                 |
| Michael Jones |              | <p>8) other information from the (CABRERA, 2009) report but not in the draft EIS PTA surveys were done by CABRERA from 10/28/2008 to 12/12/2008. Fig. 3-1 shows ranges and impact area south of TAs 5, 7-9, and 12-13. Table 4-1 gives uranium levels in 20 surface soil samples in ranges 10, 11T, and 17 taken near DU fragments and finds in 10 and 11T. Photo 4-1 : mostly intact SRB found on 11T with intact explosive Photo 4-2 : partial SRB found on 11T with fin assembly Gamma Walkover Surveys (GWS) found 5 locations in the BAX construction area of 11T with count rates 34000 to 44000 cpm compared to area norm of 2500 cpm. Fig. 4-3 shows GWS coverage for BAX, 10, and 11T. Fig. 4-4 shows GWS results and color-coded cpm levels. Fig. 4-5 shows GWS results and color-coded cpm levels for BAX, 10, and 11T. 9) inappropriate reference to Waikii Ranch Homeowners' Assoc. The 4th line on page 3-81 cites the Waikii Ranch Homeowners' Assoc. for the statement that low energy alpha particles do not penetrate skin. This is a correct statement but it is bizarre to cite a homeowners' association for it. I did find a report from July 2008 <a href="http://hawaiiexpress.com/Portals/0/Article%20Attachments/Depleted%20Uranium%20waikii_ranch%202008.pdf">http://hawaiiexpress.com/Portals/0/Article%20Attachments/Depleted%20Uranium%20waikii_ranch%202008.pdf</a> that contains a statement about alpha particles in the report about DU to the Waikii Homeowners' Assoc.</p>                                            | <p>The status of Davy Crockett components and depleted uranium testing in U.S. Government-owned land not impacted by continued use of the State-owned land is beyond the scope of the EIS.</p> <p>Section 3.5.4.12 revised with a more appropriate reference for radioactivity and alpha particle emissions of depleted uranium.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## Responses to Draft EIS Comments

| Commenter     | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                                                                                           |
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| Michael Jones |              | 10) request for documents I would like to review the documents with the following references cited in the PTA draft EIS Vol 1. cited on page 3-81 Waikii Ranch Homeowners' Association, 2008 USDHHS, 2008 USACE-POH & USAG-HI 2017a USARHAW, 2020 other references USARHAW, 2021 USARHAW, undated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is: <a href="https://home.army.mil/hawaii/ptaeis/project-home">https://home.army.mil/hawaii/ptaeis/project-home</a> . |
| Michael Jones |              | <p>comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to: ATLR-PTA-EIS@G70.DESIGN on 31 May 2022 by Michael Jones</p> <p>These comments supplement those I submitted by email on 18 May 2022. As part of my previous comments on the PTA draft EIS, I requested access to 6 documents cited therein. I've received no reply so far from G70.DESIGN. I sent my request to the Army's NEPA Program Manager on 18 May also. I got email on 23 May explaining how I could access these documents. Within an hour I got another email from the same person saying the documents were not available because they were undergoing some sort of review.</p> <p>On 26 May I received email with attachments for three documents and a link for one. The following was all that was provided for two documents: 4. USACE-POH &amp; USAG-HI 2017a. ECOP. (FOR OFFICIAL USE ONLY, not attached). 5. Waikii Ranch Homeowners' Association, 2008. Depleted Uranium Report by Waiki'i Ranch Homeowners Association. (No contact from author for dissemination, not attached).</p> <p>Document 4 is cited 4 times in the discussion about depleted uranium on page 3-81. The 2nd paragraph discusses Davy Crocket ranges including statements that range 13 is partially on State-owned land and that the other three ranges are entirely on U.S. Government-owned land. It seems likely that this reference has relevant information. Some explanation for not providing it is needed.</p> | To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is: <a href="https://home.army.mil/hawaii/ptaeis/project-home">https://home.army.mil/hawaii/ptaeis/project-home</a> . |
| Michael Jones |              | Document 5 is curious; I requested it because I wasn't sure it was the same document I found online by a search for "Waikii Ranch Homeowners' Association." The document (USARHAW, undated) describes various aspects of training on state-leased lands at PTA. It is cited several times in section 2.1.2 and much of the text in this section is similar to that in this document. It is remarkable that this document is undated and there is no indication who wrote it. The section on Ammunition Management has a paragraph on Ammunition Holding Areas (AHA). The last sentence states, "There is one holding areas built on leased land, but two AHAs have safety arcs over leaded land (1,2,3)." Presumably "leaded" should have been "leased." It is unclear if (1,2,3) refers to training areas 1, 2, and 3. The document (USARHAW, 2021) is cited on page 2-5 for the statement, "Approximately 91% of the FPs on PTA are on State-owned land." This document contains four emails in which the sender and recipient are redacted. The most detailed, dated 7 Jan. 2021, follows: Overflowing you data. BLUF-107ea on State Lease Land 90.7% of all FP. To have meaningful public involvement the Army should provide access to requested documents and/or extend the 7 June deadline to submit comments. Explanations should be given for those not provided or redacted.                                                                                                              | To the extent feasible, current on-line URL links are provided in Chapter 6 (Reference List) following the reference citation. The USAG-HI website for current publicly releasable documents is: <a href="https://home.army.mil/hawaii/ptaeis/project-home">https://home.army.mil/hawaii/ptaeis/project-home</a> . |

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| Michael Jones |              | <p>comments on the Pohakuloa Training Area (PTA) draft EIS submitted by email to : ATLR-PTA-EIS@G70.DESIGN on 7 June 2022 by Michael Jones</p> <p>These comments supplement those I submitted by email on 18 May 2022.</p> <p>I had tried to access material which had links at URL <a href="https://home.army.mil/pohakuloa/index.php/my-fort/du">https://home.army.mil/pohakuloa/index.php/my-fort/du</a> Several of these links didn't work. I reported this by email on 4 June to <a href="mailto:usarmy.hawaii.web@mail.mil">usarmy.hawaii.web@mail.mil</a>.</p> <p>On 7 June I was informed by email from the Army Public Affairs Office that the URL I had used was now being redirected to <a href="https://home.army.mil/hawaii/index.php/du">https://home.army.mil/hawaii/index.php/du</a></p> <p>This URL has a box labeled Reports which contains many reports about depleted uranium. One of the reports labeled PTA Flyover Tech Report Final (July 24, 2009) is one I found online but is not cited in the draft EIS. Other more recent reports should also be reviewed in the final EIS.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land.</p>                                                                                                                                                                                                                     |
| Michael Jones |              | <p>31 May 2022</p> <p>comments on the Pohakuloa Training Area (PTA) draft EIS submitted by mail to : ATLR PTA EIS Comments P.O. Box 3444 Honolulu, HI 96801—3444</p> <p>These comments supplement those I submitted by email on 18 May 2022. They include one page of text and three figures.</p> <p>The figures show the locations of the ranges used for Davy Crockett tests and should be included in the PTA final EIS. Figures 2-2 and 3-1 come from a report titled PTA Aerial Surveys Technical Memorandum by Cabrera Services dated 24 July 2009 and available at <a href="https://www.nrc.gov/docs/ML0929/ML092950352.pdf">https://www.nrc.gov/docs/ML0929/ML092950352.pdf</a> They show the locations of the Davy Crockett ranges identified as DC area 1 (range 17) and ranges 13, 11T, and 10. None of the maps in the PTA draft EIS identify these ranges. Figure 4-3 is from a report by Cabrera Services dated April 2008 titled Technical Memorandum Depleted Uranium Scoping Investigations at Makua, Schofield, and PTA and available at <a href="https://www.nrc.gov/docs/ML0911/ML091170322.pdf">https://www.nrc.gov/docs/ML0911/ML091170322.pdf</a></p> <p>The upper left image in Fig. 4-3 shows Davy Crockett ranges with piston locations and the location of the spotter round found at PTA. There are other useful figures in this report which should be included in the PTA final EIS.</p> <p>I am submitting printed versions of the figures because I am not certain what format is acceptable. The printed versions are not well-focused and have a red tint; improved versions should be included in the final EIS along with a complete analysis of the impacts of depleted uranium from the Davy Crockett tests.</p> <p>Michael Jones</p> | <p>The State-owned land only contains a portion of a firing location for one of the four Davy Crockett ranges. Section 3.5.4.12 identifies this firing location as being Range 13 on Training Area 9, which is visible on Figure 1-3. Figures for former Davy Crockett firing locations and impact locations not on the State-owned land are not necessary.</p> |
| Izzy Ka       |              | <p>The military has taken advantage of original agreements with the state of Hawaii, used the land and resources without care for decades, and has proven themselves an incompetent steward of the 'aina.</p> <p>It is well past time for access to be denied to the US Military and the land to be returned to the control and stewardship of Hawaiians.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                           |

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| Iokepa Kaeo |              | <p>On behalf of the Beneficiary Trust Council and the heirs of Moku O Keawe and the family members that can't make it here. So when we went through your guy's communication. Ha. So back in 2020, you guys already have found that DLNR and the Army has breached its contract to the malama aina case, that you guys obviously couldn't malama aina. And so we see that history of repeating, repeated -- I guess you can call it desecration, because when we look at Pohakuloa and what you guys have done with depleted uranium, you guy have failed to clean up Pu'u Kapu with the unexploded ordinance. You guys have even done so many things to Red Hill. And it's the same, it's the same chambers of Hawai'i that vouches for the people who pollute our water and poison our people. And so you guy's first person to speak, those are the people that we want to expose first is you guys here of defense where you guys send these bodies of organizations forward to speak on behalf. I'm surprised Kai Kahele is not here or the Inouyes or the other people that pump you guys up, all the people that send you guys to rah-rah, send you guys in to hear us how good you guys are. Mitch Roth. Nobody is here. I don't see nobody is here. And that's what shocks me. You guys are going to come here after you guys do to Kaho'olawe. You guys set them up, don't clean it up. You guys have them reorganize themselves. You guy's cultural monitors for Pohakuloa, where are they? We want to see all of these people that you guys are partnering with that's allowing this. RIMPAC is on top of our list. The biggest aquifer, RIMPAC.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Iokepa Kaeo |              | <p>You guys are bringing how many nations here to sustain a war on humanity? That's not what we do over here. We're not here to pillage other nations. We're not here for drugs and oils and all those other good stuff that America loves. We don't want to be a part of that war. And that lease that you guys want to extend, no, we're taking no action. You guys should not retain no state-owned stolen lands that belong to the heirs, and you guys are not going to have any no more renewal on any other Red Hill, Makua Valley, or any other further Army training facilities that you guys think you guys need for war against humanity. And so with that being said, we would like you guys to cancel the leases, whatever you guys got thinking going on. We don't want no more depleted uranium. We don't want no more different organizations coming up here and speaking on behalf of the heirs. If you guys want to talk to the heirs, I think you guys should have another forum. Because if you guys are going to try and drown us out with nonprofits, with all these university aspects, I think that's what we want. We want respect and we want the right people at the table to express the illegal occupation and what's been plaguing us. So no further leases, extensions on Pohakuloa or any other lands on the Kingdom of Hawai'i.</p>                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Iokeda Kaeo |              | <p>Iokeda Kaeo on behalf of the heirs of Moku O Keawe. And tonight, just like last night, we had to come through. I was expecting to see Kai Kahele, Inouye, maybe Suzanne Case, since she's part of the DLNR, you know, Ira, who has DHHL, all of these partners that are surrounding your PTA. They should be here. They should be here front and center, but they are not here again. So that just goes to show me how serious that this conversation is. It really isn't.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Iokeda Kaeo      |              | <p>We cannot extend the lease no more?. You guys cannot get no more dollar burgers. We don't even get dollar deals. We don't even get a dollar a year, and you guys want to renegotiate and go down this whole circus over it. So today we come, and we just continue to say that these leases cannot be extended. I have to respect one of the authors that came down today to talk about the federal laws. The United States has violated how many treaties? This is an illegal occupation, and so when people say we're going to fight for our rights, there is a difference from protecting and being terrorists. You can go all over the world and be at every state to try and police people. That's a sickness. We're not going to go and follow what they have been doing for the last 60, hundred years of this war, war, war. That's not what we're going to do for our generation, and we are not going to allow all of these older politics, who are pumping you guys up, telling you if guys can get the dollar in your burger. You guys can't get it no more. The leases is up, and everything must be returned, and we know you guys cannot clean up the depleted uranium. So you guys have got a long mountain ahead of you guys, but before you guys leave, you guys have got to clean up. We would like to see that vision come true before any other leases can be even given out. Red Hill, the Chambers of Commerce is telling everybody to continue to drink the water, while the water was contaminated. You guys sent down the Navy head, and he had the arrogancy to tell us that you guys can trump us any day of the week, because you guys got the power and guns. I think it's a new era. I think war is not the way. So you guy have to de-occupy and de-militarize the Pacific. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Maxine Kahalelio |              | <p>My name. My name is Maxine Kahalelio, K-A-H-A-U-L-E-L-I-O. That means the man that fell off the horse. That's what my name is. You know, you guys talk about Kaho'olawe. The name is Kohemalamalama'okanalao. That's Kaho'olawe. You are not supposed to put Kaho'olawe. That's westernized. Kohemalamalama'okanalao. The shining vagina, that's what it. Never be ashamed. When the white man came they changed our names, all our names. I want to tell you folks, I am a warrior. In 1977 I got arrested on Kaho'olawe. I was one of them. I was 38 years old and I went on that island. And as we went we went illegally. Our brothers from Maui gave us the boat to jump off, on Opaki Bay. There was 14 of us. 8 women and 6 kane. was a grandmother already, and I swore that I was going on that island to stop the bombing. And we did. We did. Ea? When I was there -- I know I only get three minutes. When I was there, Bruddah, when I went to the top of Kohemalamalama'okanalao, we were walking following the goats' trail, because helicopters were watching us, yeah. And what I did, what aunty did is I picked up a handful of bullets. Bullets. You know what I did? Kala mai'ia 'oe. You know what I did to the bullets? And one of my friends said, "Aunty, no pick them up, get radiation." I said, "Screw the radiation. You see these bullets? Each of them, each bullet could represent kupuna health, feeding our children, low income, building homes, building hospitals." And I picked them up and I cried on Kaho'olawe. I did. A bunch of bullets that represent our water, our kalo, our banana, you became them, our birds, all went to what? To destroy the very top of Kaho'olawe, Kohemalamalama'okanalao. Flat. No more the mauna. Before we went on the island, Bruddah, I climbed an 80 foot cliff. And as we were climbing that cliff to go on the top of that 45 square miles of island, I touched the waterfall that's supposed to have been there, and on my hands touched was nothing. No water. No nothing. This is what war does. This is what the bombs do. This is killing. You know, that's what I cannot see.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Maxine<br>Kahaulelio |              | <p>We kupunas, 38 of us, got arrested on thw mauna. Three years still in court. And all we did was sit on the road, our road, Hawaiian homestead road and we got arrested. But the Army and the military can bomb and kill people, and they still can walk a line. They won't get arrested, but we did. We did. Kupunas, 38 of us, for standing on the road for desecration of TMT. How is this? What is wrong with our system? What? Do I give you a gun to shoot babies in Ukraine? Would you take it from me if I said go shoot one baby? What would you say, Bruddah? No way or yes? But you know what it is. That's my job. I got to do my job. We got to do ours, right? We got to say stop the leases. No more military. Go home. We want to throw you guys a luau in 2029, the biggest luau you guys want, and then escort you guys out of our island and say mahalo, aloha wau ia 'oe. We love you, but Aloha. Go home. Go home. Stop ruining our land. My land. Where do I go, Bruddah? Where do I go to live if you guys are going to desecrate? Let me tell you something, in 1968 I lost my brother Bobby by friendly motor. My America killed my brother Bobby in Vietnam. How I found that out? Bob Jones. Remember Bob Jones, everybody? He was working for KG&amp;B. He just died. He was interviewing my brother Bobby. Two years later my brother Kenneth died in Vietnam. Machine gunned down by a Vietnam person. They shot my brother with a machine gun until it emptied. My Bruddah. Is this what you guys want? Is this going to continue? God's 10 commandments, thou shall not kill. Why? Why? Answer me this, is this your job to go out and kill somebody else that you don't know? That's what my brother did. He was in the 25th division in Schofield. Two weeks he got in the land. The next day he was killed by American motor. They busted on him. Sergeant Robert S. Andrade. His monument is by the state capital. Go see it for you guys self. My other brother is Kenneth Soares Andrade, Sergeant Andrade from Amarillo, Texas. He was stationed there. Machine gunned down by a Vietnamese. He didn't know my brother, my brother didn't know him, but the pentagon knew. But you think they stopped it? They didn't stop him from killing, because that was his job. Well, you know what? I don't want you guys' job. You need to get another job. You guys do.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Maxine<br>Kahaulelio |              | <p>Refurnish the Island of Hawaii. Pohakuloa, you know how many Heiaus in there, brother? And you know we got to go in there. We do our ritual, yeah tita, every November, yeah, our thing with the leilani, yeah? Well, we go inside and we pray. We do our ahu. We put everything. The Army like my address, my license plate, this, that. I tell you, well, you like my measurements, too? We no can go inside there, our own land. Our own land to practice, to pray, because the Army said no, you cannot do this. You cannot, no, no, no. You cannot do. You cannot take your. No, no, no, no, no. And only two of us can go in to monitor. Ku Ching and I, Ku Ching is sitting there, we just won the Supreme Court. We just won for have you folks clean up before you guys go out the other way. But you guys are not doing, because why? I tell you why. I tell you why. Because you guys get Ed Case in Congress and get Susan Case in DLNR, which is brother and sister. How that? It's not a conflict of interest? Damn right it is. But who gives a damn? Who gives a damn? Nobody does, because it's Hawaiian land. And Ku said today, I said, Ku, why do you guys hate us so much? Why do you hate me so much? You know what Ku told me? "Because Maxine, you belong to the land." I belong to this land. That's why they hate us, because they want everything that we have, our land, our fishes our ocean, our water, our mauna. What else do folks want? What else? You guys took it all. Fort Ruger, Fort DeRussy, Fort Shafter, Hale Koa Hotel, on our beautiful ocean. Beautiful beaches. You condemn our water. I was a little girl when I knew all these things are happening.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Maxine Kahaulelio |              | <p>Triple Hospital. You know that Triple Hospital is the Heiau? That's the Heiau, and underneath the hospital is where the tunnels are. They built the tunnels to put that diesel two and a half miles to go to Pearl Harbor, to fill what, our destroyers. Your destroyers. The pentagon destroyers. And what that fish, that was a fish pond. The greatest fish pond that Hawaii ever known. Pearl Harbor fed the Ali'i, fed the commoners, and it's all gone. All gone, because the military owns all our land. But you know what? They no own me. And I said today on TV that if I have to walk in Pohakuloa through the gates I will, Bruddah, and I don't give a damn if you shoot me. I will. And if I'm going to get arrested again, I'm going to do it. I swear to my God, enough. It's enough. Go home. Go home. Leave us alone, for crying out loud. Leave us alone, and let us get back to our land. We don't want your protection, because you cannot protect us. I was four days on Kaho'olawe and you couldn't find us. The Army couldn't find us. Why? Because we were in the caves with the goats. And they have the infra-red, but they forgot the infra-red no can go in the tunnel, only like this. And we was like this with the goats, all stink, but that's okay, because we swore we were going to stop the bombing. And in 1996 The colonel did this. I'm going to show you what the colonel did. In 1996 on Kaho'olawe, here was the water right here. He had one foot on the sand and one foot on the land. He took his cigar and he threw it, and he said, here you damn Hawaiians, take back your land. He threw his cigar on the land. Is that what you guys want to hear? We know, because we were there.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Maxine Kahaulelio |              | <p>I, Maxine Kahaulelio was a federal prisoner that got arrested in 1977, handcuffed and everything, took to Pearl Harbor, on your ship through the Moloka'i channel two nights, deliberately to make us sick, where they could have put on us a helicopter, take us 45 minutes to Pearl Harbor. But no, they never. They never. So I'm doing this for my two brothers, my two brothers who never came home, because he had United States Army on the same jacket you are wearing, and he's gone. Go home, you guys. Tell your commander and Pentagon that the Hawaiians love you. We love you very much, and God loves you, too. But you guys need to get the hell out of this place. Really. Pack all your artillery, all your firearms, all your rifles and your grenades and everything to kill people. Go home. You can tell Ed Case I said that. You can tell Ed Case and Brian Schatz and all the damn stupid Congress people up there that stop killing you folks. That's my testimony tonight. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Nawahine Kahoopii |              | <p>My name is Nawahine Kahoopii. N-A-W-A-H-I-N-E, K-A-H-O-O-P-I-I. Thank you for being here. I want to first say that I don't have anything against the military. My father was a Marine. Brother-in-law is Marines. So this isn't personal. But I do say no to a new lease. I really appreciate what -- I think it was you that gave the testimony and spoke about the national importance of our islands to national security. It almost -- it upsets me when our place is viewed that way, that our home where our children and our grandchildren are trying to live and thrive is seen as a place of national security. In 1854, Kamehameha the III declared Hawaii a neutral state for that very reason. We stayed neutral to foreign conflict, and I feel that we need to remain that way for the protection of our people and the protection of our culture. The things that are happening right now, I think is something else that brother brought up about what's happening in terms of chinning up these issues in the South Pacific and China, which specifically makes our moku and our island a target. I have just my first mo'opuna born, and I am really worried about what is happening up at Pohakuloa and what can happen to my family as a result of this kind of conflict being stirred up in the South Pacific.</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Nawahine Kahoopii  |              | <p>My other two issues were you talked about the cultural things that you take care of and the aina and you are caring for it, but we have two kupuna here that had to sue to even have that place inspected. It hadn't been inspected, even though that's a contractual agreement, in over 25 years. The other issues that was fought in our community for many, many years was the issue of the depleting uranium. There was finally admission of that, but then there was the insult that it probably wasn't dangerous. How can depleted uranium not be dangerous? Also, that you weren't able to locate exactly where those areas were where the depleted uranium remained in the soil. And then finally, you have 23,000 acres of land, ag land, waters and so forth. We're importing 90 percent of our food. This has been an issue, again, for our people for decades about us becoming at least food sovereign. Now, because of the things that are being ginned up in terms of conflict, not only in European areas but also in the South Pacific, we already have shortages of food. We're going to be facing shortages of energy and so forth. The idea that we would take more of our lands and not be concerned with feeding ourselves first and making sure that we have our own energy issues taken care of is a big issue for me. So this current footing of war, even the president admitting that we were going to be facing food shortages and there is not any offer of a solution to that, again, makes me say, absolutely a'ole to the consideration of 23,000 acres of our lands being taken up when we can't even feed ourselves yet. So thank you.</p>                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Sherri-Anne Kamaka |              | <p>It is unnecessary and not right or pono to use Pōhakuloa for military training. This will have adverse affect to our Island Nation. Please take the training to North America. The state of Hawai'i has special needs for protection of our Islands &amp; indigenous floral &amp; fauna, marine life that are endangered as well as conservation strategies. Furthermore, the military perception and strategies in Hawai'i is out dated. With the increase in awareness when it comes to what humans (military) do to our 'āina, humans (military) needs to cease training activities in Pōhakuloa asap.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Alakai Kapanui     |              | <p>Aloha mai kakou. O Ke'alaka'iokalani Kapanui Kahiamoe ko'u inoa pono Kealakehe Kona Moku'o Keawe. I wasn't going to talk today, but I have listened to enough people, and they have all brought up really good points, my kupuna they have. Desecration of iwi, depleted uranium, lead poisoning, violating our water table. You are poisoning our water. In 75 years none of us will be able to live here. We will all be dead and this place will be uninhabitable because you could not stop bombing. And we're supposed to continue drinking that water. The same thing that happened at Kakee (ph.), it's going to happen here. National security, making us a target. There is a lack of transparency. It wasn't inspected for over 25 years. We know that our iwi are there, we know cultural sites are there, but we don't have access to it because it's dangerous for us to go in because you guys are bombing it. So we are not able to go inspect those places. But it's your kuleana to do so, and you did not do it. And my kupuna had to sue you guys to make that possible. What? Critical habitat. Do we care about our birds? Hawaii is the capital of endangered species and extinct species. How many species of birds should I list off that have under 500 specimens left in the wild? I can name quite a few. Should be working on reforestation instead of pollution. What are the long-term effect? What are the long-term effects of those things? You just going wipe out everything until you cannot? Yeah. You should fulfill your contract, which is to clean it up. I know, because I helped malama Makua Valley over on O'ahu, and they are not able to inhabit Makua Valley anymore. It was seized in the 1940's for World War 2, and they did live aerial bombing there. Nobody will ever be able to farm kalo there ever again because of fear of live unexploded ordnances. You cannot farm there. You cannot dig into the aina without fear of blowing yourself up.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Alakai Kapanui |              | <p>I do actually have one question, if anybody in this room knows the answer. Who is the cultural practitioner that helped to draft this EIS? Does anybody know? Because I don't, and it's not listed. Who is your source, nana i ke kumu. Who are you referencing? There is cultural significance of Pohakuloa. It connects up to Pu'upohaku, Pohakuloa Gulch that runs all the way down Mauna Kea. The water that is accumulated in Pu'upohaku drains into Pohakuloa Gulch and then into Pohakuloa, so we know that the wai is there. You know, and mostly this is about our ability as kanaka'o'iwi to continue living on this land. And I am Diaspora. I grew up in Seattle. I didn't grow up connected to this place. But my ohana is and always has been from here, Moku o keawe. And now that I am back, my family will continue to be from here, and nothing will ever separate us unless you make it impossible for us to live here. And we will all be dead, because of your inability to back away and say, okay. Pau.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p> |
| Alakai Kapanui |              | <p>It's not so much a statement or anything. It's more something for you guys to consider, because in your clause -- there is a clause in the land agreement that you have to restore the land back to its original state, and I want to know how you guys intend to do that. And I know you don't have an answer, because I also know that it's not possible. So in your pursuit of renewal of your lease or extension of your lease I would like you to consider how much more damage is going to be done on Pohakuloa than has already been done. Okay? How you going to put the rocks back? How you going to restore the Heiau. Are you going to do all the ole, all the protocol to put our kupuna back to sleep? Do you know them? Because I don't even know them. I'd be impressed if you did. Would you like me to continue? Of all the restoration that's going to need to be done. Reforestation. Like, it's just something to consider. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                            |
| NO Kapaole     |              | <p>Nana lau nani kapa'ole. Aue, aue, aue oia ho'i ka u'i olelo Hawai'i ma keia. I would start with Aloha, but you guys took that for granted already. Right? Of course, we have Aloha for all of our relations here, our ohana, for this beautiful kino lau here. But to have Aloha for the rapists, to have Aloha for the people who continue to ignore us, to marginalize us, to bomb our aina, to disrespect our people, our voices, our indigenous systems, our water, aue, aue, aue. We're here at UH. Maybe you should learn a couple Hawaiian language words while you are here, because a'ole seems to be a hard one for you guys to get. When we say a'ole, no more leases. No leases. We never said aye. We never said ae. So to ask us for one, two or three, no, no, no, no. A'ole means no. We've already said it. So the redundancy is why I say aue, aue, aue. What else can we learn while we're here? Oh, malama aina, that's a good one. Some doctors in this building they might be able to teach you a little bit about what that means. Malama aina. Yeah, the Supreme Court, they said you guys didn't do it. We already know. We can tell. They didn't pass the ae test, yeah. But malama aina, to care for the land. To care for that which feeds. To keep it in perpetuity so we may always be fed and feed each other. The aina. Malama aina. Shine them up. Make them nice. Make them good. Make them 'ono? Don't destroy it. Don't sabotage it. Don't corrupt it. Don't take it for granted. That's not malama. Shine them up. Make them nice. Take care. Make them 'ono. Malama aina. That's what we need. Yeah. That's supposed to be your Kuleana, supposedly. We know that's not your Kuleana either.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                            |

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| NO Kapaole       |              | <p>We have Hawaiian kingdom crown and government heirs of this aina. Still yet, you never kill them all off. We're still here. Portions of us still breathing, right? Kuleana, to take care of the aina. We can all do that. No matter what uniform we wearing, no matter what T-shirt we trying to say. But that's not what we're here to discuss, right? Business as usual. That's pretty much what's on the agenda. So we do not consent. A'ole, a'ole, a'ole a mau loa aku, ea o kou Hawaii'i pae'aina keia. This is the Kingdom of the Hawaiian islands. You have worn out your welcome a little bit with the bombs and with the ignorance and with the compromising of critical natural resources. You know all the human rights violations. You know all the crimes against the environment. Really, because we share. We share. But you no malama aina. So before we leave, we got to all learn maybe how to put this in a sentence. A'ole mako, malama aina. That's something you guys should learn how to say. Because all these other words in here don't really mean nothing. It just means you are going to continue to rape, to pillage, to sabotage, to destroy, to smoke screen, to propagandize, to put a couple keni kenis out there for the chambers of secrets, and all the other slithers around. Ela ka, ela ho'i makou. We're here. We're going to continue to be here, and we're going to continue to bring our ohana forward, to hold this space, to hold this line. Aloha aina, malama aina, malama Kuleana. Call upon the community to do those things, not to continue with the bullshit. Ka'olua. We don't have a word for that in Hawaiian. The DBs came after. But ke 'olu'olu and malama and Kuleana, and that means -- I don't think it means stay here, continue to do what you're doing. Help us transition. Help us take care of the remaining resources we have to share with you.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Mariah Karson    |              | <p>Let the lease lapse and give the land back to native Hawaiian people. I push for your "option 4" no-action alternative (under which the lease lapses and the Army loses access to the land). End forced colonization of land across the globe.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Kawaipio Kauahi  |              | <p>As a Kanaka Maoli of this land I do not agree to allow the continued destruction of Pōhaukloa by the army/military. Dozens of dead 'ōhi'a and other native plants, destroyed during a 2018 fire caused by military negligence -- which is all too commonplace in this delicate ecosystem. This fire burned over 1,000 acres within critical plant habitat in Training Areas 18 and 22, which both fall within the state-leased lands. The army is the single largest threat to the Pōhaukloa region, which houses numerous endemic, indigenous, and endangered plant and animal species. This 'āina has been treated as wasteland for far too long; the native wildlife here deserve better. Kānaka 'Oiwi deserve better. Our kūpuna and keiki deserve better. Despite the destruction, I have faith in the resilience of this land like the anunu vine (Sicyos spp.), rising from the ashes, but rebirth can only happen with the removal of these lands from the army/military.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Kamahana Kealoha |              | <p>Cease, desist all activity and leave Pohakuloa. I am firmly, without hesitation against the continued military use of Pohakuloa. I demand you cease and desist all activity and leave. Your time is up. The lease has been violated multiple times.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Louisa Keawe     |              | <p>There is a fine line to know or not to know where it is or is not permissible to uses our Hawaii lands for your training. We need to be very close in communicating about these issues: especially with the locations. I hereby at this time OPPOSE for the uses of Hawaii, Pohakuloa to be used for training at this s time. I believe there is a site and it be best to discuss it further and check with our Kupuna to help in this findings of land for your training to keep it PONO.<br/>Sincerely Ms Louisa Keawe</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| James Kelley     |              | <p>Please end military training and operations at Pohakuloa. This could be an incredible turning point towards conservation and to protect the wildlife that struggles to survive in such a unique environment. Many of the plants and animals are found nowhere else on earth. What an incredible pivot that would be!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Sharon Kershner  |              | 23,000 square miles is 10% of the Island of Hawaii and 5% of the entire state of Hawaii. What other state GIVES the military so much? You use the power of a conquering nation to oppress, use, and abuse the land and people. Take take take. ENOUGH ALREADY. GO SOMEWHERE ELSE. The fragile Island land and her people have had enough.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Hawaiian Kingdom |              | From: Hawaiian Kingdom World Court Provide ur bonafide Land deed. Bonifide minister to Minerals Rights Claim Filed "Bureau of Conveyances" 5-17-22<br>State of Hawaii (ownes) NO LAND !! = A corporation subsidy of United State's Corporation owes NO LAND IN HAWAII = territory = Hawaii Mornarch Constitution "all land kepted in perpetually (forever) for heirs & sucesors. Fraud n theft to claim to own another Persons Property. To: Mr. Michael Donnely All will be held accountable: All DEFECTIVE contrats after 1959 Evidence for world courts: U.S code violations: INTERNATIONAL LAW. Proper -<br>?Provide your DEED (ceded of Annex Stolen Land cannot) Geneological land claim - STATE & FED Gov't ownes no land State of HI foreign US citizen voted do not own land.<br>Transfer by unauthorized BODIES. Govt coporation w/o "STATE Owned Land" Public Notice Star Advertizer Repedely Publicizes FALSE & INACCURATE Information – Propoganda: Fraudulent land claim State of Hawaii subsiday = Registered "1959 District of Columbia Foreign Corporation." A corporation registered in the U.S. Territory (met & Bounds) Lat – Long Jurisdiction 12 mile off U.S. mainland State of HI ownes no Land in Hawaii.<br>There is no Bonifide Land Deed: · Only leases of LESS THAN LEASE ·                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Hawaiian Kingdom |              | All Land (jes soil) in Territory Allodial Title registered with Mathew Hoopili – Hawaiian Kingdom Minester. Probate trust perpetual Land title . Bonefide and recorded in the Bureau of Conveyance and title guaranteed. All rights & athourity belong to heir & successor with vessel & seal of Bonifide land trust. Pure Jurisdiction All other Land claims & contracts are by STATE Agents & Officers of a corporation are Defective. Not pure or Bonifide All Authourity are needed by Bonifide sovereign Right & Jurisdiction of mineral rights (12 miles ocean, air, land). Pay for managed use of land (LUC LCA Rein) not by a SR All contract after Jan 17 – 1893 are defective & fraudulent = propaganda treason acts of In the H Arch Territory Jursdiction (Treason – war crime) will be addressed in Internation (Law of Nations) world * All crimes by State & Federal courts – Agents of the Federal govt & state – land ommisionors will be held accountable. (For these crimes) (systematic corruption) Corporations cannot own land (mineral rights) in "IT Zone" Hawaii's Jurisdiction. Alodial title. State of HI corporation District of Columbia – Are in violation of all U.S. FEDERAL codes. U.S. code art 28, Sect 3002 – Line 15 ext. Treaty of Peace & friendship ALL ITZ commerc laws violated All Foreign Illegal U.S. Citizenship (National Voters) The Director: Public Affairs State of HI Department of Defense, Maj (RET) Jeff Hickman at (808) 441-7000 To: Mr Michael Donnely (PTA) * Need to clean up Pohakaloa: Contract Defective . Bonifide Indegenous National (All Rights reserved) Perpetual Land title trust & Heir & Succ Geneological land ties only. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Micah Kupahu     |              | The American military should have never been allowed to come here and for sure should not be allowed to stay the damage they have done to these islands and continue to do can not keep happening and the lack of respect and care they hav shown should be exhibit 1,2,3 for why they should be banned from doing any operations in hawaii unless asked or authorized by native Hawaiians and all not just one group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Sunnie Kupahu    |              | Stop the bombing on pohakuloa. It's been happening since world war 2. Like the bombing of Kahoolawe. We don't need anymore distruction. Your doing more harm to my hawaiian people and to the aina. Mentally it is so wrong. so much harm because you are harming our islands and the water, our people, our native plants and native animals. Stop the bombing and return it to its natural state.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Raiatea Oliver      |              | Why is America still bombing in Hawaii? have you not learned from bikini atoll? Or when all the land is bought up you guys going put us kanaka on the destroyed land and let us die off faster?? Stop bombing any where in Hawaii!!! America is huge go bomb on the mainland!!!!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Jessica Kuzmier     |              | Aloha, I am submitting my perspective regarding Pōhakuloa Training Area. My belief is that the 'no alternative' option pertaining to military training is the best option at this time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Jessica Kuzmier     |              | <p>I believe that the government land would be better served to be turned back to the state so that energy alternatives such as solar arrays and other renewables can be mass-produced so as to assist the state in becoming net-emissions negative.</p> <p>I believe if the military does hold onto any land, that the choice to invest in methods to help reduce and monitor climate change would be a better alternative. One option is to sublet the land to the US Army Corps of Engineers to develop better technologies to mitigate rising sea levels and other effects of climate change , as well as bolstering infrastructure to Hawaii's coastlines and other areas that will be affected by this. I believe this is a better choice and use for the military's time and investment if they hold onto governmental land.</p> <p>There are of course many threats to our safety from international threats and domestic terrorism, but the threat of climate change has been woefully neglected in the face of these more immediate and seemingly more pressing concerns. But in the end, climate change is an effect that will be just as dangerous as any attacks from people. And in fact, climate change will likely be the root of many incursions due to crop failure, famine, flooding and other displacement realities for populaces worldwide.</p> <p>Addressing climate change through the investment of renewables is as much a defensive military strategy as any military exercises and combat training, especially as military threats are just as likely to be cyberattacks on grids and infrastructure as traditional theaters of war.</p>                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Elizabeth Laliberte |              | My name is Liz Laliberte and I am a resident of Hilo, Hawaii. I say NO to PTA's request to renew the lease on 23,000 acres. Why NO? Because PTA has been a bad lessee. First off, the toxics. If you owned a property and your lessee poisoned the land and air with toxic chemicals, would you renew the lease? And if you requested an accounting of what chemicals, when and how much was dispersed, they said they couldn't tell you? No way would anyone in their right mind say, "Sure, keep up the good work for another 50 years." To add to this, PTA is a bad neighbor. They are noisy, dirty and a danger to surrounding ecosystems and communities. Their helicopters have started wildfires, their planes fly overhead at all hours of the day and night and disturb the peace of our communities, and their convoys are jam up the roads. Multiple times have I seen military trucks pulling off the highway (dangerous) because of smoking brakes and burning clutches. This is a hazard to residents. Last of all the damage to the ecosystem cannot be understated. This lessee destroys the land and and the animals that depend on it. Their footprint grows bigger by the year. Birds, insects and plants that are found nowhere else in the world are burned, bombed and generally terrorized by the explosions. PTA is like a house of bad renters that you can't wait to evict because their loud parties day and night, dogs roaming around and pooping by your mailbox and garbage piling up all around. Meanwhile you are paying thousands of dollars a month for the mortgage and they pay NOTHING! You hope and pray one day they will leave even though you know it will be a big expensive mess to clean up. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

## Responses to Draft EIS Comments

| Commenter           | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                              |
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| Elizabeth Laliberte |              | <p>PTA IS this bad neighbor, this bad lessee that must be evicted because they bring ruin to the community. They may claim it's "critical to national security" or "an important geostrategical installation" or even that it brings jobs to the island. But at the end of the day, most service men and women stationed there are not from Hawaii, and the "national security" argument is as old and tired as your grandpa after Thanksgiving dinner. The DOD conveniently trots that one out when there's no other good reason, like when a parent tells their kid, "because I'm the parent, that's why." Last of all the DOD may fearmonger about the "threat rising in the east", meaning China, and claim that Hawaii's proximity to the Asian continent makes Hawaii's bases critical. to this, we have noticed over the years that the DOD will constantly manufacture a foreign boogeyman or enemy in order to justify its existence. Terrorism, Communism, Autocratic Regimes, the list goes on. This is shameful scaremongering. Meanwhile, China does not threaten the existence of life on this planet. The real scare is that DOD is actually killing the biosphere by escalating global warming because it's the largest single emitter of CO2 and user of fossil fuels. The more land and areas they control, the more fossil fuels they burn and make it less likely we can salvage a habitable planet. Does it make sense to give them a green light to continue this destructive behavior? Out of self-respect and self-preservation, our community needs to say NO to extending the PTA lease. 'Aole PTA! Give our lands back!</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Nani Lanai          |              | <p>Hi, If this is a real estate action, the army must pay a reasonable price for the lease of the land. A 1\$ a year lease is an insult considering real estate costs in Hawaii. This doesn't even cover the cultural aspect. I'm opposed if the military cannot pay more than 1\$ a year for a lease. With these insufficient funds they will not be able to maintain the land properly.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted.</p>                                |
| Hunter Lange        |              | <p>Listen to Kanaka Maoli and their wishes to protect sacred lands. Leave Pōhakuloa alone and prevent the further desecration. Kanaka Maoli are the ancestral stewards of the land and you're not only posing a threat to their 'āina, but their connection to their kupuna and their piko. This is about preservation of life on earth. Listen to Kanaka Maoli.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Lelaine Lau         |              | <p>"PTA provides a quality joint/combined arms facility that provides logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community."<br/> Honestly, I don't have time to read 400 pages, but let's start with this mission statement. The military cannot with a straight face, claim any kind of environmental or cultural stewardship on ANY land they are on in Hawai'i. This is borne out by facts. No one believes this to be true. In fact, your own troops that you are poisoning via Red Hill don't believe it to be true. They know you have lied to them and do not care about them.<br/> Cultural stewardship? Is that your word for bombing? Has not the military already desecrated enough of this land via bombing? And on Kaho'olawe which was never cleaned up? why should anyone trust your word when you have been nothing but disrespectful to the Kanaka Maoli since the day you provided cover for the illegal overthrow?<br/> It is a fact that one thing the military is unparalleled at is in creating superfund sites. So please, let's dispense with the lies.<br/> Further, that "enduring partnership" is actually imperialism and occupation.<br/> Nice try with the euphemisms and lies. I expect the other pages are filled with the same.<br/> DEOCCUPY HAWAI'!!!</p>                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Kawena Lauriano |              | I write today in STRONG opposition to the lease renewal of Pohakuloa Training Area. The US military continues to destroy and pollute the land of Hawai'i with little to no regard for the land or its people. The time has come to stop the desecration and pollution. Please do not renew the lease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Jonathan Lee    |              | I do not support the Army's proposal to retain this land. The Army should immediately return this land to the State of Hawaii to make room for a new highway to the west side, housing, agricultural land, and other much needed land uses. This land is not needed for national security reasons and the Army is not being forthcoming about that. There are other states o the mainland that would be more than adequate and more than happy to provide training grounds for Army personnel and there is absolutely no reason for the Army to be on this tiny island. It is a waste of money to train soldiers here, it is a waste of space when more space is available elsewhere, it is a waste of money to transport soldiers, their families, and their home goods to live here to train. The price to transport the equipment to train is also rising. It is a win-win to relocate this training facility elsewhere and it is the decent, dignified thing to do. The land belongs to the people of Hawaii and this particular training ground is especially excessive for them to hold on to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Selah Levine    |              | I do not agree with retaining the pohakula training area for military use. It is detrimental to the fragile ecosystem and cultural sacredness of that area. There is too much military training on Hawaii period.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Ralph LeVitt    |              | As a resident on the Big Island of Hawaii, I welcome the military's use of the Pohakuloa Training Area to keep our soldiers up to date in their training, through both live fire and simulated weaponry. The entire area is pretty much unusable lava fields that can serve no other purpose. I have no problem at all with it's current and hopefully, future use for training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Trinity Medler  |              | The military needs to stay off Indigenous land and respect the wishes of the people trying to protect it.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Danny Li        |              | My name is Danny Li, D-A-N-N-Y, L-I. I live in Kea'au. My testimony is that I do not support. I advocate no lease renewal. Cancel the lease. And my testimony is pretty short today. Two lessons of A, B, C, make it as simple as possible. A, B, C (indicating). A, aina, yes. B, bombs, no. C, cleanup, yes. Now I will let that sink in for about a minute, and then I will have one more minute of another lesson of ABC. (Moment of silence.) Okay. My second lesson is also A, B, C. I was actually in the ROTC. In fact, a lot longer than probably most of you here. '66 to '68. But those were three lessons I was never -- that I was never taught at ROTC. Lesson A, the United States was established in 1776. So it's about 246 years since then. Of those 246 years, only ten years the United States has not been involved in a war with a foreign country. I challenge any one of you to name another country that is more violent-like. Look it up, please. That's something I did not learn from ROTC. Lesson number two, B, lesson B -- again, I was not taught this. Martin Luther King he was supposedly honored by everybody, right? But they are very selective. They never wanted to say what he actually said before he was killed. Okay? He was assassinated, obviously, in 19, I believe, 64. But months before that, because of the Vietnam war, he made that statement. "The U.S. government is the greatest purveyor of violence in the world today." Now, that was before -- that was during Vietnam, before Iraq, before Afghanistan. I didn't learn that from ROTC. Lesson three, C, again, I didn't learn from ROTC. In 1893, the U.S. military helped overthrow an independent government, right here in Hawai'i. Okay? And now you are asking the people of Hawai'i to renew the lease so that you can train to do the same kind of regime change all over the world? No. Cancel the lease. Mahalo. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Danny Li        |              | <p>The entire 133,000-acre Pohakuloa Training(PTA) was wrongfully seized--first by an Executive Order and later via an additional State of Hawaii lease--from the Hawaiian people. In the past seven decades using the entire PTA as training, the US Army has irresponsibly despoiled the land and water without a thorough Cleanup. This is absolutely inadmissible. The US government needs to fully fund an independent investigation into all the toxic waste dumped at the PTA site. And then fully fund a complete cleanup, so the entire 133,000 acres can be safely returned to the Hawaiian people, for purposeful use to improve the people's public welfare. This should be the only course of action allowable to the Army. Returning sovereignty of PTA to the Hawaiian people would mean no more war preparation is ever allowed on these sacred lands. The entire civilized and progressive world community is anxiously awaiting this historic day!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Howard Ling     |              | <p>I am a farmer dedicated to the movement of reestablishing food security on the island of Hawai'i. I get it, with everything that I do as a farmer, practice makes perfect. Practice allows me to find efficiencies, practice helps me to continuously improve my abilities to produce food. As such, when it comes to national defense, I agree, our soldiers need practice in order to be ready to protect our country. I understand that this draft EIS is addressing a real estate transaction between the continued lease by the federal government of Hawai'i State land. This land, which has been filled with firing points to allow deployment of live fire munitions onto our US soil. The environmental impacts from live fire training is actually on government owned land. I urge you to consider the same wisdom shared with us by our national park services, pack in and pack out what you bring to this land. Can we leave this land the same, if not in better shape for our future generations to come? What will it take to clean up? Are we able to curb live fire training to be able to meet our abilities to clean up the waste in which we create? What is the efficacy of our current live fire training? How much more can we rely on the existing Battle Area Complex's digital live fire range to simulate live fire, thus helping to reduce environmental impacts? I believe in a win win scenario, and hope that this lease renewal can be a starting point to examining the status quo and determining how we can continue to achieve military readiness and still leave a world safe and ready to pass on to the generations to come.</p> | <p>Thank you for sharing your concerns. The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text revised to state Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> |
| MeleLani Llanes |              | <p>I am writing in response to the Draft EIS regarding the lease of land where the Pōhakuloa Training Area (PTA) is located on the island of Hawai'i. I am stating without hesitation that the lease needs to end in 2029, the end of the current lease term.</p> <p>The Department of the Army has shown incredible disrespect for the land and the indigenous people's of Hawai'i, starting with the lease amount of \$1.00. Add to that the desecration of land and natural resources at Pōhakuloa and the environmental mess you've left in your wake! Then there is the trauma experienced by residents from having to endure the rumble of live-fire training. There are plenty of places to do your training on the continental U.S. The outrageous amount of land resources that the DoD is in possession of in Hawai'i is unconscionable.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| MeleLani Llanes |              | <p>The DoD has demonstrated time and time again that they are incapable of caring for the land, which is a requirement of the lease, and as their leases expire, they need to go elsewhere and return the land to the residents of Hawai'i, especially Native Hawaiians. Reducing the military presence in Hawai'i by 80% could still maintain U.S. national security. It's time for you to reduce your presence there and move elsewhere. Or better yet, focus on peaceful practices, not military ones. While I am obviously upset with this issue, I still pray for those in military service and their families, especially those we have lost.</p> <p>Mahalo for the opportunity to express my feelings about this issue</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Paul Lonokapu        |              | This is a "no brainer", Option 4, no new lease! Reason why is simple... The United States of America military needs to DE-OCCUPY the HAWAIIAN KINGDOM of its belligerent military occupation and fulfill its obligations to restore authority back to the HAWAIIAN KINGDOM. And although this is the main reason from a legal standpoint of both US law and International law as well as Hawaiian law, there are other more urgent and crucial issues why PTA needs to be SHUT DOWN. Depleted uranium, unexploded ordinance, contamination of our water, air, and land pose a serious health threat to us and future generations. PTAs locality is mauka as well as central of pretty much the rest of the island and the majority of its population. Shit flows downhill. Look at Red Hill. Like I said... it's a no brainer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Paul Lonokapu        |              | There are more cons than pros to PTA. A few cons right off the top of my head other than the ones already mentioned, PTA, Pearl Harbor, KMCAS, Skofield Barricks, etc., puts Hawaii at risk of attack from enemies of America. Live fire exercises desecrates and destroys important historical, cultural and sacred places, (war crimes), State of Hawaii has no legal right to lease out these lands to begin with, it is an illegal entity derived from a resolution of United States Congress, which has no authority outside of US territorial boundaries, PTAs presence denies access to natural resources in the area and prevents us from performing our God given rights to gather these resources. These are just a few reasons and are just the tip of an iceberg. As far as pros... I honestly can't think of one good reason why PTA should be here, let alone remain here any longer.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Paul Lonokapu        |              | Instead of trying to renew the lease, PTA should be cleaning up all of its "opala", unexploded as well as exploded ordinance and plan on vacating the area. This is an island. We have only X amount of area here. It was a stupid idea and a mistake to allow PTA to even exist here for all these years. Stop the stupidity already and go back to America and train over there. Do your live fire exercises and blow up your own grandparents gravesites. Go back and desecrate George Washington and Benjamin Franklin historical sites. What America has done here to Hawaiians and to Hawaii is so typically American. You've heard the saying "Hawaiian by birth, American by force". I am a proud Kanaka! I could never be a proud American. America makes these lists of certain plants and animals which are deemed "endangered" and put strict restrictions and heavy fines if an endangered species is harmed in any way. What about the Hawaiian? Don't you think the Hawaiian is an endangered species? What have you done to protect them, their habitat, their land, their culture? Nothing! In fact you've been trying to genocide us. And then there's the list of invasive species. You have miconia, coqui frogs, mongoose, fire ants, etc., but the biggest most invasive species is... the American. DE-OCCUPY HAWAII. Go home. GTF! | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Joy Loo              |              | How you treat the land, is how you treat the people. I am strongly opposed to the US military's use of Pōhakuloa in any way. I say NO to the lease renewal for an entity that has proven they have no respect of our lands, releasing toxins in the live fire training, with no regard for people, animals, & plant life. I say clean up the mess you made, US military, & stop your desecration. I wholly support the demilitarization & deoccupation of Pōhakuloa. Immediately.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Olivia Louis-Charles |              | Using this land for military purposes has significant and damaging impact on the land and environment, which includes rare native species of Hawai'i                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Bella Lynch   |              | <p>Aloha, as kama'āina i believe it is my kuleana to defend this sacred space of our home. The military should not retain this land area, at pohakuloa. This is one of the few areas left in the state that hasn't been completely ravaged or desecrated by the United States occupation or impacted severely by the colonization of Hawaii. I believe the military should see it as their duty to protect and preserve what is left of the aina, both physically and environmentally. The US military already has a history of exploiting Hawaii for its resources, and destroying land for their own use without consideration of the people of the land, or the land itself, one such example is the bombing of Kaho'olawe. Please use this instance as an opportunity to make some sort of amendment for the suffering and harm that has been caused, and work with the people of this land in an expression of aloha, instead of hurting us further. Mahalo nui loa for your consideration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Julia Macri   |              | <p>I choose the Eis option 4, the no action alternative, to not renew the lease for pta. Mahalo for your consideration for my comment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Mahealani     |              | <p>My name is Mahealani, but my name doesn't matter at this point. What matters is I went around and I read the posters back there, and yes, you do need training to go out and defend whatever war you attain to, but the bottom line is we need three sources to survive: Air, water, and land. And by doing this up there, you are training with live ammunitions, it contaminates every source of this, our air, our water, our land. Our land is being contaminated. It goes into our water system. I believe you have enough training areas. Go back to Area 51 in Nevada. You have Schofield Barracks. You have Wheeler. You have Bellows Air Force Station, which is on Hawaii homeland. You have Kauai, land on Kauai, Barking Sands. And here are the Hawaiians, without their land and without their aina to be sustainable. For years many men have battled and women and children to get Kaho'olawe back. I had family evicted from Mokauea in the Sand Island, and we never got back. You got Makua Cave; we are fighting for that to end, too. And after you folks get up and leave the contamination stays forever. Our channels between our island are contaminated with shrapnels, ordnance, and our life in our islands is dying. Our children are suffering. We have many cases of birth defects, brain tumors, brain cancers, blood cancer, leukemia, and it's contaminated because it travels through the air. Dust travels everywhere. And I believe that it's time that the land has been taken back to be cleaned up and to keep it sacred - obvious no one can live on it. But we don't have to continue to contaminate and destroy and desecrate our aina. And that's all I have. I complete my (inaudible). Mahalo. Akui anui. We all holomua. We all need to move forward, but we all have to take our steps one day at a time and see what results can be done. That's all I have to say. Mahalo.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Martha Martin |              | <p>I was born and raised on Oahu, and have lived on Maui 59 years. Stopping the bombing of Kahoolawe Island was the right thing to do. Now it is the right time to end leasing Pohakuloa for military training. The war training is very destructive to that land, and should be ended.</p> <p>I oppose renewing the lease for military training in Hawaii.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Nancy Martin      |              | <p>Hi, my name is Nancy Martin. I live at 68-1700 Manalo Place in Waikoloa Village, and my number is XXX-XXX-XXXX, and I would just like to request that the lease not be renewed for the training area for the military at Pohakuloa. I do not like hearing the bombs going off up there at nighttime different times of the year, and I also am very uncomfortable with having the waste that comes from bombing and military training on the land above the house here. So that's my input. If you need further comment, just give me a call back. I really hope that we can find a different place or a simulation or something more modern, rather than just bombing land in our community. So thank you for taking my testimony, and I hope it's helpful.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Peter Mathews     |              | <p>The army has sufficient federal land for use in our state and should relinquish the leases on state lands. Military use of the land for training and caring for the land and ecosystem are not compatible goals. This is an opportunity for the military to do the right thing for the people of Hawaii by not pursuing lease renewal.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Alexis Mayhew     |              | <p>I oppose this, as there is already a massive presence of military on all islands. Which is totally unnecessary.</p> <p>The constant disregard for the Hawaiians, and locals in general should no longer be tolerated.</p> <p>My daughter is Hawaiian, and all of her Ohana on the Big Island oppose of this as well. Enough is enough, go play your "rich man" war games somewhere else. Not our 'Aina for our Keiki! Mahalo</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Michelle Mazzetti |              | <p>I am speaking to what could happen in the event of the Pohakuloa State Land lease expiring without renewal; Waiki'i Ranch is surrounded by Federally owned land and is composed of highly sensitive volcanic ash soil, which if disturbed creates a serious health hazard for the Waiki'i area. I fear that if the State lease land is not utilized for the needs of training, they will resort to the Federally owned lowlands in this area which are much more sensitive to disruption than the rocky highlands. Not only would the usage of this area by heavy machinery pose a health hazard to residents of Waiki'i, it would result in irretrievable loss of valuable topsoil. This was demonstrated after the massive 2021 Parker Ranch fire, and manifested as gigantic dust clouds which blew all the way to Pu'uana'hulu--taking months to repair. Formerly Parker Ranch land, this Federally owned area below Waiki'i was grazed at that time in a regular fashion-- and after this land was purchased for the Stryker program in the 2000's the management of the non-native grasses was greatly diminished. Now only unmanaged animals roam the land, except for the small easement adjacent to Waiki'i which is leased to a private individual who maintains grazing animals. A change to the management of the greater area may be necessary to both reduce fire load and perpetuate native species. I believe the highest and best use of this land below Waiki'i Ranch would be a mixed use area available to public use, with conservation easements where the 3 critically endangered plants found in this area (sodendron hosakae, Lipochaeta venosa, and Vigna o-wahuensis) can be preserved and perpetuated with a management plan, along with other species native to the area. Mamane, Naio, Koaia, 'a'ali'i, and other dry land species could be introduced in strategic locations to help break the monoculture of non-native grass. This would be an unprecedented step by the U.S. Government to support Native Hawaiian Ecology and help mitigate centuries of human impact. Perhaps in a good faith effort, if this area was offered up for mixed use and conservation, would help alleviate the frustration of the ongoing use of Pohakuloa while helping the Military to maintain the amount of available training grounds.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| megan mcaffrey    |              | <p>please close puakaola it serves no meaning ful purpose that I can see</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Commenter         | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Response                                                                                       |
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| Julia Rose McGann |              | A'OLE DESECRATION ON POHAKULOA! Our 'āina does not need nor deserve the burden from the US. Our home is not a place for military practice! Please hear and actually listen to the kanaka.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Carol McMillan    |              | <p>My name is Carol McMillan (ph.). I live in Waimea, and I won't be nearly as eloquent as some of the others who have spoken here. I am a relatively new resident. Only been here for a little over two years. So I have been coming to the island since before it was a state. I'm old, and I have watched the arrogance of the United States of America for my entire life, and it humiliates me. It's a history of this. From Bikini Island and from that area, I have listened to women who came and spoke in Seattle about what they called jellyfish babies. To this day, that land is so contaminated that women give birth to babies that are flat, round, with teeth and hair, and they breathe by going up and down and then they die. And they call them jellyfish babies. I mean, where are our hearts? It's the military industrial complex. There are people getting rich. There are people that are getting so rich over all the wars and all of the ordnance that you are dropping on this island. It's beyond comprehension to me that the list just goes on destroying land after land after land in the name of killing people. It's just tragic. Guantanamo in Cuba. We are occupying another country. That lease ran out, but we don't leave, and the United States government keeps sending money for the lease every year. And you know what Cuba does? It sends the money back to the United States, and says: Feed your own people first. We don't want your money. Just there are so many examples, and this is, yet. I couldn't believe it. I had no idea when I moved here and found out that 1/5th of the island, of this beautiful island is just used for blowing up things. I mean, it's a long way to Waimea from there, and I sit up in the middle of the night with the boom sometimes that happen.</p> <p>It's just, it doesn't need to happen. Somebody is making money by having all this live ordnance that you blow up and blow up, and then we tax papers have to pay for getting more of it so you can blow up. So whoever owns the military industrial complex, and that's who is getting to own our government. And as someone else said, it's not your fault. It's the fault of whoever makes these absolutely, to me, horrendous decisions to do so much in the name of just killing people. Everybody else has done a better job of naming the things that are happening because of that, so I just want to say thank you for listening. Mahalo.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Adrienne McNeill  |              | I'm a graduate of the University of Hawai'i's at Mānoa. Using Pōhakuloa as a military training area has significant adverse impacts on the islands of Hawai'i. This military training area corrupts cultural practices and resources for Kānaka Maoli.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Kapua Medeiros    |              | Aloha, my name is Kapua Medeiros, and I am calling to testify that I would like to see Pohakuloa shut down for good, and I would like Pohakuloa Training Center, Training Area to be no longer. I would like it to return to Kanaka Maoli. Enough is enough, and enough desecration has happened for too long. Please return Pohakuloa to Kanaka Maoli. That's my comment for now. Mahalo for the opportunity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Jaerick Medeiros Garcia |              | <p>Jaerick Medeiros Garcia, in opposition to Pohakuloa Training. I'm recording this on my end, too, so that they know my testimony is being put in. Now, we don't need you guys here. The EIS is full of shit, like just like the United States is full of shit. Okay? You guys are illegal occupation. No lawful authority here in Hawaii. Stop desecrating our land. We don't want you here. We don't need you here. Go to O'ahu and get off the Big Island. It's full of shit. United States military is here to desecrate and kill off our resources. There is over 3,000 in opposition. You guys better frickin listen and listen good. Get the hell off our island. You guys are not wanted here. Stop the construction, because you know what? You guys have no lawful authority here. You guys don't belong here. Your president said so, President Clinton, 1993. Yeah? You are so full of shit, come over here and think you guys can do whatever the hell you guys like. You can **** off our island, man. Sick of you guys pillaging, raping our ****ing land, our Hawaiian land. Yeah? So fricking irritating. You guys bullshitting. It's like who (indiscernible) up there. ****ing lying everything you guys do. You guys are terrorists. The U.S.A., terrorists. Hawaii don't need you. You need us. For all these soldiers that is over there listening to this, you guys going to realize when you guys retire, when you guys think the United States military has screwed you and ****ed you in the ass. How many Veterans, how many Veterans hate the U.S. military for what they have done? All the problems that the military has done for their cause, the families, them, homelessness. You guys take care of nothing. Get the **** off our island. You guys don't belong here. I hate the U.S. military. You guys are ****ing full of shit is what. You guys are rapists, that's what you guys are. Stealing our lands. Stealing our water. Contaminating our water. You guys are making us hate you guys for what you guys are doing. It's you guys. Full of shit.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                       |
| Jaerick Medeiros Garcia |              | <p>Hello, everybody. A couple months ago, 3,000 people testified in opposition to Pohakuloa lease extension. I was one of them. 3,000. It's a lot of people in Hawai'i to testify. We don't have to go back to the illegal overthrow. You folks know that we were forced to be Americans. We are not Americans. We are Hawaiian. We will die Hawaiians. We are not American.</p> <p>Your president, President Clinton, 1993, he admitted. He shared information. He said you folks illegally seized our government land. Yeah. No lawful authority. And you guys still here. I drive up and down that road, Saddle Road, and I see you folks have no intentions of leaving. You are making roads, cement buildings. You have a whole quarry back there. No intention of leaving. Senator Inouye. People, wake up. She's horrible. She's protecting you folks, allowing you guys to stay here. Commerce, wake up. No lease extension, not on Pohakuloa. We've got Hawaiians waiting for land. Yeah? DLNR lease extension, why? For more and more and more the Japanese. These guys, they want to continue to steal, support the people with the weapons. Yeah? We don't need you guys here. We really don't. This is the place where everybody can come together and not worry about war. Only you guys worried about war. Nobody else. We worried about our land that you guys desecrate, dropping bombs. Why? Go America drop bombs. Train up there. Get all different kind landscapes, weather. Why here? Because the Hawaiians? Huh? Because you guys already raped the Hawaiians for everything that they got? Shame on you guys. That's not right. You guys adults. What's right is right. What's wrong is wrong. You guys know that. Common sense.</p>                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                       |
| Jaerick Medeiros Garcia |              | <p>Have respect for the people that's been here for thousands of years. If you guys wasn't in that clothes, you guys come, we accept you guys in our homes. We take care of you guys. You guys are our Kuleana. We will feed you folks. We will take care of you folks. Stop killing our lands. We need that. Our water, don't touch it. Stop drilling. That's important. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Sections 3.3, 3.4 and 3.9 (Biological, Cultural, and Water Resources, respectively) of the EIS.</p> |

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| Glenn Metzler |              | Of the alternatives listed, I support alternative 3. However, the state should not lease any land that contains native forest or rare species and any of these areas not already incorporated in alternative 3 for non-renewal should be added to it. Hawaii has too many threatened and endangered species and already lost habitat to allow any further potential loss or degradation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Ash Miller    |              | Expanding military training on Hawaii will have its impact in the most negative ways. Native flora and fauna are already suffering from multiple occupation on the islands, from overdevelopment in both housing and bases. It would be the wisest decision to pull back in opening another training ground. What good is a army if they are harming more than protecting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Caitlin Moon  |              | <p>I am writing to express my vehement opposition to the army's renewal of their lease of 23,000 acres of ceded lands on Hawai'i Island in the area known Pōhakuloa. I must express my profound concern regarding the continued cultural, environmental, and societal harm caused by the military's mismanagement, broken promises, and destructive use of our most precious resources.</p> <p>First, I am gravely concerned about the use of depleted uranium in live-fire training on these acres. Not only will this aerosolized depleted uranium be distributed throughout the air, it will settle back onto the land, threatening the groundwater beneath Pōhakuloa. Groundwater that was, in fact, confirmed to be present by a 2015 study conducted by the Army and the University of Hawai'i.</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Section 3.5.4.12 states "DU-containing munitions are no longer used at PTA." Section 3.5.4.12 also includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> <p>The following text was added to Section 3.5.4.12 from Final Site-Specific Environmental Radiation Monitoring Plan, Pōhakuloa Training Area, Hawaii, Annex 17 for Materials License SUC-1593, Docket No. 040-09083, September 2016: "The depth to groundwater in the vicinity of PTA is approximately 1,000 feet below the ground surface. Although the PTA area exhibits high soil permeability, the combination of limited precipitation and great depth to groundwater make it unlikely that depleted uranium would migrate into the groundwater."</p> |
| Caitlin Moon  |              | <p>These groundwater resources are constitutionally protected Public Trust resources that are held in trust by the State for the benefit of present and future generations of the people of Hawai'i. NOT for the federal government. Kaho'olawe's groundwater was already destroyed by Military impact; O'ahu's aquifers continue to be threatened by the presence of fuel tanks put in place by the Navy. Hawai'i island must not be made to suffer the same consequences. The inevitable irreparable harm to Hawai'i's constitutionally protected Public Trust resources weighs heavily against the approval of the Pōhakuloa lease. Indeed, the Hawai'i Supreme Court has held that "the state has both the authority and duty to preserve the rights of present and future generations in waters of the state." In light of the recent and continuing egregious mishandling of the Red Hill/Kapūkākā water crisis, the military has lost all credibility and cannot be trusted to properly mitigate the known (and unknown) impacts that continued training at Pōhakuloa will cause. The State must fulfill its duty under the Public Trust doctrine and reject the renewal of the Pōhakuloa lease.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| Caitlin Moon   |              | <p>Second, the army's previous lease agreement of 23,000 acres for 65 years for the sum of \$1.00 is astonishing from a fiscal perspective. Considering the fact that 46,255 Kanaka Maoli remain on the Hawaiian Homelands Waiting List, the exploitation and destruction of such a large area of land for such insignificant benefit constitutes a wildly irresponsible use of ceded lands. The \$0.015 per year that the Department of Defense paid for the use of this land is so laughable as to be disrespectful. I want to see an a chart showing what the federal government should be paying if they were paying fair market value for this land. Third, the Army has demonstrated that it cannot or will not comply with the bare minimum mitigation and remediation obligations that were required under the original agreement. In 2019, the Hawai'i Supreme Court ruled that the state has not fulfilled its responsibility in ensuring the military is being a respectful steward of this land. Part of the Army's agreement stated that the Army must "make every reasonable effort to ... remove or deactivate all live or blank ammunition upon completion of a training exercise." Yet - according to the highest court in the state, this has not been done. How, in good conscience, can the lease be renewed when the current agreement is not being adhered to?</p> | <p>Thank you for sharing your concerns. The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text revised to state Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> |
| Caitlin Moon   |              | <p>Finally, Pōhakuloa is known to contain a number of cultural and archeological resources that have never been properly cataloged , examined, or maintained. The United Nations Declaration of the Rights of Indigenous People states in Article 12 that "Indigenous people have the right to...maintain, protect, and have access in privacy to their religious and cultural sites..." These rights are similarly protected by state law. The renewal of this lease on this land will prevent Kanaka Maoli from doing just this and further risk the destruction of priceless cultural artifacts and history. THE LEASE CANNOT BE RENEWED.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| B Moore        |              | <p>Stop the desecration</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Kimo Moore     |              | <p>The US Army's responsible stewardship of the aina is worthy of their remaining to training on the land, allow study of the flora and fauna, and protect the land from developers and corrupt or inept state officials. The US Army must abide by Federal laws and mandates, which are broader in scope and character than our state laws. The Federal approach has been pono under the Obama and Biden administrations. I would ask the US Army to please remain on the 23,000 acres listed in the EIS and strive to maintain its stewardship and improve as technology and our understanding continues over the next many decades. aloha, Kimo</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Michelle Morin |              | <p>Deoccupy Military from our sacred 'āina; we need to protect our natural resources &amp; the military has proven they are not concerned with our environment &amp; natural resources; there is a long history of desecration by the US Military in All of Hawaii &amp; it is straight Wrong!!! STOP POLLUTION &amp; DESECRATION OF OUR SACRED KŪPUNA!!! Our keiki deserve to live in a safe, clean, pono environment! Stop the wrongs that the US has continuously done to all native lands here &amp; everywhere!!!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| Michelle Morin |              | <p>Please stop desecration of Pohakuloa. The military has used Pohakuloa for training grounds &amp; bombing much too long! The evidence of what bombing has done is evident in what has happened to Kahoolawe; the military was negligent in their contracts to care for the land they pay so little to use. From Kahoolawe, Makua, &amp; Redhill tanks-we are seeing the detrimental impacts on our natural resources; we have the opportunity now to preserve our most precious resources before it gets destroyed! The military has proven to be the worst stewards in all the world to the environment so it's obvious that what they are doing at Pohakuloa will only have detrimental affects on our natural resources &amp; the people indigenous to this land. STOP THE MILITARIES BLATANT DISREGARD &amp; DESECRATION OF HAWAII'S NATURAL RESOURCES NOW!!! what will our children have left of a land that is bombed &amp; disrespected? Bombing on Pohakuloa needs to end!! War games in Hawaii's waters need to end!!!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Maki Morinoue  |              | <p>Aloha My testimony is in opposition to the retention of 23,000 acres of state-owned land. The Military has failed to clean up after their mess where ever they have occupied here in Hawai'i State. Stop the madness and start protecting our land, our residents and start respecting the native people of the land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Dailee Morrone |              | <p>I was born and raised in Hawai'i and lived in Hilo most of my life. Please, just give Hawaiians their land back. We don't need another Red Hill situation and the military and state don't seem to care about the people anymore.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Bret Mossman   |              | <p>I just want to give a couple comments on the finding of no biological significance at PTA. So, for instance, in the duration that PTA has had management over the land that they have governed, six species of endemic birds have been extirpated from the area. If you don't know, Hawai'i is the extinction capital of the world for birds. We've lost over 77 species. So it's very alarming to me that there was a finding of no biological significance, because in the duration that you folks have had management six species have disappeared, as I have said. So what the issue is is that it may not have been a direct action -- a direct result of your actions in the reserve, but it is a direct result of your inaction. So here in Hawai'i species require dedicated conservation work, and if you don't do it they will disappear. And that's still currently happening with an endangered species that is still found in the area, the Band-Rumped Storm Petrel or Ake'ake (ph.). It's the last endangered species that is found in PTA, and it's one of only three remaining endemic bird species that can be found in the area. So I think my major concern is that you folks are not adequately addressing the biological resources in the area. And most of that is due to inaction, whether it be from predator control or not excluding ungulates, but habitat is continuing to be degraded and more species are in jeopardy of being lost from that area. You have already lost six. You only have three left. You guys really need to step up in what you are doing with your management there. On O'ahu, the O'ahu Army Natural Air Reserves, they have some of the largest populations of native birds left on O'ahu. Meanwhile you folks continue to lose them. So 'Alala, Ua'u, Nene, i'iwi (ph.) have all been lost from these lands. So that's something that I'm very deeply concerned about and something that you folks need do a much better job of addressing if this lease is going to continue.</p> | <p>Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land. Native species (Section 3.3.4) and impacts to protected and native species (Section 3.3.6) have been revised and expanded to include natural resource management measures that the Army is implementing that benefit the land and protected species. Existing management measures are addressed in Section 3.3.4.5 and best management practices and standard operating procedures are located in Appendix E.</p> |

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| Bret Mossman   |              | And even in the last year you can drive through over Saddle Road, the Aweoweo shrublands that surround the base have been completely decimated by goats. That's because you guys have not built fences, you have not protected that resource, and that's going to be an area that is going to provide a lot more dust, collect less water, and have multiple impact on species that we frankly don't even know exist yet. So that's something that I think really needs to be reconsidered in this evaluation because there are some biological resources that are under threat because of your folks' inaction. And so it might not come as a direct result of your action, but inaction here in Hawai'i is an action, and it has been seen there over your record of management because those species have been lost. Thank you very much for your time | Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land. Ungulate control measures are discussed in Section 3.3.4.4. |
| Zack Murphy    |              | I would like to see the land be returned to the native endemic species that inhabit the land for the million years to come we humans have tragically destroyed the earth within the past 1k just do our job to try to help preserve the special ecosystem that supply's us.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Isaac Nahuwai  |              | Aloha,<br>This is a letter opposing the further desecration of Pōhakuloa. We feel the bombings with all our senses and the 'āina has been radically changed by the bombings. STOP THE DESECRATION. -<br><br>Na'u nō, na 'Ika'aka Nāhūewai Kumu 'Ōlelo Hawai'i - Hawaiian Language Lecturer Ho'olauka'i Hu'ea'o - Internship Coordinator Ka Hale Kuamo'o - Hawaiian Language Center Ka Haka 'Ula o Ke'elikōlani - College of Hawaiian Language Ke Kulanui o Hawai'i ma Hilo - University of Hawai'i at Hilo 'O MAULIOLA PŪ ME KĀKOU                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Janelle Naone  |              | I am against the military retaining Pohakuloa for another 65 years or even 1 more year. The \$1/year lease is atrocious and our 'aina needs time to heal. The military has proven to be a bad steward of our lands and are destroying it like Kaho'olawe, Makua Valley, Waikane, etc. History has shown us that promised restoration of 'aina always fails as the damage is just too horrific. Enough is enough, move out already. Go do your training in the vast open expanses of the continental United States in an area where there are no sacred places.                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Nicole Navarro |              | Aloha, Please stop the desecration of Pohakuloa and not allow the military to continue to use it as a target/bombing site. Mahalo                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Basara Nekki   |              | Don't listen or give in to the "Hawaiian" activists. We are Americans. God bless America!                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Charles Ogle   |              | I believe in a strong defense for this country. The events in Ukraine over the last two months have underscored this need. A strong defense requires that our military forces be well equipped and well trained. Accordingly, I support the Army's training land retention at the Pohakuloa training area. Thank you.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |
| Curen Ohama    |              | Aloha US Army.<br>We got so many environmental problems in this little place in the middle of the pacific.<br>Please just stop with the bombing of Pohakuloa. We all know the price isn't worth it. In fact maybe be the one to show what true Peace looks like. Do something real for the planet. Enough blood of mankind and enough blood of the earth has been shed. It's gonna be ok if you folks say enough for Pohakuloa. ??                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                 |

## Responses to Draft EIS Comments

| Commenter          | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Response                                                                                                                                                                                                                        |
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| Ohana / Isaac Harp | Ohana        | I represent my ohana. We are citizens and patriots of the Hawaiian Kingdom. We cannot and will not share our Aloha with the United States Army or any other agent or agency of the United States while you continue to violate, desecrate, pollute and destroy our country under your belligerent occupation of our internationally recognized neutral nation. The hardships that our ohana and other Hawaiian citizens have been forced to endure since the 1893 unlawful overthrow of our government by United States of America and the prolonged unlawful United States of America's occupation of our country are too numerous to mention, but the United States of America already knows that. We shall not respond to your fraudulent Draft EIS. It filled with false information. In accordance with international laws of occupation, it is unlawful. In accordance with the Hawaiian Kingdom's neutral nation status, it is unlawful. It violates treaties between the United States of America and the Hawaiian Kingdom. But again, the United States of America already knows that.                                                                                                                                                                                                          | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                  |
| Ohana / Isaac Harp | Ohana        | On January 16, 1893, United States diplomatic and military personnel conspired with a small group of individuals to overthrow the constitutional government of the Hawaiian Kingdom and prepared to provide for annexation of the Hawaiian Islands to the United States of America, under a treaty of annexation submitted to the United States Senate, on February 15, 1893. Newly elected U.S. President Grover Cleveland, having received notice that the cause of the so-called revolution derived from illegal intervention by U.S. diplomatic and military personnel, withdrew the treaty of annexation and appointed James H. Blount, as Special Commissioner, to investigate the terms of the so-called revolution and to report his findings. The report concluded that the United States legation assigned to the Hawaiian Kingdom, together with United States Marines and Naval personnel, were directly responsible for the illegal overthrow of the Hawaiian Kingdom government.                                                                                                                                                                                                                                                                                                           | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                  |
| Ohana / Isaac Harp | Ohana        | The report details the culpability of the United States government in violating international laws and the sovereignty of the Hawaiian Kingdom, but the United States Government fails to follow through in its commitment to assist in reinstating the constitutional government of the Hawaiian Kingdom. Although the United States of America recognized it's wrongdoing then and ignores it now, the United States of America continues on a most dishonorable and deceitful path in the Hawaiian Kingdom and in fact across the world that we share. We oppose any and all violations of international laws of occupation by the United States against the Hawaiian Kingdom, a peaceful and neutral country. We oppose the continued violence inflicted by the United States upon the lands, sea, and air of the Hawaiian Kingdom. We oppose the continued psychological trauma inflicted by the United States upon the citizens and non-citizen patriots of the Hawaiian Kingdom. We oppose the United States' continued violations of our human rights and continued violations of treaties entered into by our respective countries. The United States professes to be an honorable country but to actually be honorable requires actual honorable actions by the United States and it's agents. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                  |
| Kane Ohe           |              | Please continue to conduct the training and defense of our freedoms! I am native Hawaiian activist and do not want to endanger myself or do any protections against china or russia, so want you all to do it for me. Do not pay attention to my other native who complain because they are discrimination against their own fear to do anything for the protections! Please keep up the good works and protecting us, thank you.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                  |
| Gina Ok            |              | Military training is unnecessary, especially in Pōhakuloa. The people of Hawaii has suffered time and time again due to the US military. Funds going towards such military activity can be better used to assist Hawaiian people, especially with people with economic struggles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                  |
| Liam               |              | My name is Liam O'Malley. I'd like to, it's a poem. I didn't vote for the state of affairs. My emotional state come in prostate fear in my fears. In all reality I'm under prepared. Because I'm ready for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your comments. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see the revised Sections 3.2 and 3.4 (Biological and Cultural |

## Responses to Draft EIS Comments

| Commenter     | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                   |
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| O'Malley      |              | state come in prostate tear in my tears. In all reality, I'm under prepared. Because I'm ready for war but not sure if I'm ready to care, and that's why I'm under prepared, because I'm ready to fight                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | has the utmost respect for Native Hawaiians. Please see the revised sections 3.2 and 3.4 (Biological and Cultural Resources) of the EIS and Appendix I for the Cultural Impact Assessment. |
| Liam O'Malley |              | War is a game of tic tac toe. Nobody wins. And development for the sake of development is the ideology of a cancer cell. You want more and more and more and more. When is it ever going to stop? How about you guys build some water catchment tanks and start catching water? How about you guys start feeding people? I have nothing against you brothers. I take issue with the cowards who start wars and make you fight them. My Godfather was a green beret in Vietnam. He died when I was five years old because of Agent Orange poisoning. My uncle was a Sergeant first calvary in the U.S. Army. I'm going to tell you something straight up. I grow Psilocybin mushrooms for Veterans of PTSD. It's not your fault, brothers. I love you guys. It's time to end war. Pau already. | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                             |
| Liam O'Malley |              | E Hawai'i e ku'u one hanau e. I forget the rest. But you know what I'm trying to say. This is not the U.S.A. There was never a treatise that was issue. Hundred years later all we got was a built-in apology for stealing our nation. You have 133,000 acres of stolen land, plus everything else. I'm from Kaneohe. I hear the whatever it is, the loudest *** thing at 12:00 at night. Have to move over here just so I can get a good night's sleep. We'll help you pack your bags. I mean, come on, you guys. Do the right thing.                                                                                                                                                                                                                                                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                             |
| Alexis Orrick |              | To retain this land is to infringe on the rights of the Hawaiian people and gross misconduct on behalf of a military that is supposed to protect the sacred ideals of democracy and human rights. The military has no place acquiring this land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                             |
| Mialisa Otis  |              | I oppose land retention by the Army at Pōhakuloa. I understand the need for military training areas, but not in Hawai'i. There is so much land available on the continent that the army can obtain. I hope our state keeps the land in our possession. I see this as a land swap, and we need more land back. Mahalo, Mialisa                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                             |
| Carol Pacheco |              | I think the land and water around that area should be tested for contaminants<br><br>and if there are, they should not be allowed to renew their contract. If there are none then I think we should let them continue but not allow them to buy any more land. I understand that they contribute to the economy but at what cost. do we want a situation like they now have on Oahu with the water issues? Or do we want to end up like Kahoolawe? Hawaii Island and its people need to be thought of first.                                                                                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                             |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                                                                                                             |
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| Avalon Paradea |              | <p>Okay. All good? Aloha. My name is Avalon Paradea. AVALON, P-A-R-A-D-E-A. I'm here to oppose the continued renewal of the 23,000 acres of land. I had the privilege of working at Pohakuloa Training Area for three and a half years up until last June. It was a very challenging job on a lot of different levels. I was working for the Research Corporation of the University of Hawaii for the Cultural Resources Program. The amount of work that we did up there was a lot, but it was all mostly just for you folks to check boxes. Much of the land that I worked on personally was within the state lease area, especially training areas 18 and 22. I experienced, there was a 1000 acre fire that occurred in 2018 within endangered plant habitat, and that was because of an accidental flare being dropped out of a helicopter during the middle of summer, in the middle of the night. It took a long time for the fire to be put out effectively. It burned a lot of native plants. It caused who knows what kind of damage to ecological resources in the area. Unfortunately, that particular area had not been archeologically surveyed. We only went in there as a response to the fire, and that is a huge problem. And that is often, in my experience, what happens at Pohakuloa Training Area. Things are not assessed until all of the sudden they might have been damaged. Nobody is going in and checking these areas in advance. This is not a shortcoming of the Research Corporation of the University of Hawaii. This is a shortcoming of the military. RCUH doesn't even have the contract anymore. All of my co-workers, about two months after I left effectively got fired. The contract was changed over to Colorado Environmental Management of Military Land, which just suggests to me that the military does not take their relationship seriously with our community. Instead, they hire out to lower bidders, often bringing in people from outside of Hawaii to do work that is very culturally sensitive. I'm not kanaka maoli. I'm not Hawaiian. I am a white person. I was raised in Waikoloa Village, but I take the culture here very seriously. I care a lot about the people that live here.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                |
| Avalon Paradea |              | <p>I know for a fact that there are iwi kupuna within the state leased lands - - it's wild saying that and knowing I don't have to worry about getting fired, but that is the truth. And I strongly support aunty who brought that up. These are people that need to be given respect and be able to sleep easy in their rest. Our environmental resources go, I am an avid lover of plants. I am just devastated to see how much damage has been done in this area because of training over time. The plant communities up there are suffering. I give a lot of credit to the Natural Resources Program. Those people are true hammers. Like they go in there and they do some heavy, heavy work. But an accidental fire can obliterate all of that overnight. These things can't just keep happening. This is not just human error. This is big human error. This is big military error. I don't know if I can keep going. I do have a little bit more to say. Living in Waikoloa Village, also, I think a lot about human health. My mother is dealing with severe bronchial issues with no known reason. We have been breathing in this air my whole life. I would like to think that I'm breathing in fresh, clean air. But now that I have worked in this area I literally see the dust from Pohakuloa, not anywhere else, but from Pohakuloa flying down into Waikoloa Village. A lot of the dust we get at our house is from this region, and it should be safe, but I worry about lead, in particular, which not enough people are talking about, and we know that lead is in the cartridges that litter the landscape. There is too much trash. All of this just needs to stop, and the damage needs to be cleaned up before it goes back to the state. Mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Archaeological and cultural resources known from the State-owned land at PTA, and the Army's management program for these resources, are described in Section 3.4 of the EIS.</p> |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                             |
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| Avalon Paradea |              | <p>I am writing in opposition of the Army's proposed retention of 23,000 acres of State-owned land. I am in favor of the No Action Alternative, under which the Army retains no percentage of these 23,000 acres once the lease ends in 2029. I was raised in Waikōloa Village, where I continue to reside with my mother, brother, and partner. Between 2017 and 2021, I worked as a cultural resource technician (eventually moving up to a specialist position) under the Research Corporation of the University of Hawai'i (RCUH) at PTA. During the three and a half years I worked within this 'āina, I learned a great deal – both about the rich cultural legacy that Kānaka 'ōiwi (Native Hawaiians) share with this region, and the mistreatment of this land at the hands of the Army. It was an emotionally taxing job for many reasons, and I chose to leave in the summer of 2021 to pursue my master's degree in the TCBES program at UH Hilo. Within the draft EIS, the Army identifies 15 environmental areas that could be impacted by the Proposed Action. Herein, I provide detailed thoughts on nine of these areas which I feel best qualified to speak on.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                |
| Avalon Paradea |              | <p><b>Biological Resources</b><br/>           Within the 23,000 acres of State-owned land reside numerous endemic and indigenous plants and animals, including endangered species. In my opinion, staff in the natural resources office (NRO) do a fantastic job working to protect native species as best they can. However, their dedication is quickly rendered meaningless in the face of severe accidents caused by military negligence. In the summer of 2018, a fire was started by Army personnel during a routine helicopter exercise. This fire consumed over 1,000 acres of land, primarily within Training Areas 18 and 22 (TA 18 and TA 22). Both TAs contain fenced units for the purposes of protecting endangered plant species. From what I understand, no endangered plants were known to have been harmed during the fire; however, many native species were destroyed. Over the course of several months shortly after the fire, my team and I were tasked with conducting archaeological surveys within these fenced units. The aftermath was shocking... thousands of dead 'ohi'a (<i>Metrosideros polymorpha</i>), naio (<i>Myoporum sandwicense</i>), māmane (<i>Sophora chrysophylla</i>), 'a'ali'i (<i>Dodonaea viscosa</i>), and other plants as far as the eye could see. The death of these native species allowed invasive fountain grass to colonize the area expansively. The loss of cover resulted in increased dust storms which negatively impacted those of us living downwind in Waikōloa Village, myself included.</p> <p>Additionally, I personally observed endemic pueo (<i>Asio flammeus sandwichensis</i>) within TA 18. These ground nesting owls are highly susceptible to the negative effects of fires and other such devastating environmental tragedies. This was not the only fire caused by military training that occurred during my years working at PTA, and I am aware of numerous other fires that have occurred before and since my employment there. Unfortunately, the Army is not required to publicly share data regarding fires that occur on Army land. I find this highly problematic. I strongly advise sharing this information with the public for the sake of transparency, allowing community members to create an informed opinion regarding the Army's broad swath of interactions within the Pōhakuloa region. It is important to note here that the State-owned lands include Palila Critical Habitat. Palila (<i>Loxioides bailleui</i>) are a critically endangered Hawaiian honeycreeper. These birds are highly reliant on māmane trees for their sustenance and habitat; the disappearance of māmane in the aforementioned fire is no minor thing. Another species of interest is the 'ua'u (<i>Pterodroma sandwichensis</i>). These birds once relied greatly on the Pōhakuloa region for habitat and nesting, as well documented by historic accounts and archaeological evidence. The draft EIS states that "no colonies or nesting have been confirmed on PTA," which I assume refers to active nests. This begs the question: why? Why might 'ua'u no longer find this landscape hospitable? It is probable that Army activity is a primary factor in the disappearance of these birds from this region.</p> | <p>Thank you for sharing your concerns. The biological resources Section 3.3.4.2 has been updated to include impacts from recent wildland fires.</p> |

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| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Avalon Paradea |              | <p>The Game Management Program has done little to mitigate the negative effects of invasive ungulates within the landscape. While fencing does provide significant protection to native plants, there remain thousands of ungulates that roam the land outside these enclosures, causing damage to native species. If the Army is serious about aiding native species, they need to do a great deal more when it comes to culling sheep and goats on a large scale. While the Army may claim to provide resources that benefit biological organisms within the Pōhakuloa region, such claims mean nothing when the Army itself poses the greatest immediate threat to lifeforms in this area. The Army makes grand statements of applying lessons learned from recent mistakes, but the harsh reality is that ammunitions in such a dry landscape will invariably result in accidental fires, regardless of mitigation methods. I take issue with the Army's assertion that Full Retention of Stateowned lands will be more beneficial to native species than the No Action Alternative. This claim flies in the face of hard evidence to the contrary. Pōhakuloa was once a landscape teeming with life, much of which has been significantly reduced due to Army activity.</p>                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land. Section 3.3.4.2 has been updated and discusses ungulate management strategies which include exclusion fence units and control; Figure 3.5 shows the locations of the fence units. Section 3.2.4 discusses recreational hunting that is used as one of the strategies to control ungulates.</p>                                                                                                                                           |
| Avalon Paradea |              | <p><b>Cultural Resources</b><br/> It is important to note that the entirety of the Pōhakuloa region is a culturally significant entity. This landscape holds importance as a region long utilized by Kānaka ʻŌiwi for the acquisition of natural resources, for ceremonial conduct, and for safe passage between various moku (districts) and ahupuaʻa (land divisions within moku), among other activities. Were it not for Army occupation, this region would still be enjoyed as a safe locale to conduct cultural practices. I am aware of hundreds of archaeological sites that exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities. Under Section 106 of the National Register of Historic Places (NRHP), all federally owned or managed lands require thorough archaeological assessments. Despite this requirement, prior to the 2018 fire, no proper archaeological surveys had been conducted within TA 18 and 22. It was not until after the fire had decimated these areas that my crew was asked to conduct a baseline survey. I should not need to spell out how utterly backwards this was. Ultimately, our efforts resulted in the discovery of several interesting sites. One of these sites contained historic bottles that, sadly, had broken and burned due to the heat of the fire. The fire also ruined any chances at properly identifying fireplaces or hearths, generally identified through the presence of charcoal. Even if historic charcoal were identified, the 2018 fire would render any possibility of radiocarbon dating such sites unlikely.</p> | <p>Section 3.4.2.1, ("Evaluation of Traditional and Cultural Properties Under NHPA") clarifies that this EIS complies with the requirements of NEPA and HEPA and does not address compliance requirements under NHPA or HRS Chapter 6E. NEPA has no requirement or procedure for conducting studies or assessments of historic properties significant for religious and cultural reasons. A Cultural Impact Assessment (Appendix I) has been prepared in support of the HEPA requirement to identify effects of the Proposed Action on cultural practices.</p> |
| Avalon Paradea |              | <p>In the draft EIS, it is stated that 11,920 acres of State-owned land have yet to undergo proper archaeological investigation. There is a vague statement that "portions of unsurveyed State-owned land comprise remote and inaccessible areas" and that these places "may have low potential for extant cultural resources." This reads as flippant. There should be no assumptions made on the Army's end regarding the likelihood of cultural resources in any given area. I spent an overwhelming amount of time working in the office during my time at PTA. Why was my team not investigating these unsurveyed lands? It often felt as though our team was not provided proper direction or adequate communication by the Army archaeologist, whom we took direction from.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>EIS Section 3.4.4.3 has been revised to describe why certain areas have not been surveyed. Figures have been refined to show where surveys have been completed, and the general locations and types of sites within State-owned lands.</p>                                                                                                                                                                                                                                                                                                                  |

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| Avalon Paradea |              | <p>The draft EIS states that under Full Retention, impacts to archaeological sites would be "less than significant." This wording is incredibly vague and means basically nothing without substantial clarification. If an iwi kūpuna (ancestral burial) is burned in a fire, but it is the only archaeological site affected in such a scenario, is that considered "less than significant"? Who determines what extent of damage is or is not significant in such a circumstance? What are the criteria? How are Kānaka within the community involved in such determinations, if at all? Under Full Retention, the ability for Kānaka 'ōiwi to perform Traditional and Customary Practices is deemed "significant but mitigable." Again, this wording is not straightforward. What does "mitigable" mean, if traditional practices are significantly hindered? Under the No Action Alternative, it is noted that cultural practices would benefit from the absence of Army involvement. Here, I must wholeheartedly agree. The removal of the Army from these lands would be of benefit to Kānaka 'ōiwi who wish to build pīlina (relationships) with Pōhakuloa. Cultural connections to the land are beneficial to people and to the continued health and prosperity of the land, itself.</p>                                                     | <p>Section 3.4.4.4 of the EIS and Sections 5.0 and 6.0 of the CIA have been revised to reflect additional information provided by interviewees who responded to a second request for input in December, 2022, following the height of the COVID-19 pandemic.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Avalon Paradea |              | <p>Hazardous and Toxic Materials and Wastes Rather than focusing on this section as a stand-alone topic, I apply my concerns regarding elements of this section to other associated sections below. Air Quality and Greenhouse Gases In the previous section titled Hazardous and Toxic Materials and Wastes, numerous pollutants and their concerns are outlined. I lump many of these concerns with Air Quality due to my experience living in Waikōloa Village, which is located downwind from PTA. Under this section, it is stated that the trade winds "result in relatively good air quality." Unfortunately, this is not the case for Waikōloa. These trade winds bring copious amounts of dust and debris straight from Pōhakuloa – this is not an overstatement. Years of driving back and forth between PTA and Waikōloa allowed me to observe that much, if not most, of the dirt that covers our town stems directly from PTA. Our prolonged drought and the fact that this landscape has been largely reduced to barren fields of exposed soil exacerbate this issue. The draft EIS openly admits that "long-term beneficial impacts on air quality would result from the No Action Alternative." I would love to see our skies finally clear and to not feel concerned that I may be breathing in harmful chemicals such as lead.</p> | <p>Section 3.6.4 discusses PTA's fugitive dust monitoring results.</p> <p>Sections 3.6.4 and 3.6.6 revised to state PTA manages and would continue to manage fugitive dust via 1) erosion control and stabilization techniques (revegetation, erosion control structures, site hardening, dust palliatives) under the Land Rehabilitation and Maintenance component of the Integrated Training Management Program (USAG-HI &amp; USARPAC, 2013), 2) adherence to Unified Facilities Criteria 3-250-09FA, Aggregate Surfaced Roads and Airfields Areas, which has dust control requirements for aggregate surfaced roads and airstrips of airfields at Army installations, and 3) best management practices such as maintenance of roads and training trails, maintenance of vegetative cover, periodic application of water to control dust, and modifying training during high risk conditions. Integrated Training Management Program Land Rehabilitation and Maintenance project best management practices are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022).</p> |
| Avalon Paradea |              | <p>Noise Those of us in Waikōloa Village regularly hear training activity throughout the day. I am aware of many people in Waimea having the same experience. It is a disturbing noise, even so far away. I have also experienced the upsetting noises of military helicopters flying low over Waikōloa Village, including late at night. If we are frightened by these sounds, I can only imagine how distressing these noises must be to the native birds that call Pōhakuloa home. Pueo, nēnē, 'amakihi, and other species are almost certainly bothered by these noises, which are excruciating at close range. I wonder if such sounds are one reason why 'ua'u no longer nest in Pōhakuloa? I find it ridiculous that the draft EIS states that under Full Retention, there is a "less than significant" level of impact regarding noise. I cannot fathom how this determination was made.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Avalon Paradea |              | <p>Geology, Topography and Soils Vegetation has been significantly reduced in the Pōhakuloa region due to military activity. Continued training is devastating to our soil health. Erosion is a major concern in our island environment, and as mentioned above, such erosion has contributed to poor air quality in Waikōloa. No EIS is being performed within the Impact Area, which undoubtedly contains the most degraded soils throughout PTA. Considering the ammunitions fired into the Impact Area are deployed from State-owned lands, it seems pertinent to include the Impact Area within the current EIS. The draft EIS claims that Full Retention will result in "less than significant" impacts; I disagree. Continued training, resulting in the continued addition of ammunitions and associated metals and chemicals to our landscape, and continued physical impacts resulting in erosion, are hardly insignificant.</p>                                                                                                                                                | <p>Ongoing impacts of training to geology and soils in the region of influence defined in the EIS is analyzed in Section 3.8. We respectfully acknowledge your disagreement with the EIS findings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Avalon Paradea |              | <p>Water Resources The Pōhakuloa region is a vital watershed. As stated in the draft EIS, "the uniqueness [of this groundwater] is 'irreplaceable'; and the vulnerability to contamination is classified as 'High.'" Given the potential pollutants listed in the Hazardous and Toxic Materials and Wastes section of the draft EIS, I am concerned that these and other pollutants could infiltrate the aquifer. While the groundwater at Pōhakuloa is not directly consumed, all water within our porous, volcanic island is interconnected, eventually reaching water sources that are consumed as well as flowing out to the sea. Lead is a particular concern, as no amount of lead is safe for biological consumption.</p>                                                                                                                                                                                                                                                                                                                                                          | <p>Section 3.9.4.6 has been added to the EIS and documents the existing management measures utilized by the Army to protect water resources. The State Department of Health (DOH) Safe Drinking Water Branch (SDWB) monitors groundwater quality of aquifers as described in EIS Section 3.9. SDWB has released groundwater contamination maps for Hawai'i Island that show most contamination is along the eastern coast of the island. You can learn more directly from the source cited in this section, the DOH SDWB Environmental Health Portal at <a href="https://eha-cloud.doh.hawaii.gov/sdwb/#!/home">https://eha-cloud.doh.hawaii.gov/sdwb/#!/home</a>.</p>                                                                                                                                                                                                                          |
| Avalon Paradea |              | <p>As stated in the Hazardous and Toxic Materials and Wastes section, "Lead is the primary COC from small caliber munitions." The draft EIS further states that the use of military munitions pose a potential threat to soil and groundwater quality. The draft EIS mentions that soldiers are required to collect spent casings, but in my years working on the landscape, I encountered tens of thousands of bullet casings and similar ammunition debris. Sometimes these were scattered, solitary fragments or cartridges; often, these were sizeable piles of rubbish. Dates for bullet cartridges ranged from the 1940s to recent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) regarding cleaning ranges after training.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |
| Avalon Paradea |              | <p>The Army has done a terrible job of removing this trash which continue to threaten our soil and water resources. Additionally, surface water occurs in the form of intermittent flows through several streambeds. As mentioned in the draft EIS, one of these beds is Popo'o Gulch, which feeds into 'Auwaiakeakua Gulch. The latter of these runs downslope to Waikōloa Village. During severe rain events, I have personally witnessed substantial water movement through the gulch and connected tributaries, as well as flooding in the lower portions of Waikōloa. Such runoff has the potential to carry military debris and related pollutants straight into our community. Have there been any scientific studies on such rain events to assess the safety of this runoff? What about long-term effects of these pollutants gradually entering our drinking water? Once again, I disagree with the determination that Full Retention will result in "less than significant" effects to our water resources. There is not enough scientific evidence to back up this claim.</p> | <p>Water resources and applicable studies are discussed in Section 3.9, and includes findings of a 2010 drainage report that concluded stormwater that enters or is generated within the developed portions of PTA does not exit the installation due to the very high percolation rates of lava flow and cinder at the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Response                                                                                                                                                                                                                                                                                                                               |
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| Avalon Paradea |              | <p>Socioeconomics The military is often touted as being a necessary employer within the islands. If we choose to look at this solely from a numbers perspective, the Army employs only ~1% of the population on Hawai'i Island (1,962 employees out of a population of 199,459). Under the No Action Alternative, the draft EIS states that socioeconomics would be negatively affected were the Army to cease managing the State-owned lands. Ultimately, this claim is contentious. Undoubtedly, many people would face the prospect of losing their jobs; but what the draft EIS ignores is the potential for new employment opportunities through the State or other entities. I am personally of the opinion that arguments in favor of Army occupation for the sake of our economy are detrimentally unimaginative. Our community deserves to grow beyond the means of relying on the Army for employment. This will take effort, but it will be well worth it if it means healthier soil, air, and water for ourselves and for future generations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your comments. Please see Section 3.10 of the EIS regarding socioeconomics.</p>                                                                                                                                                                                                                                       |
| Avalon Paradea |              | <p>Furthermore, it is important to note that for the Army, employment is merely a numbers game. Two months after I left my position with PTA CRM, the Army chose not to renew their contract with RCUH. With only two weeks' notice, all of my previous coworkers and supervisors lost their jobs. It took several months for the Army to effectively onboard the new contracting organization (the Colorado Environmental Management of Military Lands, or CEMML), which is illegal to not have had a functioning CRM team for any amount of time. From what I understand, the Army and CEMML eventually offered several of my previous teammates their positions back, but the majority declined. I cannot blame them. It is inhumane to cast people aside with almost no advance notice and expect that they will be grateful to have their jobs reoffered several months later. The decision to begin a new CRM contract with CEMML also means that RCUH – which is a local entity, unlike CEMML – lost money. Hiring outside contractors in no way benefits our local socioeconomics. Through this action, the Army at Pōhakuloa showed their true colors; they have no interest in building positive, lasting, meaningful relationships with the community of Hawai'i.</p>                                                                                                                                                                                                                                                                                                                                          | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                  |
| Avalon Paradea |              | <p>Human Health and Safety Once again, I shall refer back to the Hazardous and Toxic Materials and Wastes section. The contaminants that plague the landscape at Pōhakuloa are a huge concern for human health, both for employees at PTA and for the general public. Since 2011, my mother has experienced severe neurological issues of unknown origin, manifesting as extreme pain throughout her body. Since 2019, she has suffered a severe, persistent cough that has worsened over time. She takes impeccable care of her body, but she has lived downwind from PTA for over 25 years; I cannot help but wonder if breathing contaminants may be a factor in either, or both, of her health problems? I also worked alongside many people who experienced mysterious, undiagnosed, and sometimes debilitating health concerns during or shortly after their time at PTA. I myself have experienced sudden and incapacitating health problems of no known origin, both during my employment at PTA and several months after leaving my position. I realize that health is a complicated topic, but my concern that our community may be suffering ill effects caused by military activity should be taken seriously. In the draft EIS, Full Retention of the State-owned lands is deemed as resulting in "less than significant" adverse effects for human health and safety. Considering the pollutants that litter the landscape and the threat of wildfires, I must disagree with this determination. There is no clear evidence suggesting that Army activity is having no negative impact on human health.</p> | <p>Impact analysis in Section 3.5, Hazardous Materials and Wastes considers public exposure to military-related hazardous materials. Impacts analysis in Section 3.16, Human Health and Safety considers safety risks and hazards. Additional rationale for impacts determinations has been provided in Sections 3.5.6 and 3.16.6.</p> |

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| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Avalon Paradea |              | <p>Concluding Thoughts Within the current draft EIS, each section ends with a summary account for each of the three Alternative Actions and the No Action Alternative. I find it strange that for nearly every section, the Full Retention summary contains a subsection that reads: "Potential Mitigation Measures: None recommended." Most of these topics detail environmental concerns that ought to be addressed with mitigation measures. Why do most of these have no such recommended measures? What is the point of including this subsection if no mitigations are outlined, especially in cases where the preceding Summary of Impacts admits to such things as "continued long-term, minor, adverse impacts" (as seen in the Biological Resources section)? This is confusing to me. ??</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The EIS has been revised to clarify and distinguish ongoing impacts and management measures (due to continuation of ongoing activities) and potential new impacts and mitigation measures (due to administrative action of continuing or ending ongoing activities and implementing connected actions).</p> <p>Ongoing management measures (or mitigation measures previously committed to and/or required by Record of Decision, Finding of No Significant Impact, or Biological Opinion) added to EIS appendix, discussed in Existing Conditions, and referenced in "Potential Mitigation Measures" summary as "existing management measures."</p> |
| Avalon Paradea |              | <p>Going forward, the Army ought to take the following suggestions into consideration: • Make fire data accessible to researchers and the public. • Allow independent scientists to investigate potential causes of concern such as pollutants, water quality, and soil health. • Thoroughly remove existing debris within all retained land, including the State-leased land, regardless of age or origin. • Allow Kānaka ʻōiwi full access to this ancestral landscape, once debris and UXOs have been safely removed. Regardless of whether these recommendations are properly implemented, I strongly believe that the Army is ill suited to retain any degree of control over the State-owned lands once the lease expires in 2029. I look forward to seeing these lands return to the State at the end of this decade, with the hope for better management in the future. E ola Pōhakuoloa, may this phenomenal ʻāina experience improved health and continued growth in the years to come.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Wildland fires are discussed in Sections 3.3.4.4 and 3.16.4 of the EIS. Water quality, soils, and pollutants are discussed in Sections 3.9.4, 3.8.4, and 3.5.4.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p>                                                                                                            |
| Travis Paradea |              | <p>just like her. I'm just a haole guy from Kona. But that being said, I could wax up here for a little while. Aloha. You know, we talk about the value of Hawaii to the U.S. military and U.S. national security, I don't think we should be having any conversation about what Hawaii has to sacrifice for that, as opposed to what Hawaii has already given. Right? So these lands up here are cultural lands of the ancestors of veterans of the U.S. Hawaiians have fought in the war of 1812, both for and against the U.S. They fought on both sides of the U.S. Civil War. I think they fought in pretty much every major American conflict since that. So this is not just like that place between Hilo and Kona. And that's kind of issue. Once upon a time Kaho'olawe was that island between Hawaii Island and Maui. But as people learned more about it, they got out there, they found out what was on that island they changed it. Right now we understand. Right now, I would imagine the vast majority of people at Hawaii Island have no idea what's up there in any part of Pohakuoloa. Not just the parts that's up for release or not, but the whole place. So it's kind of hard for us to understand its importance without that information coming out. So to get to the point, which is the environmental impact statement. Statements like this one here on water resources. Continued adverse impacts on water resources for ongoing activities, impact would be less than significant. That is what you call obfuscation, I think, in general, right? There is very little specifics on what's up there, because when you become specific on what's up there, people will not want to see it go back to being a target for target practice. Especially for water resources.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## Responses to Draft EIS Comments

| Commenter        | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                              |
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| Travis Paradea   |              | <p>You know, I mean, I'm surprised it hasn't been brought up yet, but I understand the Army conducted a water resource survey up there that made them realize the water table is much higher than it is. That the water table supports more than we thought. That is a relatively recent survey. I'm sorry I don't have the time on that or when that happened. I thought it was funny going through previous understandings about Pohakuloa Training Area and releasing these lands, and we hear a lot about the uranium but nothing about all of the land, which I feel like is a topic worthwhile discussing, as well. But, yeah, I support giving no land back over after this lease. I have a hard time believing that that 23,000 acres will somehow prevent maneuvers on what is still the 110,00 acres of exercise land. Mahalo.</p>                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Dustin Paradis   |              | <p>The U.S. military has abused the natural environment on every island in the Hawaiian archipelago ; one of the most disgusting being the desecration and destruction of Kaho'olawe and one of the more recent being the Red hill fuel tanks on Oahu.<br/>                     They US military cannot be trusted to respectfully use and remain in good standing with the terms in their lease agreement.<br/>                     I support the lease agreement to lapse, be nullified, and to no longer allow military exercise nor access in this area.</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Eric Paul        |              | <p>I am submitting a comment in opposition to the lease renewal for the Pohakuloa Training area. I believe this area should be converted back to use for the Hawaiian people, and cleared of military presence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Stephen Paulmier |              | <p>Aloha. Environmental impact statement. Draft environmental impact statement. The word that comes to me is disingenuous. I have a lease. I'm a renter. I live in Kea'au. My landlord expects certain things from me. When I leave his place, he's a much older man than myself, so I will have to leave some day when he passes. If I were to leave my apartment the way you are leaving Pohakuloa, his family would be hard pressed. I don't know if any of you have ever rented anything for yourself, but you are asking the people of this land to extend a lease that in your environmental impact statement you haven't owned up to what you've done there. There is no plan for cleaning it up. There has been no effort to guarantee a cleanup.</p>                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Stephen Paulmier |              | <p>When I attended the Nuclear Regulatory Commission hearings about the DU, I made the analogy between a drunk asking a judge to give him his driver's license on the condition that he would be allowed to keep drinking while driving. And that's basically what you asked us. You said -- you didn't say you lied, although you did, about the DU. But you said let us have it anyway. Shame. Shame. And now you expect us to accept an impact statement that doesn't include any honesty at all. No admission of what you have done. No humility at all. And yet we're supposed to consider this something legit? It's disingenuous. Aloha. It has something to do with respect and respect for yourself. To respect yourself you must be honest, and honesty requires humility, courage. Please, I ask you and I'm telling you these people, this aina, which includes the people, will not extend the lease. You've already done too much. Aloha.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

## Responses to Draft EIS Comments

| Commenter        | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Response                                                                                       |
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| Stephen Paulmier |              | <p>The 133,000-acre Military Toxic Area (PTA) is located in the center of Hawai'i Island at an elevation of 6500 feet. It's an area that has been bombed and abused by all branches of the US military for more than 70 years. Millions of live-rounds are fired annually at PTA. A wide range of toxins, including Depleted Uranium (DU) radiation, have been spread throughout the land. All of us on Hawai'i Island, residents and visitors alike, people, plants and animals, are downhill and downwind from PTA.</p> <p>Of the 133,000-acres at PTA, the military wants to renew a State lease of 23,000 acres. The bulk of the land at PTA, more than 84,000-acres were simply seized by a presidential executive order. The conditions of any lease are predicated on the treatment of the property leased and the condition that property is returned to at the end of the lease. The present lessee has taken no action or made no plan to even access the damage done as a result of its use and abuse of the land. It's EIS is, itself an indictment of the lack of responsible stewardship on the part of the lessee.</p> <p>I say NO to any lease renewal. I say yes to require a comprehensive independent assessment of the toxic military mess at PTA, guaranteed federal funds to do a thorough clean up, and the shut down and return of the entire 133,000-acres to the Hawaiian people. The behavior of this lessee shames us all! The most severe sanction would not do justice to the pattern of abuse that is evidenced here. Bombing the aina is the ultimate desecration.</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Tom Penny        |              | <p>Hi, it's Tom Penny. T-O-M, P-E-N-N-Y. Thank you for all of your fine speeches. Very moving. I had a friend who worked at the Pohakuloa Training Station as a civilian making pizzas for the people who were stationed up there. So he asked me one day, he said, "Tom, have you ever heard of the million dollar minute?" And I was like, "The what?" He said, "It's called the million dollar minute." And I said, "No. What are you talking about?" And he said that at the year's end, calendar year, fiscal year, whatever it is, if there is leftover ordnance, just strictly for the purpose of making sure the budget was there the next year, they blew it all up in one day. A million dollars worth of ordnance, all used in a day -- or should I say, in a minute, which is why it's called the million dollar minute. And by extension, I just went into, oh, my God. Our tax dollars at work. You know, you are going to blow up a million dollars of ordnance in one minute just so your budget will match the one that you had, the one before, or even get raised to a higher level. I was stunned, and I thought, hum, yeah, roads, hospitals, public transportation, anything but that. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |
| Tom Penny        |              | <p>My name is Tom Penny. P-E-N-N-Y. First name Tom, T-O-M. I would like to go on record as opposing a renewal of the lease for the state land up in Pohakuloa. I think, you know, with due respect to the military, the continued bombing of land just never has set well with me. I have been a member of the community here for 42 years. Prior to that I was on O'ahu, and I remember distinctly the occupation by hawaiians of Kaho'olawe. I think that stands as an example of people standing up and saying, enough is enough, really. I mean, how often can you drop bombs on land without it having a deleterious effect on people's health, the welfare of our community, and the continued peace and safety of our community. So I do have a proposal for -- well, let me comment first on the EIS. EIS, it is so well worded to help the military get across the idea that they are doing a great thing up there, and I don't believe it. I just, every time I read the praises and how it's put, I'm just like, oh, this is articulation all geared to making it seem like the greatest thing in the world. Well, it's not. Bombing land is never good. So I have a suggestion. I would like to see the release -- the lease not renewed, and I would like you to take the next seven years to clean the mess up that you have made. That's all I have. Thank you,</p>                                                                                                                                                                                                                     | Thank you for your correspondence. Your comment has been noted. Please see General Response 1. |

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| Crystal Pitts   |              | Enough is enough! The military has hurt Hawaiian lands and its people too much already. We all want you to stop now. The military obviously is not here to protect the people but to take and poison them. What's worse having someone else do it or our own Military in which we are supposed to rely on. Too many Native Hawaiians are already being pushed out and getting their land sold & bought out by foreigners. The military need to start correcting all the wrongs they have done here in Hawaii NOT desecrating even more. This is disgusting. SHAME ON THE MILITARY                        | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| Tara Plachowski |              | As a resident of Hawai'i and Kamuela I experience the impact of the military at Pohokuloa first hand. This is a sacred space that should not be occupied by military. The occupation has had significant impact on native bird species. The area should be maintained as a bird and wildlife sanctuary and stewarded by kanaka dedicated to preserving the aina and our native species.                                                                                                                                                                                                                  | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| Sherry Pollack  |              | I urge you to stop bombing Pohakuloa and end the State lease. Pohakuloa has been actively bombed and used for artillery practice for over 6 decades and as a result become a military toxic waste dump. Enough is enough. The cumulative impacts to the air, ground, and water of all the toxins used at PTA need to be addressed and cleaned up. End the lease. Stop the contamination now.                                                                                                                                                                                                             | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| Ethan Porter    |              | This EIS is not acceptable to the regular population of the state of Hawaii or the island of Hawaii at large. Please stop using live fire in our home.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| John Powell     |              | Aloha, I fully support the military extending there lease for training. The military needs the training area to be able to defend our nation. Because if the size and different terrain our troops can be fully prepared. The military has helped many people by being here. There fire department and medical personnel have helped many in the area. Also they aided in fighting fires with personnel and equipment including helicopters. The good they have done along with the financial aspect far exceeds the negatives. Please renew there long term lease. Mahalo<br>John Powell<br>Kailua-Kona | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| John Powell     |              | Aloha,<br>I fully support the military extending there lease for training. The military needs the training area to be able to defend our nation. Because if the size and different terrain our troops can be fully prepared. The military has helped many people by being here. There fire department and medical personnel have helped many in the area. Also they aided in fighting fires with personnel and equipment including helicopters. The good they have done along with the financial aspect far exceeds the negatives. Please renew there long term lease.<br>Mahalo John Powell Kailua-Kona | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                     |
| Michael Reimer  |              | What is obviously missing is a superior and comprehensive alternative. It is one that could meet all criteria required for military training and would incorporate the best of several listed alternatives. Most essential elements are available and mentioned in various other alternatives but the draft EIS fails to combine them into a reasonable working alternative. This avoidance then tends to force acceptance toward the preconceived preferred alternative by intentionally providing flawed alternatives. ?                                                                               | The EIS analyzes a range of reasonable alternatives. The preferred alternative (see Section 2.4) or the alternative selected for implementation in the Record of Decision could include a combination of Alternatives 1, 2, and 3. |

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| Michael Reimer |              | <p>The major reason giving concern for significant negative impact is that the EIS states the Army would no longer have access to the impact areas and training ranges south of the State-owned land. That, it claims, would severely constrain the Army's ability to maintain and monitor that land and therefore there would be new significant impacts on protected species on U.S. Government-owned land that could no longer be accessed. This singular reason therefore leads to the conclusion that, "in total, the impact would be significant." Frankly, this is bogus and flies in the face of logic, reason, and common sense. Of course the Army will have access to the land south of the State-owned land and they can still continue to use the U.S. Government-owned land for training activities. There is no reason what the U.S. Army does to currently address biological resources on U.S. Government-owned land cannot be continued. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Michael Reimer |              | <p>This is an opportune time to discuss a common reason continuously given by the draft EIS that claims significant negative impact for many resource evaluations. That reason is lack of access between U.S. Government-owned parcels that the state- owned land currently provides. The draft EIS notes on many occasions that the Army would enter into negotiations or consultation with various entities to clarify or to provide some continuing action to address resources if the No Action alternative is chosen. In fact, such a consult is given in section 3.3.6.4 for this No Action Alternative for biological resources. "The Army would need to re-initiate consultation with USFWS regarding the BO conservation measures for this area ." The Army simply needs to negotiate with the state right-of-way passage through some of the State-owned land to allow access to various U.S. Government-owned sites. For example, a limited right-of-way corridor could be established in training areas 17 and 18 to connect Ke'amuku and the Impact Area-Training Area parcels. Figure 2.4 for Alternative 3 shows connectivity also is possible through training areas13 and 14 for these two parcels. Similarly, a limited right-of-way passage could be negotiated for connectivity between the Cantonment parcel and the Impact Area-Training Ranges through training area 5. These suggestions can be graphically seen in Figure 2.4 for Alternative option 3. Further, sections of the Old Saddle Road and the Daniel K. Inouye highway provide access between the containment area and Ke'amuku and within a few hundred feet of the impact area and training ranges. ?</p> | <p>Under the No Action Alternative, the Army would have no land retention estate for the State-owned land, including easement (right to use or travel over the land of another). Alternatives 1, 2, and 3 could include a variety of land retention estates, including easement. Section 2.2.5 describes Alternative 4, "Retention of Only Access, Utilities, and Infrastructure," and reasons why this alternative does not meet elements of the Army's purpose and need and does not fully meet screening criteria 1, 2, 4, and 5.</p> |
| Michael Reimer |              | <p>In short, the failure of the draft EIS to even consider these simple, common sense inclusive options for the No Action Alternative reveals absolute bias and a blatant attempt to surreptitiously reject the No Action Alternative. In reality, the No Action Alternative has no less negative impact for Biological Resources than any other option and, for most reasons provided, it is beneficial impact (Table ES-1). In fact, all other action alternatives should be downgraded as they cause significant harm as noted in section 4.4.2, "Biological resources management programs at PTA have been beneficial; however, increased risk of wildfires, caused by training activity, have destroyed individual plants and have altered habitat, preventing recovery of some native species." ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Michael Reimer |              | <p>The positive effect on impact in the No Action Alternative is even extended beyond Biological Resources as noted in Section 3.11.6.4. "Biological Resources Section 3.3 does not identify any adverse impacts to populations including low-income or minority populations. Because there would not be impacts to populations, there would be no impact on environmental justice under the No Action Alternative." That in itself should upgrade the No Action Alternative for Environmental Justice from less than significant impact to at least no impact as stated in this discussion. That makes the No Action alternative option superior to all other alternatives for the Environmental Justice resource.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>"Less than significant" includes beneficial impacts, not just adverse impacts. No change necessary.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Response                                                                                                                                                                                                                                                                                                                                                                  |
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| Michael Reimer |              | <p>These claims are largely unsupported by the discussion leading to this conclusion. It falsely states that there will be a total loss of activities on State-owned land. Yet in the Biological Resources discussion (4.4.2), the draft EIS states that there will be an increase in various recreational activities on the State-owned land including hunting. The land would also be available for extension of critical protected habitats. The cantonment area and impact area are still U.S. Government-owned property so there is no reason for there to be loss of ongoing activities in those sectors. Any suggestion that activities are degraded by loss of contiguousness is alarmist in that negotiations can be initiated to retain right-of-way connectivity passages, as previously presented. Any impact to the cantonment area can be offset by a contractor-supported relocation of the cantonment area and supporting utilities to U.S. Government-owned land. Because the U.S. Army seeks modernization and upgrading of cantonment facilities, this would most probably be a more cost effective way to accomplish that goal and it would certainly be beneficial to the overall financial and economic impact to the County. In effect, it creates jobs in the civilian sector.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                     |
| Michael Reimer |              | <p>The draft EIS also makes the statement in the No Action Alternative for socioeconomic discussion that, "the Army would no longer be able to provide community services that extend beyond the installation such as local firefighting support, local emergency services, and community relations events." This has the full appearance of a veiled threat that if the retention of the lease is not granted, then the U.S. Army will cease humanitarian support to the County. As the U.S. Army would be continuing training activities at PTA even without the continued total control of State-owned land, there is nothing in any of the alternatives that would require the cessation of continuing the civility of U.S. Army support for County residents. In fact, it should be noted that some fires at PTA are caused by U.S. Army activities and State resources are available to assist with those emergencies.</p>                                                                                                                                                                                                                                                                                                                                                                           | <p>Section 3.10.6.4 revised with reasons why the Army would no longer be able to provide community services under the No Action Alternative, including loss of electrical power and potable water (as noted in Section 2.2.4).</p>                                                                                                                                        |
| Michael Reimer |              | <p>Because the use of PTA for training will be continued, other economic impacts are negligible. For example, when troops are detailed to PTA for training under austere conditions, they do not use local residential facilities. Permanent and civilian employment will be continued as the training continues unless it, too, will be used as a threat to force lease extension. There were not specific instances detailed in the draft EIS of any significant training operation that would have to be curtailed because of the loss of the State-owned land out of U.S. Army control so it is reasonable to presume there would be no change in impact. In Hawaii County, the U.S. Army supports 1962 employees with 120 civilians employed at PTA. This is only 2.3 percent of the 88,098 employed in the County (Section 3.10.4), but it is not known if all of these are full time positions. In that same section, the draft EIS states "troops training at PTA are housed in troop billeting (i.e., Quonset huts) within the Cantonment of the installation;" There is, therefore, no housing economic impact to the County even if training is reduced. The cantonment area remains on U.S. Government-owned land.</p>                                                                         | <p>Examples of ongoing activities that would need to cease from loss of State-owned land have been incorporated into Section 3.10.6 of the EIS.</p>                                                                                                                                                                                                                       |
| Michael Reimer |              | <p>Therefore the concluding claim, "Overall, that impact would be significant and adverse," for the Socioeconomics resource section of a No Action Alternative is unsupported by the discussion of the three criteria used for evaluation 3.10.5). There is no substantial change in regional population or demographic distribution; there is no substantial change in local or regional economic indicators such as employment, spending or earning patterns; and there are no substantial indirect impacts on housing availability or public facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Section 3.10.4 discusses that spending and earning patterns would be impacted by the No Action Alternative. The Army currently contributes \$92M in labor within the County of Hawai'i in addition to local expenditures such as local purchases of potable water, equipment, and other services such as solid waste disposal, porta johns, and custodial services</p> |

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| Michael Reimer |              | As in previous discussions of conclusions suggesting significant adverse impacts, the draft EIS completely overlooks the obvious. The resolution is found in Alternative 3, minimum retention and access of 3.15.6.3. Basically, it says that the U.S. Army would “continue to use, access, maintain, and repair U.S. Government-owned utilities within the State-owned land but at moderately reduced levels. Likewise, use of non-U.S. Government-owned utilities within the State-owned land and U.S. Government-owned and non-U.S. Government-owned utilities in the U.S. Government-owned land would continue to occur but at moderately reduced levels.” Moderately reduced levels are not defined but it must be presumed that the access to the utilities would allow the utilities to remain functional. ?                                                                                                                           | <p>Alternative 3 includes continued Army maintenance and repair of U.S. Government-owned utilities on the State-owned land not retained to ensure their operability (see Section 2.2.3). Section 2.2.5 discusses Alternative 4 (retention of only access, utilities, and infrastructure); however, this alternative was eliminated from detailed study for not meeting several elements of the purpose and need statements and not fully meeting several screening criteria.</p> <p>The No Action Alternative would result in significant adverse utility impacts because loss of the PTA substation, which is on State-owned land, would eliminate HELCO-provided electricity throughout PTA.</p> <p>Section 3.15.6.3 revised to better characterize "moderately reduced levels" of utility use, maintenance, and repair.</p> |
| Michael Reimer |              | The modernization and improvements under the No Action alternative would occur on U.S. Government-owned land that will meet the 25-year requirement. It is reasonable to suggest that the same negotiation for continued maintenance could be applied to the No Action alternative for a minimal period after lease expiration, if needed. Such is probably not needed as the U.S. Army, noting its need for PTA to address rapid response to critical situations, could surely construct replacement utilities in less time than 7 years, including permitting and EIS preparation. ?                                                                                                                                                                                                                                                                                                                                                        | Section 2.2.5 discusses Alternative 4 (retention of only access, utilities, and infrastructure); however, this alternative was eliminated from detailed study for not meeting several elements of the purpose and need statements and not fully meeting several screening criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Michael Reimer |              | By applying the same negotiated access for maintenance and repair to the current facilities as in other alternatives, this No Action alternative would have the same impact rating, less than significant. Specifically, the advantage is to the U.S. Army as it would have the opportunity for upgrading and maintenance of existing facilities on U.S. Government-owned land. ?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Section 2.2.5 discusses Alternative 4 (retention of only access, utilities, and infrastructure); however, this alternative was eliminated from detailed study for not meeting several elements of the purpose and need statements and not fully meeting several screening criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Michael Reimer |              | PTA is not the only U.S. military base that provides the similar training opportunities as the 5 reasons given in this statement for retention (Table 2-2). Fort Carson, Colorado and its proximal training areas would provide similar training experiences. It has similar climate, similar winds and precipitation, adjacent mountains for high-altitude training experience, Butts Army Air Field (4,573-foot runway) similar to Bradshaw Air Field (3,700-foot runway) at PTA and nearby Peterson Air Force Base airfield for larger aircraft training as Ellison Onizuka Kona International Airport is now used. It is also of similar size, albeit 5,000 acres larger at 137,000 acres at PTA, but has the advantage of a proximal site of 235,000 acres, Piñon Canyon Maneuver Area, for additional training. In addition, it will not present the potable water and wastewater problems and expenses that PTA currently experiences. | Locations outside of the State-owned land at PTA do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Michael Reimer |              | PTA is used for training. It is not a military base for troops on standby for rapid deployment to regions of conflict with rogue regimes within the Indo-Pacific region. This distinction is intentionally blurred in the draft EIS. This is discussed in Section ES- 2 and ES-6. “The geographical location of Hawai’i is a strategic one for national defense and rapid deployment of military forces, and the island plays a key role within the U.S. Indo-Pacific Command area of responsibility to help achieve U.S. national security objectives and protect national interests. PTA is the only U.S. Army Major Training Area in Hawai’i, making it the U.S. Army’s primary ground maneuver tactical training area supporting home-station, joint, and multinational training in the State.” The response faction is stationed on O’ahu. Neither alternative 2, 3, No Action, or a combination would affect this deployment. ?         | The statements are in reference to Hawaii being used for rapid deployment, not specifically PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## Responses to Draft EIS Comments

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| Michael Reimer |              | <p>Although the U.S. Army brings up the issue of encroachment on their training lands, they already have in place effective mechanisms to deal with that concern. Section ES- 11 addresses this issue. “The Army would consider adding fencing and signage to minimize encroachment from adjacent non-U.S. Government-owned land (Alternatives 2 and 3).” This methodology could easily be extended for any alternative. It must be kept in mind that some encroachment threats to limiting training are caused by the Military’s own actions, such as threats posed by its own use of materials such as munitions, unexploded ordnance, and other toxins. Section 3.2.4.3 states “Encroachment stems from environmental (for example, noise, endangered species, cultural resources, unexploded ordnance [UXO], and munitions constituents [MC]), social (for example, urban sprawl), and economic (for example, changing land values) influences.” Simply, if the U.S. Army would clean up the toxic remnants after each training exercise, there would be less U.S. Government-owned land unusable contributing to this type of encroachment. ?</p> | <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) regarding cleaning ranges after training.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>Through the Army Compatible Use Buffer/Readiness and Environmental Protection Inegration program, the Army works with various eligible entities (State conservation departments, universities, watershed protection organizations, land trusts, and other non-profit conservation-minded organizations) to enact a holistic encroachment management strategy that aims to prevent additional incompatible development, conserve native forests/habitat for threatened and endangered species, and bolster climate resilience adaptation and responsiveness.</p> |
| Michael Reimer |              | <p>An issue brought up in Section 2.1.2 is that only the State-owned land has soil suitable for maneuver exercises and provides the ability to dig and excavate survivability positions for personnel and equipment (USARHAW, undated). While the “bare lava that dominates much of the rest of PTA” would certainly provide the austere training challenges the U.S. Army says it needs for training (Section 1.3.3 ), there are other soil areas particularly on the U.S. Government-owned land of the Ke’āmuku parcel. The dominant soil area on State-owned land is the Ke’eke’e loamy sand Series. As denoted in the Soil Survey of the Island of Hawaii by the U.S. Department of Agriculture Soil Conservation Service (1973), the Ke’āmuku parcel contains large expanses of sandy loams in the Kilohana and Waikalua Series. Thus, soils suitable for survivability training are available on U.S. Government-owned land. ?</p>                                                                                                                                                                                                               | <p>Locations outside of the State-owned land at PTA do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Michael Reimer |              | <p>The draft EIS lacks a major critical component needed for discussion of lease alternatives, especially full retention consideration. That component is a fair value for the cost of the lease. The draft EIS states that PTA is the only land available for its training use in Hawaii (Section 1.3.3). That makes it a valued property. The simple economic principle of supply and demand gives added value to that property. Another consideration is that the use of the land by the U.S. Army is a taking in that it contributes to its destruction or secession for alternative uses. In effect, the U.S. Army is taking value from a land resource. This is considered by many states to be an extraction consideration, often applied to removal of resources of value, such as mineral or oil and gas removal. Fees or taxes are applied.</p>                                                                                                                                                                                                                                                                                              | <p>Section 2.3 describes the land retention estates available to the Army. EIS revised to provide potential impacts for retention via fee simple title and lease, assumed State conditions for lease, administrative requirements for a new lease (e.g., administrative rule changes), and note the potential impacts for easement and license are assumed to be the same as those for lease due to similar State conditions.</p> <p>EIS revised to include information related to ongoing best management practices, standard operating procedures, management measures, and mitigation measures to highlight ongoing environmental monitoring and conservation efforts (see Existing Management Measures added to resource areas in Section 3).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Michael Reimer |              | <p>The draft EIS notes the facilities alone on State-owned land have a value of \$200 million (2.1.1). That can be used to determine a fair tax rate plus land use plus the extraction tax. At any rate, it is possible that the yearly total fees may be in a millions of dollars range. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Land retention negotiations, including compensation for use of the State-owned land, will be initiated following completion of the NEPA/HEPA process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Michael Reimer |              | <p>Fair value consideration must be included in the Socioeconomic resource cost and applied to any new lease action. This fair consideration of lease value is missing from the draft EIS determination of impacts. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Land retention negotiations, including compensation for use of the State-owned land, will be initiated following completion of the NEPA/HEPA process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| Michael Reimer |              | The following is a situation regarding cooperation with Native Hawaiian groups that the U.S. Army should engage now. It is found in ES.11. The U.S. Army states that it could undertake mitigation measures for actions other than full retention of the state-owned land in section ES-11. "The Army could propose mitigation measures to reduce the severity of adverse impacts from the Proposed Action. These potential mitigation measures are summarized below and in Table 3-25.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The Army has been and will continue to consult with Native Hawaiian Organizations on issues related to PTA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Michael Reimer |              | I will address one toxin used by the U.S. Army at PTA. That is the use in training of weapons containing uranium; it is a heavy metal known to be toxic as well as a radioactive material. This is a highly controversial material in weapon use, not only because of the inhumane destruction it can cause with nuclear weapons, but also because the toxicity and radioactivity of the metal is often downplayed. Some of the referenced material in this section is found at that Nuclear Regulatory Commission (NRC) Adams Public Library, accessible on-line. Those references have a number starting with the letters ML.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Section 3.5.4.12 of the EIS expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Information regarding potential effects of the Proposed Action on depleted uranium is in Section 3.5.6.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Michael Reimer |              | One would hope that a reviewer of methods and techniques would be familiar enough with this type of dodge that the approach is rather transparent. For a good example of this type of dodging, look at Section 3.5.4.1 regarding organic contaminants of concern including hydrocarbons. Sampling has shown the presence of contamination that exceeds DOH and U.S. EPA standards but "because the direct exposure pathways for groundwater are considered incomplete within the State-owned land, an EPC exceedance of the DOH EALs for protection of groundwater was not considered to pose an unacceptable risk to human health (USACE-POH & USAGHI, 2017b)." "Based on this result, TPH-DRO is not a COC at the sampled location."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | The State of Hawaii Department of Health Hazard Evaluation and Emergency Response Office Technical Guidance Manual identifies exposure pathway assessment as an accepted method of determining environmental risk.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Michael Reimer |              | Uranium and its oxidized forms are toxic to humans. For a summary discussion see: <a href="https://wise-uranium.org/utox.html#:~:text=Inhalation%20of%20uranium%20for%20workers%20%28based%20on%20radiological,%20%20450%20%204%20more%20rows%20DU%20toxins%20are%20not%20confined%20to%20U.S.%20Government-owned%20land%20at%20PTA%20but%20can%20also%20impact%20State-owned%20land%20and%20surrounding%20farm%20and%20residential%20lands.%20The%20reason%20for%20this%20expanded%20area%20of%20contamination%20is%20that%20depleted%20uranium%20is%20subject%20to%20being%20formed%20into%20dust%20or%20aerosols%20that%20are%20readily%20transported%20in%20the%20air.%20This%20aerosolization%20can%20be%20accomplished%20very%20easily%20by%20oxidation%20and%20proximal%20projectile%20explosions%20from%20training%20and%20abrasion%20from%20wind%20and%20military%20vehicular%20traffic%20and%20foot%20traffic%20and%20rotor%20wash%20from%20helicopters%20and%20uptake%20by%20plants%20that%20are%20burned%20in%20fires%20that%20occur%20frequently%20at%20and%20near%20PTA%20and%20carried%20as%20component%20of%20the%20smoke.%20Once%20in%20particulate%20form%20it%20can%20also%20be%20resuspended%20into%20the%20air%20again%20and%20again%20after%20it%20is%20released%20from%20the%20original%20projectile.">https://wise-uranium.org/utox.html#:~:text=Inhalation%20of%20uranium%20for%20workers%20%28based%20on%20radiological,%20%20450%20%204%20more%20rows%20DU toxins are not confined to U.S. Government-owned land at PTA but can also impact State-owned land and surrounding farm and residential lands. The reason for this expanded area of contamination is that depleted uranium is subject to being formed into dust or aerosols that are readily transported in the air. This aerosolization can be accomplished very easily by oxidation, proximal projectile explosions from training, abrasion from wind, military vehicular traffic, foot traffic, rotor wash from helicopters, and uptake by plants that are burned in fires that occur frequently at and near PTA, and carried as component of the smoke. Once in particulate form, it can also be resuspended into the air again and again after it is released from the original projectile.</a> | <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> <p>"Nanometer-Micrometer Sized Depleted Uranium (DU) Particles In The Environment," Journal of Environmental Radioactivity, January 2020, references aerosolizing of depleted uranium penetrators. The depleted uranium spotting rounds formerly used at PTA were low velocity projectiles designed to produce a cloud of smoke; they were not penetrators (e.g., armor piercing ammunition, anti-armor rounds).</p> |

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| Michael Reimer |              | <p>In this draft EIS, the amount of DU spotting rounds is listed as 30-100 rounds for each of four firing ranges, or a maximum of 400. That contrasts with the over 600 rounds given by former estimates at PTA by Cabrera, a contractor for the U.S. Army who found the firing and impact sites for Davy Crockett training, and the 2000 rounds required for troop qualification estimated by a former Hawaii Army Garrison commander at a Hawaii County Council hearing on the use of DU at PTA. The number of 714 rounds, the amount in the discovered shipping inventory, was used in various exposure calculations by the U.S. Army contractors (see Adams library ML15161A459). There is also evidence that additional DU was used in the dummy main warhead rounds as a photograph of a rear tail assembly taken by the contractor scoping for DU is shown to have color (yellow) suggestive of oxidized uranium (See Adams Library: ML092950352, photos 4-9 and 4-10). This would indicate that some dummy rounds contained DU rather than the fissionable enriched uranium warhead. That is consistent with the reasoning to use DU in the spotting rounds for trajectory similarity rather than a similar dense metal.</p>                                                                                                                                                                                                                                                                                                            | <p>Section 3.5.4.12 revised to state that based on extensive archival research, only 716 M101 spotting rounds were allocated to Hawaii. Additionally, based on the archival research and field surveys, up to 400 depleted uranium spotting rounds were fired at PTA.</p> <p>Section 3.5.4.12 revised to state the M390 practice round contained a malleable iron ball (for weight) and high explosive material, but did not contain depleted uranium, as noted in "Archive Search Report On the Use of Cartridge, 20mm Spotting M101 for Davy Crockett Light Weapon M28, Schofield Barracks and Associated Training Areas, Islands of Oahu and Hawaii, May 2007".</p> <p>Section 3.5.4.12 expanded with additional information about depleted uranium and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Michael Reimer |              | <p>The draft EIS states in section 3.5.4.12 that "The spotting rounds did not aerosolize upon Army Training Land Retention at Pōhaku Training Area Draft Environmental Impact Statement 3-81 impact (NDCEE, 2008; USACE-POH &amp; USAG-HI, 2017a)." This is propagation of a falsehood. I know of no study that was done to show that spotting rounds when exploding or impacting with the basalt rocks at PTA do not aerosolize. There are numerous studies that show DU shells aerosolize when impacting hard targets and basalt is certainly a hard material. A recent reference to this aerosolization upon impact of DU munitions is found at: <a href="https://www.sciencedirect.com/science/article/pii/S0265931X19304722">https://www.sciencedirect.com/science/article/pii/S0265931X19304722</a>. It is a peer-reviewed article by Ole Christian Lund and others in the <i>Journal of Environmental Radioactivity</i>, volume 211, January 2020. It is entitled "Nanometer- micrometer sized depleted uranium particles in the environment." It describes studies of aerosolization on impact of DU munitions and even aerosol production from DU burning at an ammunition depot in Kuwait. The authors state, "Later studies have largely supported that the DU penetrators on impact will disintegrated (sic) into particles with size within the respiratory fraction ( Cheng et al., 2009 ; Danesi et al., 2003 ; Salbu et al., 2003b , 2005b ). Thus, resuspension and subsequent inhalation should be a pathway of concern."</p> | <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> <p>"Nanometer-Micrometer Sized Depleted Uranium (DU) Particles In The Environment," <i>Journal of Environmental Radioactivity</i>, January 2020, references aerosolizing of depleted uranium penetrators. The depleted uranium spotting rounds formerly used at PTA were low velocity projectiles designed to produce a cloud of smoke; they were not penetrators (e.g., armor piercing ammunition, anti-armor rounds).</p> |
| Michael Reimer |              | <p>The earlier reference, NDCEE, 2008, quoted by the draft EIS is a commentary on DU at PTA by Professor Ken Rubin at the University of Hawaii. It includes no references to other publications. He makes a statement that it is unlikely that DU aerosolizes during firing but then goes onto say that "Rupture or fragmentation of the M101 spotting round during impact would have exposed DU fragments to the environment. These fragments would subsequently oxidize and further disaggregate at a rate that depended on the specific environment where they were used." This later comment by Professor Rubin noting DU could oxidize and aerosolize was conveniently ignored by the draft EIS.</p> <p>In effect, it is dominantly the oxidized DU form that aerosolizes. Oxidized DU typically ranges in color from black to greenish yellow to a yellow color and that has been seen on Cavy Crockett munition fragments located at PTA (contractor reports Cabrera Report, July 24, 2009, Adams library ML092950352) so it is obvious that DU does oxidize in the PTA environment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Section 3.5.4.12 revised with a more complete summary of the conclusions of "Depleted Uranium, Natural Uranium and Other Naturally Occurring Radioactive Elements in Hawaiian Environments," <i>National Defense Center for Environmental Excellence</i>, 2008.</p> <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p>                                                                                                                                                      |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Michael Reimer |              | <p>Although an inquiry had been made by the author of these comments to the draft EIS, there was not a response as to the location of these fragments today. Removal would have required the Nuclear Regulatory Commission (NRC) approval and it is not clear that such permission was ever given. This problem should be addressed before any decision is made on lease renewal consideration. ?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land.</p> <p>The location and disposition of depleted uranium fragments outside of the State-owned land is beyond the scope of the EIS; however, the EIS does note the locations of the Davy Crockett ranges.</p>                                                                                                     |
| Michael Reimer |              | <p>Another use of disinformation in this draft EIS to favor the preferred retention of the lease of State owned land at PTA is the claim that sampling of air particulates has not found any DU. The draft EIS relies on a conclusion based on air sampling during 2009. The report is found here: <a href="https://home.army.mil/hawaii/application/files/5815/5961/1869/mar10.pdf">https://home.army.mil/hawaii/application/files/5815/5961/1869/mar10.pdf</a> The sampling was conducted at three sampling locations in March 2009. The analysis for particle collection was only for uranium and not depleted uranium. It was not conducted during periods of high explosive training in the Davy Crockett impact areas. Thus, the sampling and analytical methods were selected to not find DU.</p> <p>A similar sampling and analytical design to not find DU is in place for monitoring soil collected at PTA that has been approved by the Nuclear Regulatory Commission (NRC). This program was spoon-fed to the NRC to approve but lacked specific descriptions of the analytical method and the sampling site location. Because the NRC bought into the program trusting the military to do what is right, the draft EIS now presents comments that suggests concurrence. Ideally, the site would be a repository for soil that was carried downstream from the DU impact sites. That site selection was based on balderdash. First, the site is over 5 miles away from the impact sites, predominantly on U.S. Government-owned land, and there is no connection of drainage system from the impact sites to the collection site. There are several lava berms in the way that would prevent any direct sediment-carried flow. Second, this draft EIS notes in that the rock base at PTA is highly permeable for surface water so it is highly unlikely that any sediment transport from the impact areas would reach the distant sampling site (3.5.6.1 and 3.9.4.3 citing report by Mitsunaga, 2010).</p> | <p>Section 3.6.4 notes that the fugitive dust samples were tested for total uranium, which includes depleted uranium. Section 3.5.4.12 notes that per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>The sampling locations and analytical design in the NRC-approved Safety and Environmental Radiation Monitoring plans are beyond the scope of the EIS.</p> |
| Michael Reimer |              | <p>Third, the selected definition of the criteria to state whether DU was present in the soil samples is unreasonably selected. It would require the uranium concentration in the sample to contain over 60 percent DU. The analyses of some samples have shown probable DU presence of up to 30 percent. This presence in the soil samples collected is most probably from airborne transport and deposition rather than sediment transport. Nonetheless, the presence of DU is indicated by the uranium isotope ratio. It is denied because it does not fit the high bar definition selected by the military. The military definition of the presence of DU is that the uranium of a sample must contain at least 50 percent uranium as DU (see Adams library 15161A459). The U.S. Army acknowledges that this definition is fraught with great uncertainties with the analytical method chosen. There are other more definitive detection methods available but that could more likely find DU and that is not the objective of the U.S. Army. It is highly unlikely that nanometer or micrometer diameter aerosols of DU oxides would be in sufficient quantity to equal the natural uranium concentration in a 200-gram sample of soil or sediment, but they would still be there and could be respirated if they become airborne. The issue of sediment sampling and the conclusion that it indicates no transport of DU at PTA is unquestionably ludicrous when such requirements for the definition of DU presence are deliberately designed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The sampling locations and analytical design in the NRC-approved Safety and Environmental Radiation Monitoring plans are beyond the scope of the EIS.</p>                                                                                                                                                                                                                                                                                            |

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| Michael Reimer |              | <p>The U.S. EPA follows a model for exposure that says exposure to any form or level of ionizing radiation increases health risks. This is called a linear-no threshold model. Such exposure can come from medical procedures such as x-rays and injections with radioactive dyes, to flying, to living at higher altitudes. These seem to be minimal exposures. It is reasonable to ask then, what is your exposure to inhalation of an oxidized DU particle as small as one micrometer in diameter. Such a particle might contain as many as 300 million uranium atoms, much more by a factor of millions than contained in a basalt particle of the same dimension. DU oxides are also more insoluble so they can reside in your lungs for decades. The International Atomic Energy Agency says, "The size of the uranium aerosols and the solubility of the uranium compounds in the lungs and gut influence the transport of uranium inside the body. Coarse particles are caught in the upper part of the respiratory system (nose, sinuses, and upper part of the lungs) from where they are exhaled or transferred to the throat and then swallowed. Fine particles reach the lower part of the lungs (alveolar region). If the uranium compounds are not easily soluble, the uranium aerosols will tend to remain in the lungs for a longer period of time (up to 16 years), and deliver most of the radiation dose to the lungs." See: <a href="https://www.iaea.org/topics/spent-fuel-management/depleted-uranium">https://www.iaea.org/topics/spent-fuel-management/depleted-uranium</a>. ?</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Michael Reimer |              | <p>There is a principle regarding radiation exposure noted by many federal agencies including the U.S. EPA and the Nuclear Regulatory Commission (NRC). It is called ALARA. As defined in Title 10, Section 20.1003, of the Code of Federal Regulations ( 10 CFR 20.1003 ), ALARA is an acronym for "as low as (is) reasonably achievable," which "means making every reasonable effort to maintain exposures to ionizing radiation as far below the dose limits as practical, consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Michael Reimer |              | <p>Perhaps the best example of using a model to determine risk from DU should come from the U.S. Army's own calculations. This example comes from the NRC Adams Library document ML15161A459. A contractor for the U.S. Army (Morrow, J.W., 2008, Potential air quality impacts of aerosolizing M101 spotter rounds at Pohakuloa Training Area, Honolulu, Hawaii), considered several scenarios and made several determinations of the amount of DU aerosols that might be released by nearby High Explosives. The U.S. Army notes the contractor's highly conservative scenario resulted in a DU activity in air of an amount 50 percent greater than the NRC effluent standard. One issue of relevance to note is that the model used soluble uranium for the calculation, definitely not a conservative factor. The U.S. Army backtracks and suggests that model was too conservative and quickly adopts a less conservative scenario so that the NRC standard is not exceeded. It claims the DU air concentrations "are authorized by law and will not endanger life or property or the common defense or security." I am sure not many people would be thrilled to know that their exposure to toxic material is authorized by law. This brings up an interesting issue that people are then unwitting participants in an experiment to subject them to DU exposure, a point presented by Dr. Lorrin Pang, MD, MPH, who suggests that permission is required by international accord to participate in such studies ( <a href="https://vimeo.com/19153948">https://vimeo.com/19153948</a> ).</p>       | <p>Section 3.5.4.12 notes that per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that the depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> |

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| Michael Reimer |              | <p>Another enigma of the U.S. Army's attempt to downplay the exposure comes from the fact that it claims that not all DU spotting rounds have aerosolized because one was found mostly intact at PTA. So, by extension of that singular observation, the amount of DU available for airborne inhalation is minimal. Yet, the contractor scoping surveys specifically designed to find the DU spotting rounds at PTA have found evidence of only three or four rounds. The draft EIS never explains where might be the other intact rounds.</p> <p>The Code of Federal Regulations 10 CFR 20.1301 not only sets the limit of exposure to the public from a licensed source of radiation but also requires monitoring or calculation of possible exposures. The U.S. Army also states it will not conduct any air sampling. The U.S. Army chose the calculation pathway. It convinced NRC to agree to that choice. Naturally, by not making measurements, it cannot demonstrate compliance with the dose limits for individual members of the public as required in subpart 20.1301. This falls into the category of avoiding problems because 'if you do not look, you will not find.' There are certainly available more sophisticated analytical techniques that could determine the presence of DU in the uranium analyses, but that increases the risk of finding it. The important thing to remember is, it is the inhaled particles that put you at risk. Those respirable-sized particles can be carried hundreds of feet into the air from plumes resulting from a high-explosive detonation and transported scores of miles, especially in wind-driven turbulent air. A confirmed example of such airborne DU transport is found in: Lloyd, N. S., Chenery, S. R. N. &amp; Parrish, R. R. 2009. The distribution of depleted uranium contamination in Colonie, NY, USA. Science of the Total Environment , 408 (2), 397-407. ?</p> | <p>The Davy Crockett ranges are managed in accordance with the Nuclear Regulatory Commission license and approved Safety and Environmental Radiation Monitoring plans, as noted in Section 3.5.4.12.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p>                                                                                                                                                                                                                                                                                                                               |
| Michael Reimer |              | <p>In Section 3.5.4.12, the military makes the statement that "If the land use of the DU ranges remains military, DU cleanup is not necessary." This statement reveals their callous approach to toxins in general that the U.S. military has toward health and safety of soldiers and civilians. A condition of any lease renewal action must require immediate cleanup of training debris.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Section 3.5.4.12 clarified to indicate surveys found no indication of depleted uranium-containing materials on the State-owned land.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> |

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| Michael Reimer      |              | <p>In a document Programmatic Approach for Preparation of Site-Specific Environmental Radiation Monitoring Programs, attachment 8 specifically asks the NRC not to require air sampling during U.S. Army use of high explosives (HE) in the RCAs. The RCAs are the impacts areas of the Davy Crockett spotting rounds. Although there is a Department of Defense directive 4715.11 (2004) that prohibits the use of high explosives in the DU zones, there is an exception that it is allowable for national security objectives. There is no confirmation in this draft EIS that high explosives have not been used in DU zones or will not be used. The reference to the directive is apparently made as a deflection of the facts.</p> <p>There is the statement claiming that DU is 40 percent less radioactive than natural uranium. That is true only for a split second after DU has been purified from natural uranium; within 6 months, the activity of the DU due to the ingrowth of radioactive progeny has increased about half as much as the original decrease (<a href="https://www.wise-uranium.org/rup.html">https://www.wise-uranium.org/rup.html</a>). Such a claim without clarification is designed to intentionally mislead.</p> | <p>Section 3.5.4.11 notes that the migration of munitions constituents at PTA is limited due to limited surface water and groundwater pathways because of low rainfall, lack of perennial streams, and the deep depth to the groundwater aquifer.</p> <p>Section 3.5.4.12 has been updated to reflect additional information about the qualities of depleted uranium, the firing of munitions into the depleted uranium impact locations, and associated studies at PTA (i.e., archival research, site reconnaissance, radiological instrumentation, soil sample results).</p> <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and notes that per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations. PTA does not fire high explosive munitions in the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium fragments have impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium fragments have not impacted local air quality.</p> <p>The Army has conducted the following actions with respect to depleted uranium at PTA: 1) soil sampling, 2) air sampling, 3) a health and risk assessment, 4) implementation of DODD 4715.11, and 5) obtain and adhere to a NRC license for possession of depleted uranium.</p> |
| Alina Reyes         |              | <p>The army's use of Pōhakuloa as a training ground guarantees the destruction of the beautiful nature of the islands. Not only does this nature serve the natives and locals as a resource and home, but those who visit the islands. To desecrate this land that does not belong to the army is disrespectful to the 'āina (love of the land) those who inhabit the land share, the state of Hawai'i that they borrow from, and the natives whom the state has stolen this land from in the first place. How can you say you are protecting the freedom and rights of the people of this country when your actions only endanger the safety and home of these people?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Sarah Rice          |              | <p>I urge the U.S. Army to respect native voices on this issue.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Section 3.4 (Cultural Resources) of the EIS and Appendix I for the CIA.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Christie Ritter     |              | <p>Please listen to the Hawaiian native people who want this sacred land to be returned to them.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Christopher Roehrig |              | <p>No more Pohakuloa. 60 years of blowing up Hawaii is enough. We are an island. Go blow up the mainland which is thousands of times larger.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Peter Rucci     |              | <p>I fully support extending the lease to the US Army at Pohakuloa, and for that matter , Makua Valley. Training areas, especially live fire areas , are critical for soldiers to gain and maintain proficiency with their weapons. As we now see in Ukraine, the weapon skills of our soldiers are still invaluable and certainly not outdated. In fact, they may be tested in Ukraine sooner than we think, and we mustn't be blamed for not giving them the best training available. We have too much military in Hawaii to disallow them from their warfighting training. I have driven on Saddle Road -- it is a moonscape -- it can't possibly be of any value to anyone except the military. Let it be so. The state closed down Kahoolawe only because of protests. Now it sits vacant with no other purpose. With no water wells, it will always be essentially a rock sticking out of the ocean. Now there is no site for all of the ships and aircraft stationed in Hawaii, or transiting through, to gain valuable and realistic target practice. Closing Kahoolawe was really a terrible decision. Please don't make another bad decision.</p> <p>Closing Makua valley to the Army would similarly be a poor decision. It is such a pristine area of the island right now -- beautiful. Within days of kicking out the Army, it will be filled with homeless encampments, trash, and filth. Anyone traveling up through the west side of Oahu will observe the complete lack of pride native Hawaiians have for their land. Despite their insistence on protecting their "aina" they simply don't. Nanakuli, Waianae, and Makaha are unfortunately just embarrassing and disgusting eyesores. Please don't let Makua valley become one, too.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Laura Safranski |              | <p>I am writing in support of option #4 and allowing the lease to expire naturally. I realize the land cannot be returned back return it to the state it was prior, I still support #4...You've heard a variety of reasons to end the lease, including cultural, environmental, spiritual, the dire need for residence statewide, etc...</p> <p>I don't take making public testimony lightly. It's a vulnerable place to be with a responsibility to educate oneself. I copied a statement I copied from your website. The last sentence clearly says that your presence vanishing will cause adverse impacts? Yet the first sentence says continued use results in significant adverse impacts. I again chose the 4th option, please end the lease. I realize you may feel the need to prepare for war takes precedent 24/7, as evidenced through your daily life as Military Personnel, but I still beg you to reconsider..."...continued public access restrictions on land used for traditional and customary practices will result in significant but mitigable adverse impacts to cultural resources. These significant impacts can be mitigated through appropriate consultation with Native Hawaiians and/or other interested groups. Impacts can also be mitigated through provision of public access to promote and protect cultural beliefs, practices, and resources. Impacts to other resources are less than significant for all action alternatives. The No-Action Alternative would have significant adverse impacts on biological resources, socioeconomics, and utilities."</p>                                                                                                                                                             | <p>Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Section 3.4 (Cultural Resources) of the EIS and Appendix I for the CIA. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process.</p> |

## Responses to Draft EIS Comments

| Commenter    | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                              |
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| Dave Sansone |              | <p>Aloha Kakou. My name is Dave, D-A-V-E, Sansone, S-A-N-S-O-N-E. And, yeah, I just want to say thank you for hosting this. It's been awhile since we've had any public comment hearings. One thing I have noticed over the years is it's a public comment thing where we basically we come here, we talk, we go home, and usually nothing changes. I'm guessing about 5 percent of the time I have gone to a public comment hearing something good happens. With the military, never. So, yes, I mean, let's just back up to the beginning. So no substantive -- unsubstantive comments will be considered. I think the illegal occupation of these islands, this Kingdom nature here, this independent state is a very important piece of evidence that you need to consider. Because if you go along with the status quo and do the rubber stamp, including the people at DLNR, who are basically part of the facade of the fake state that we have here, you are all potentially taking on war crimes. Who would we be leasing this 23,000 acres out to for another dollar for what, 65 more years or so?</p>                                                                                                                                                                                                                                                                                                                | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Dave Sansone |              | <p>What kind of legacy have they had? Well, let's see. Kaho'olawe, an entire sacred island bombed but with unexploded ordnances. Red Hill, pollution everywhere. The world's largest polluter, U.S. military. Largest climate criminal, U.S. Military. Largest humans rights abuser, U.S. military, and its puppet governments that we have right now. And also, we're threatened by nuclear weapons. You know, we had that false missile alert. People were hiding their kids in sewers because they were afraid for their lives. The U.S. military's presence here puts this independent neutral country at risk. This is not to disrespect anybody in the military. I have relatives in the military. This is about standing up for what's right and being brave and having courage and doing what's right. So I say no, let's not train more people to go and repress other people's rights. We have almost 50 million people and family in Afghanistan and Yemen alone. Think about the countless others. A hundred thousand kids dead in Iraq because they bombed their water systems. So I understand why people join the military, for economic reasons and family reasons. But you need to wake up, open your mind, open your eyes, and get your shit together, because we've got to take a stand. And we need more people. We only have a few people here, the same old as every time. So thank you for your time.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| Commenter                | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Doris Segal<br>Matsunaga |              | <p>We are writing to express our concerns regarding the continued use of Pohakuloa for live fire ammunition training and other military exercises. We are aware that only 23,000 of the 132,000 acres are State land leased to the US Army; and that it is only that smaller portion that is the subject of the current draft EIS. It is our understanding that this land came into the possession or use by US military during WWII. Given that the emergency conditions of WWII no longer exist, we would like to see the full acreage cleaned of unexploded ordinance and any other military created debris and returned to the State of Hawaii for access and use by her residents. However, if occupation and use of the State-leased land by the US Army must continue beyond the current lease period under any of the scenarios outlined, the US Army must (1) compensate the State at a much higher level than currently for that privilege, and (2) prepare for a future return of this land to the state by becoming better stewards of said land. While Pohakuloa Training Area may look like a wasteland good for nothing but target practice to the untrained eye, it is a precious resource to us, the residents of Hawai'i Island and the State of Hawai'i. Since we understand that live fire ammunition exercises are ongoing, we urge the US Army to immediately begin a program of clean-up-as-they-go; that is, following each live fire exercise, an ordinance clean-up team practices their skills by going in and cleaning up the site, such that it becomes safe for civilian use. This clean-up-as-they-go program should also be built into any lease renewal that may occur. We are grateful for the good work that soldiers and service members have done fighting Hawaii Island wildfires and assisting at Covid -19 testing sites. At the same time, we are disturbed by the legacy of a wartime military occupation. In the Waimea community, 31,000 acres leased to the US military during WWII are still to this day being surveyed for and cleared of unexploded ordinance, so that land can be safely used by residents.</p> | <p>As noted in Section 3.5.4.11, soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate.</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) regarding cleaning ranges after training.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process.</p> <p>Through the Army Compatible Use Buffer/Readiness and Environmental Protection Integration program, the Army works with various eligible entities (State conservation departments, universities, watershed protection organizations, land trusts, and other non-profit conservation-minded organizations) to enact a holistic encroachment management strategy that aims to prevent additional incompatible development, conserve native forests/habitat for threatened and endangered species, and bolster climate resilience adaptation and responsiveness.</p> |
| Gregg<br>Shankle         |              | <p>To: PTA Review Board Aloha. Our names are Gregg &amp; Ronelle Shankle and we reside in Waikoloa Village, Big Island Hawaii. In our opinion PTA and all the personnel attending training there are good neighbors and should be allowed to continue operations. During the last rangeland fire PTA and or Army personnel and equipment provided great aid toward containment of the fire which demonstrates that PTA is a good neighbor. Other than occasionally being behind a slow moving uphill convoy we have no negative comments regarding PTA. We fully support PTA, our young military men and the training mission there. We enjoy seeing and hearing the various occasional aircraft that participate in PTA activities. Please count us as in full support of continuing PTA operations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Geoff Shaw               |              | <p>My name is Geoff Shaw, G-E-O-F-F, S-H-A-W. First of all, you know, we are in the Pacific ocean. And I don't know if you guys understand what the word Pacific means, but I think you are pretty contrary to what that word means. I think that that's important, it's important to remember. As far as this EIS goes, this Draft EIS, I think you could just throw it away and start over again, because it just doesn't really cover what needs to be covered. It just covers whatever is convenient to you to make your case, but it doesn't cover what all these other people are talking about, and that's -- and all that is important to understand. And until you do that -- I mean, to kind of create an example.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| Geoff Shaw |              | <p>When it comes to the water issues, I mean, the fact that they are trucking all this water up here, you know, like my understanding is that the military right now is supposed to be into all this green stuff, you know. But they don't even talk about the fact that all these trucks are transporting this water, the fuel that has to be used to do that, or any of that, you know. If you guys weren't up there, it wouldn't have to happen, you know. I mean, I agree with the other people that even though you found water, and we wonder why you aren't using the water underneath Pohakuloa, don't drill any wells. But you are lying to us, and that's very obvious, because I know that if you weren't contaminating that water you would be using it. So that's just so obvious that you can't even ignore it. And I don't care what excuse you make up or whatever. I mean, if you had the water there you would be using it, if it wasn't contaminated. And so, you know. Okay. Well, that's bout it. Thank you.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Section 3.15 of the EIS discloses the Army purchases potable water from a County Department of Water Supply facility in Waimea and trucks it to above-ground storage tanks on State-owned land at PTA for potable water use.</p> <p>As explained in Section 3.9 of the EIS, the shallow bore holes drilled on State-owned land did not reach groundwater. Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action.</p> |
| Geoff Shaw |              | <p>Does it go into what having these military facilities here in Hawai'i, the danger that it creates in a nuclear world, does it go into that? I didn't see that. I haven't read the whole thing, so maybe it does go into that. But that's a -- you know, that's a very important consideration, because I don't think that Hawai'i would be a target if there wasn't all this military stuff going on. But, unfortunately, it is, and we have to consider that. Also, another thing, to get specific, that I think should be pointed out. The lands aren't owned, they were seized. We've been in meetings where the military seems to kind of be proud that they seized those lands and that they are seized lands. They say it over and over again. And since that's the reality that they are given, they should own it. You know, they are seized lands. They are not owned. If I go take somebody's car, I don't own it. I seized it, and that's what you guys did. I think that that executive order that seized the land is probably -- probably wouldn't hold up in court, especially considering the thing back in '92. But anyhow, you know, I think that that's an important thing to consider is that when you are talking about the lands that were seized, called them seized lands, I mean, it's just how it is, you know. You don't own it. You don't own any of this here. I mean, the state land, the state doesn't own the land. The state really isn't a legitimate entity. I mean, unfortunately, that makes Hawai'i a very dysfunctional place, and it would be better if they actually dealt with all that. But, you know, it's our reality, and that's what we have.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                            |

## Responses to Draft EIS Comments

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| Geoff Shaw |              | <p>Geoff Shaw. And this is a point kind of going back to what Jim was talking about. When I was looking at two different maps, one map had like a quarry from precontact days that was a -- and then the statement about that quarry is that there were hundreds of different historical and cultural features about this quarry. And on another map it showed that same spot as being the area that they did the Davey Crockett training. And if that is the case, that needs to be explored. That needs to be made evident in your EIS, I think, because it is actually on the state land. And I don't really agree with concentrating on just the state land. I think that the whole totality of the Pōhakuloa land should be included in everything, because, you know, I think that even you guys agree that it is a total thing, and not enough in this EIS is done to talk about the effects of the impact area. You know, it's all one big ball of wax, and, you know, we need know more about what's happening there in that impact area, how like the wildlife, you know. The one guy was talking about the wildlife, you know. The endangered species are probably actually navigating into that impact area because they don't want to be around humans. They know that humans are bad. I'm sorry, but the animals, you know, like when they go feral they want to get away from humans. And those endangered species, they don't want to be around humans, so they are going to go where humans don't go, and that's the impact area, and that's not being studied. I guess those are the two points I wanted to make.</p> | <p>Please see EIS Sections 3.3 and 3.4 for the existing conditions within the region of influence related to the Proposed Action for cultural and natural resources. The Army's management actions to minimize impacts to these resources, as required under various regulatory programs, have been added to the EIS.</p> |
| Geoff Shaw |              | <p>This so-called EIS is merely an attempt to justify continued use of leased state lands for training and in no way clarifies what the actual impacts are. The army should at least find an agency that cares one iota about the environment because this agency does not. If they cared about endangered species then there would be discussion of strategies to protect all the specific endangered species located in the entirety of PTA instead of the generalities presented in this travesty of an EIS. The cultural resources are not considered from the perspective of the affected culture and once again nothing specific, only generalities. This is not an instance that a correction here and there will fix this document, a complete do-over should be done with actual concern for the environment and cultural significance being the focus, not perpetuating the war machine that is destroying our eco-systems.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                     |
| Noel Shaw  |              | <p>Aloha,</p> <p>I'm asking that the US Army no longer pursue use of Pōhakuloa Training Grounds. The space has been used far too long to train for wars we Hawaiians do not support. Further, the cheap lease hold cost has unjustly enriched the US Military when they are the most funded arm of the US governing branches.</p> <p>The adverse impacts it has on our 'āina and the well-being of each of us who have ancestral ties to these spaces are tantamount.</p> <p>The lease is up and it's time for Pōhakuloa to rest and regenerate. It's also time for her to be used as space to feed and heal our communities.</p> <p>Mahalo,<br/>Noel</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                     |

## Responses to Draft EIS Comments

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| Carl Sholin               |              | <p>I'm a cultural resources professional with 13 years of professional experience in archaeology. Five of those years I practiced in Hawai'i.</p> <p>I support the "No Action" Alternative.</p> <p>According to the draft EIS, PTA is to "(provide) logistics, public works, airfield support, and environmental and cultural stewardship in support of the USARPAC training strategy, while maintaining an enduring partnership with the Hawai'i Island community" (1-9). It's my belief that the US Army has been delinquent in its responsibility for environmental and cultural stewardship and has not partnered with the local community. This is evident in the draft EIS since it finds that all alternatives would result in cumulative adverse impacts to natural and cultural resources.</p>                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Carl Sholin               |              | <p>Additionally, the State land is zoned as a conservation district, and the military use of it is designated as nonconforming. While the EIS states that the HRS 13-5 provides a provision for "authorization of additional uses" it does not articulate what the limits of those additional uses are under state law. Therefore the document does not establish that there is a statutory right to use by the military, only that there is a vague loophole that they're exploiting against the spirit of the law. .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>EIS Section 1.4.2 has been refined to describe the administrative processes to use of the State-owned land following additional discussion with OCCL.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Carl Sholin               |              | <p>With regard to cultural resources, the EIS states that under Chapter 6E, the determination of effect would follow the EIS process (1-17). However, this is a federal undertaking and, therefore Section 106 of the NHPA is applicable not Chapter 6E alone. Typically, Section 106 compliance would precede a finding of impact of an EIS. The EIS needs SHPD concurrence with an assessment of effect, before it can adequately address the cultural resources concerns presented in this document. Thank you for your time</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>EIS Section 3.4.2 documents that ongoing activities at PTA have been taken into account through the Section 106 consultation process, and are documented in a 2018 programmatic agreement to resolve adverse effects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Jeannette Soon-Ludes, PhD |              | <p>June 7, 2022 Submitted by: Jeannette Soon-Ludes, PhD   Honoka'a, Hāmākua District, County of Hawai'i Comments on the Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area (PTA) Purpose and Need Statement Purpose and need statement does not address the obligation of the Army to conduct itself as a responsible tenant of lands held in the public trust by the State of Hawai'i. In addition, alternatives considered do not fully explore sites outside of the Hawaiian archipelago. Specifically, the draft EIS does not explore actions that involve the relocation of training or training features under the rationale that such actions would require separate NEPA compliance. However, failure to explore relocation alternatives does not help the Board of Land and Natural Resources weigh the impacts on the natural, cultural, and human environment against the stated but unconfirmed needs of U.S. security and defense strategies. Request for 1) Expanded Purpose and Needs Statement to address present obligations and future out-of-state alternatives;</p> | <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Text clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison PTA External Operating Procedures.</p> <p>Locations outside of the State-owned land at PTA do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).</p> |
| Jeannette Soon-Ludes, PhD |              | <p>Socioeconomics The draft EIS states several facts about Army economic expenditures in relation to the Pōhakuloa TA and the impact of these expenditures on the County of Hawai'i. These facts include: ? Army expenditures support 1,962 employees in the County of Hawai'i, including military personnel, civilians, and contractors (p. 3-142) ? Army expenditures accounted for approximately \$92M of labor income in the County of Hawai'i, including military personnel, civilians, and contractors (p. 3-142) ? Army expenditures in the County include local purchases of potable water, equipment, and other services, such as solid waste disposal, porta johns, and custodial services (p. 3-142) ? Regional airports are used to transport troops and various groups, including DoD, state, and local agencies contribute to the local economy by traveling to PTA for training (p. 3- 142).</p>                                                                                                                                                                                                                       | <p>Section 3.10.4 notes that in 2019 Army-specific impacts on the County of Hawai'i include 1,962 employees (i.e., military personnel and civilians, to include contractors) and \$92M in labor income (i.e., military personnel and civilians, to include contractors). Additionally, in 2019, an estimated 88,098 individuals in the County of Hawai'i were employed, meaning approximately 2% of the employed individuals were Army employees (i.e., military personnel and civilians, to include contractors). This information was obtained from the PTA Real Property Master Plan Socio-Economic Impact Assessment.</p>                 |

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| Commenter                 | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Jeannette Soon-Ludes, PhD |              | <p>The persuasive purpose of these facts is to frame the socioeconomic impact of DoD presence at Pōhakuloa in net positive terms. However, these facts aggregate disparate categories and ignore significant details that would more fully represent the degree and quality of economic impact. Of the 1,962 employees supported by Army expenditures in the County of Hawai‘i, for example, the type of employee is not disaggregated between military personnel, civil service, and contractors. This is significant for several reasons. 1. Military personnel do not necessarily pay income taxes in the state in which they are stationed. As such there is no way to ascertain how much of the stated \$92M in labor income generated in the County benefits the State. 2. There is no disaggregation and description of the type of civil service employment connected with Army expenditures in the County. As a result, there is no way to determine which jobs would disappear without Army presence (i.e. essential to army activities) and which jobs are community-focused and potentially remain without Army presence at PTA. 3. There is no detail regarding the number, economic value, and location of central offices for contracts awarded for Army activities within the County. Consequently, there is no way to ascertain the extent to which the economic value of those contracts results in real benefit to the County. The facts also frame local expenditures and travel to PTA as positive economic impacts of the Army presence in the County of Hawai‘i, generally, and Pōhakuloa specifically. However, for both labor and additional expenditures, there is no cost-benefit analysis that takes into consideration that military spending has been found to have an adverse impact on long-term economic growth.</p> | <p>Thank you for your sharing your concerns. Your comment has been noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Jeannette Soon-Ludes, PhD |              | <p>(Footnote 1: 1 Does Military Spending Matter for Long-run Growth? Giorgio d'Agostino, J. Paul Dunne &amp; Luca Pieroni. Pages 429-436   Received 26 Apr 2017, Accepted 26 Apr 2017, Published online: 05 May 2017 at <a href="https://www.tandfonline.com/doi/abs/10.1080/10242694.2017.1324723">https://www.tandfonline.com/doi/abs/10.1080/10242694.2017.1324723</a>).</p> <p>These comments are submitted for consideration in preparation of the final Environmental Impact Statement, with a request for 1) Expanded Purpose and Needs Statement to address present obligations and future out-of-state alternatives ; 2) A cost-benefit analysis that includes disaggregated data and factors in the demonstrated negative impact that military spending has on economic growth; and 3) An assessment that integrates Kanaka Maoli perspectives on socioeconomic wellbeing. Thank you for this consideration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The Army's cleanup efforts after training exercises are discussed in Section 3.5.4.11. Section 3.5.4.11 clarified to note that the Army removes or deactivates all live and blank ammunition upon completion of a training exercise in compliance with the lease and removes solid waste prior to departing a training area or range facility in accordance with the U.S. Army Garrison PTA External Operating Procedures.</p> <p>Locations outside of the State-owned land at PTA do not address the Proposed Action (retention of the State-owned land), do not meet the screening criteria, and were previously considered (see Section 1.1.3).</p> |
| Kaponou Souza             |              | <p>I strongly oppose renewing the Pohakuloa lease. Both the state of Hawaii and US military have done a poor job at managing Hawaiian lands and at a dollar a year it is a gross abuse of stewardship of Hawaii Trust Lands. This arrangement provides zero return on investment other than making Hawaii citizens less secure by having a large military presence in Hawaii, a contaminated ecosystem, and cost prohibitive cleanup. Hawaii does not need to be this Weaponized and does not serve to benefit Hawaii's people. Do not renew the Pohakuloa Range Lease.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Matthew Souza             |              | <p>Cultural artifacts that reflect Kanaka Maoli or Hawaiian history are largely being ignored by the United States government who while illegally occupying the islands of Hawaii and have in fact no treaty of annexation or legal plebiscite under which native Hawaiians give their consent to be governed by an occupying force. Any attempt to use United States law or processes to force such administrative rules or legally binding jurisdictional regulations are in fact a war crime without any treaty or consent by the occupied country and the subjects being governed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Mele Spencer              |              | <p>I am a member of the Japanese Chamber and Hawaii Chambers. I support the Pohakuloa Training Center.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Lance Stevens        |              | <p>My name is Lance Stevens, L-A-N-C-E, S-T-E-V-E-N-S. I'm born and raised in Waimea, and I come in support of the renewal of the leased lands. And that's because I have got, you know, 27 years I work up there. I work with an awesome bunch of people. And I know we got the environmental impact statement and all the information. I see it. I see these guys work hard. We work with a great team, the environmental group, DPW, Police, Fire, and everyone else that's up there to ensure that our troops train safely, that everything is done the correct way, in accordance with our mandate from Congress, and that they follow the rules. And, you know, I got to enforce that. As a police officer up there, I'm making sure they do what they are supposed to do. And then, of course, you know, our commanders, as great as they are, they come in two years, maybe three years, if they are lucky. But us guys that get to work up there and work with the soldiers, work with the Marines, the Navy, and the Air Force, and HPD and other law enforcement, the FBI, it's awesome training for us. And that's to make sure that we can provide a safe environment. We serve and protect, and we ensure that -- you know, I was raised by a dad that served in the Army. He was in the paratrooper unit, fought in the Korea war. He always instilled in us whatever job you do you do the best that you can. And that's -- I'm so grateful. I have been blessed. You know, God has blessed me. 27 years up there. My tour of duty coming to the end. You know, you get older, things happen. So I'm off the road. I'm in the admin position, but I'm going to try and do everything I can to help facilitate a good working environment, as well as the other people that I work with up there. And we want to make sure that everybody has the information they need and they do those things they do. And again, you know, I'm just grateful for that opportunity. And I felt strongly. I work here. That's my boss over there. But got nothing to do with that.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Lance Stevens        |              | <p>I just felt strongly about my mom and dad raised us to be patriotic citizens, do what we got to do. I got the opportunity to serve in the Air Force, and I might have made a career out of it, except my height and weight didn't match their standards. I have to be 179, and my whole service I think I was 200, 205 pounds. So I got my honorable discharge, and because of that, you know, I worked the ranch many years. It's tough work. The pig. It's good, but it ain't that great. I had my family to take care of, and I think -- that's personal, yeah. But my reason for bringing that up is I was able to serve - I feel proud. I got to serve the country. I got to meet these men and women that wear their uniform and protect us, holding their oath to protect these United States and our Constitution, to keep it in place, to prevent these other people, socialists, communists from invading. You see what's going on in Ukraine. China is threatening Taiwan. Is that it? Three minutes. Well, thank you for the opportunity and mahalo.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Megan Stokes         |              | <p>It is time for this land to be returned to the Native population of Hawaii. The army's use of the land has disturbed the environment in the past. This was necessary for a time when there was a Pacific war front, but is no longer more important than protecting the land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Kaleiheana Stormcrow |              | <p>I do not support the lease retention at Pōhakuloa Training Area.<br/>I am a field biologist, and when I am doing field work in the area I can hear and feel the bombs going off. There is no possible way that they can be annihilating land like that and not harming the endangered plants and birds that live there, and in the nearby areas. PTA has run its course. End the lease, remove all the unexplored ordinance and give the land back to Hawaiians.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

## Responses to Draft EIS Comments

| Commenter      | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                                                                                                                                 |
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| Nathan Strain  |              | I grew up in Hawaii. Everything from the military has been constant lies and environmental destruction. The military lied about returning Kaho'olawe in a habitable state, and everybody knows about the decades of lies and shoddy practice that led to the Red Hill disaster. At this rate I honestly wonder why the US Military is allowed to operate in the State Of Hawaii at all. I do not trust the statements about the impacts of training at Pohakuloa, nobody should, not after the years of statements and "studies" about Red Hill. The land should be returned to the state.                                                                                                                                                                                                                                          | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Claire Sweeney |              | The military has enough land. Leave these islands to the people.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Manu T         |              | while there is a million places for the military to train, there is only a finite amount of the 'āina left, please do your parts to protect it and move your training ground elsewhere                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Jane Taylor    |              | I am not in favor of any form of military occupation continuing on the Big Island. It seems wrong to choose such an absolutely fragile and unique ecosystem for such degrading activity. There must be less unique places that can serve the military. All military use should be discontinued. My suggestion is that the military be required to clean up its mess (oversight required as they have not proved all that trustworthy) and return all of the big island training areas to pristine status. I further suggest that those areas become part of the National Park system with a mandate to protect both unique biological and geological aspects as well as cultural. Neither the county nor the state of Hawaii seem equipped to care for this land - hence that latter suggestion.                                    | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Megan Taylor   |              | I hike in this area and passing by guns being fired is unnerving and feels extremely unsafe. It would be preferable to decline renewal and move such activities off this island. It is a sacred place unsuitable for such activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Sally Taylor   |              | It is time for a complete review of military land use in the Hawaiian Islands. The Pohakuloa Training lands should be returned to the State of Hawai'i.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                           |
| Sherri Thal    |              | The situation at Pohakuloa is dire. The military has been occupying 23,000 acres of Hawaiian land illegally for nearly sixty five years for just one dollar. Every part of that statement is a travesty!! The EIS fails to address the illegal occupation as well as explain the unexploded ordinance littering this sacred Hawaiian site. The EIS fails to address the fact that NOTHING that the Military has fired off has EVER been cleaned up! The EIS does not give a solution to guaranteeing oversight by the Hawaiians to preserve the 'aina and artifacts. The EIS fails to address the simple fact the military presence in Hawaii is completely misaligned with the practice of Aloha and Aloha 'Aina. I choose the EIS option number 4, the No Action Alternative. Please, give the 'aina back to the Hawaiian people. | Thank you for your comment. In accordance with the lease, and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, the Army will follow Army regulations to determine how and when the cleanup and restoration will occur, following the CERCLA process. |

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| Megan Thayne |              | <p>The DEIS also states that "the availability of freshwater, potential for coastal flooding, stability of ecosystems and biodiversity, and the health of Indigenous populations could be adversely impacted from ongoing climate change." Additionally, the DEIS states that "coastal flooding is not a threat to PTA given that the installation is several thousand feet above sea level." What is not addressed in the DEIS, however, is how these two climate change impacts can be reconciled. While effects of climate change do not impact the viability of the Proposed Action, they will affect the future habitability of land now occupied by Indigenous populations. This suggests that displacement is likely in coastal regions and that land well above sea level will be needed to house displaced populations. It does not seem like the DEIS considers the dynamics of climate change in the designation of alternatives. For example, how might the displacement of coastal residents impact future land use of the military? Will the land in the Proposed Action be needed to relocate displaced Indigenous communities? Can you explain why climate change analysis was not implemented when identifying the purpose of, and need for, a proposed action and defining alternative actions that could meet that purpose and need? ?</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Megan Thayne |              | <p>SCOPING PHASE Public comment periods are an important aspect of the NEPA process. The purpose of the scoping process is to engage the public in deciding what issues are within the scope of the analysis and can serve as a way to anticipate impacts, select alternatives, and develop mitigations. The preparation of the DEIS should be informed by comments received from cooperating agencies during this process. During the scoping phase, the EPA submitted a comment encouraging that "different land retention methods" and "varying time periods for land retention" be incorporated into the "range of alternatives to compare impacts of the different methods. "</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>There are no cooperating agencies for the EIS.</p> <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease. EIS revised to provide potential impact for retention via fee simple title and lease where impacts are expected to differ.</p> <p>The Proposed Action does not include land retention duration because that would be negotiated with the State following completion of the EIS. Section 2.2.5 includes Alternative 6 as a short-term retention alternative and the reasons it was dismissed from detailed analysis.</p> |

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| Megan Thayne |              | <p>The alternatives listed in the DEIS only range in retention size and fail to provide alternatives that analyze the impacts of different retention methods and varying temporal scales. Why did you choose not to reflect the input from the EPA in your alternatives selection since the purpose and need statement does not preclude these types of alternatives? Also, the DEIS mentions plans to consult Native Hawaiians for mitigation efforts but there is no representation from this group in the creation of the DEIS. Can you explain why you chose not to consult with Native Hawaiians in conjunction with or prior to the drafting of the purpose and need for the Proposed Action?</p> <p>CONCLUSION The NEPA process promotes informed decision making and sharing information with the public [REF 1]. Considering the risks of climate change--especially for Indigenous populations--and the highly controversial presence of the military in Hawai'i, it seems prudent to conduct a more holistic, specific, and actionable climate change analysis [REF 2] as well as incorporate substantive concerns from the public and cooperating agencies into the consideration of the Proposed Action and Alternatives. This DEIS does not contain a sufficient climate change analysis and the scoping phase failed to meaningfully engage the public and cooperating agencies in the selection of alternatives and mitigations for the DEIS. I appreciate the opportunity to provide comments on the DEIS and I hope my input has been beneficial. REFERENCES CITED: [REF 1] Foley Hein, J., &amp; Jacewicz, N. (2021). Implementing NEPA in the Age of Climate Change. Michigan Journal of Environmental &amp; Administrative Law, (10.1), 1. [REF 2] Webb, R. M., Panfil, M., Jones, S. H., &amp; Adler, D. (2022). Evaluating Climate Risk in NEPA Reviews: Current Practices and Recommendations for Reform.</p> | <p>Section 2.3 revised to note that license is not analyzed as a land retention estate because it is for minimal permission to occupy real property for a short duration. It would not allow for predictable long-term use by the Army; would not enable future facility and infrastructure modernization; and would not necessarily allow exclusion of other users from some facilities, utilities, and infrastructure. Consequently, it does not meet the following elements of the purpose and need statements: (1) provide a long-term interest, (2) allow for future facility and infrastructure modernization, and (3) provide austere, real-world training environment.</p> <p>Section 2.3 revised to clarify there would be no difference in ongoing activities on the State-owned land retained under the land retention estates selected for analysis (i.e., fee simple title, lease, easement). The only difference is that under lease and easement the Army would adhere to lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements. Because ongoing activities, lease/easement conditions, assumed Army obligations in the Court Ordered Management Plan, and applicable State processes/administrative requirements would be the same under lease and easement, the impacts for lease and easement would be the same; therefore, the EIS only analyzes fee simple title and lease.</p> <p>The Proposed Action does not include land retention duration because that would be negotiated with the State following completion of the EIS. Section 2.2.5 includes Alternative 6 as a short-term retention alternative and the reasons it was dismissed from detailed analysis.</p> |
| David Thielk |              | <p>Aloha, It is my belief that the army should not be allowed to renew their lease of those lands. Those are our native lands, and the army cannot be trusted to treat those lands with the proper care and respect the people of Hawaii expect of them. The military has been known for their poor management of the Hawaiian lands which they oversee, as just a few months ago the military proved its inability to prevent very serious and dangerous grievances from occurring at Red Hill. Their management of the Red Hill situation was abysmal, and they are ignorant for allowing it to continue for so long. But even with the contaminated water at Red Hill seemingly under control, can we trust the military to keep it that way? Looming in very recent memory are the brutal and cruel deformations of our islands Kaho'olawe and Molokini at the hands of the navy. The navy dragged their feet in the cleanup of our sacred island, doing a lazy, sloppy, and incomplete job, the consequences of which are still felt today. The military could not be trusted to clean up their mess at Kaho'olawe, so why should we trust them to properly contain future water contaminations at Red Hill? Should anything similar happen in any of their other Hawaiian facilities, how can we trust them to resolve it properly? Let us not forget our small island Ka'ula and the many thousands of native birds slaughtered in the name of gunnery training. In what way is that necessary for the training of their soldiers? The argument that our lands are needed for the increased survival of their soldiers is unfounded and foolish. They may easily receive equal, if not superior training at facilities elsewhere, without the need for the devastation of our wildlife.</p>                                                                                                                                    | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| David Thielk |              | <p>In short, this is not just about the army, but the armed forces as a whole. They have proven untrustworthy in their management and jurisdiction over Hawaiian lands and are wholly and utterly incapable of showing the respect our lands deserve. It is for these reasons that I believe the army should not be allowed to hold their lease of these 23,000 acres of Hawaiian lands, and they should be returned forthwith.</p> <p>Mahalo, David Lihau Kai Thielk</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| Steven Thomas      |              | <p>Aloha Mai Kakou,<br/>           'O wau 'o Steven Thomas,<br/>           Aloha Everyone, My name is Steven Thomas.<br/>           I am descended from the line of King Liloa and the progenitors of the House of Keawe. I have lived in Central O'ahu my entire life and I have experienced the colonization of mind and culture. My kupuna have been made to accept the criminal act of the stealing of our country by your country in violation of treaties and of international law" as stated in the Apology Bill of 1993 (Public Law 103-150). Subsequently, we have been made to accept the so-called "necessity" of leasing thousands of acres of our land for military training purposes. I say enough already. Go blow up your own country. Stop killing and desecrating mine. I have been in Makua Valley as well as around Pōhākuloa. The mana of our ancestors is still there and still very strong but the 'āina is crying out. Crying out for me to do something.... say SOMETHING! But I fear this is merely a formality and the military/government machine will do whatever they want anyway. I've heard the word "compromise" come up with regard to similar land lease issues in the past here in Hawaii, but I've learned that it usually results in some kind of a token offer in return for continuing on with the originally planned use... most times, our people are outnumbered by those who have absolutely no knowledge of what they're doing to the land. So again, I would urge you to take your military training back to your country. My people still have a chance to resuscitate this 'āina, and we are the only ones who inherently know how to do this. It's in our bones. But.... America<br/>           "He ali'i ka 'āina, he kauwā he kanaka" - The land is chief, the people are the servants<br/>           Mahalo</p> | <p>Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see Section 3.4 (Cultural Resources) of the EIS and Appendix I for the CIA.</p> |
| Kupaianaha Thurman |              | <p>With the use of the United States military in which the United States federal government oversees them. The military base know as Pōhākuloa Training Area (PTA) has been desecrating Hawaiian lands for over 67 years since it was first built in 1955. Positioned between two sacred mountains of Mauna Kea and Mauna Loa sits 108,863 acres of stolen land in which US military forces occupy. Leased out at the cost of \$1 per year, this is a disgrace when Native Hawaiians can't even afford to live on their own land. This area is being used for target practice to bomb and shoot millions of dollars worth of tax paying money to desecrate this land. Simply put the common people do not want this base and it's military presence on our 'āina any more. You are not welcomed here. So do the right thing and close down PTA. Kū Kia'i Pōhākuloa! Kū Kia'i Mauna!</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                               |
| Melissa Tomlinson  |              | <p>I'm writing today to express my disapproval and disappointment in the very incomplete EIS draft. I did not read the whole thing because that would be a huge waste of my time, but I know without uncertainty it is incomplete because of its lack of attention to Kānaka Maoli, their culture, their spiritual practices and their land, among other reasons. It is incredibly frustrating and embarrassing knowing the history of how the U.S. military came to occupy and allow such genocide. It is past time for rectifying such violent, abhorrent behavior. It is past time for reconciliation, yet it must be done. Please leave Pōhākuloa. Please don't even attempt to renew the lease and just go. Free Hawai'i from underserving militant war and violence. The world needs this because the world needs Hawai'i and when I say this I am saying the world needs Kānaka Maoli to be free of their oppressors. All I can say as an American citizen is I agree with and support Kānaka Maoli and so many others in calling for the Army to deoccupy and demilitarize Hawai'i and go home. You do not belong there and without any doubt it would behoove everyone there to heed the words of Auntie Maxine and the many others who have been speaking out for years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                               |

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| Cherie Townsend        |              | Hawaii is the extinction capital of the world, if you will not leave the Mauna in peace at least be stewards of the land that you occupy. Makua is a valley that you occupy but under your stewardship it is more pristine than most and the Army is responsible for that. Please do your part for Pohakuloa as well protect both from development and the onslaught of money driven greed.                                                                                                                                                                                                                                                                                                                                                                                                                                | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Hannah Ulm             |              | I do not agree with the impact these operations will have on Hawaiian land. The US needs to respect the cultural sites of Hawaiian tradition, similarly to NAGPRA in the contiguous states. Whether or not these are sacred sites should not alter your conscience in this matter. Hawaii is not intended for military use. US needs to recognize its place in the world and halt its imperial influence in areas where the native peoples have no interest in participating. NOT YOUR LAND. Not your choice.                                                                                                                                                                                                                                                                                                              | The Army's compliance with NAGPRA is described in Section 3.4 of the EIS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Kaila Undisclosed      |              | Aloha. My name is Kaila. I just wanted to submit a comment and share that the desecration of indigenous land is not only wrong but has severe environmental impacts that will last for thousands of generations. And so I hope that you can find it in your heart to restore the aina to its true splendor and you help heal. I hope it ends well. Love you. I am going to try Hawaii. ****ing military Hawaii.                                                                                                                                                                                                                                                                                                                                                                                                            | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Marie Valencia         |              | There's a necessity to preserve and return Hawaiian land to the Hawaiian people now more than ever and the US Army should respect those wishes by not building on any Hawaiian land anymore and further consider returning any land taken.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Johnny Angel Victorino |              | <p>Aloha Mai kākou</p> <p>I am writing testimony against the renewal of the US military's Pohakuloa lease. I am also speaking behalf of my Ohana, both friends and family. The desecration of pristine native land and species have been not been held accountable for too long. Too long have the mortars and RPG training practices shake our island.</p> <p>Too long have the Palila bird and the Nai'o tree suffered from explosives and bullets. Nearly 200000 acres lended to the US military for them to make irreparable damage to both earth and water. There is no action or attempt of action that could mend the massive holes they leave on our mountain. What about Hawaiian perspective? What about Aloha 'āina? What about taking care of our resources that lie within this Little Rock we call home?</p> | Thank you for sharing your concerns. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for the Hawaiian native population. Please see the revised Sections 3.3 and 3.4 of the EIS and Appendix I for the CIA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Johnny Angel Victorino |              | Does the military account for all the bullet casings or metal shrapnel spread across the PTA? Doesn't that effect our natural environment? The Military doesn't incorporate a Hawaiian Perspective into their usage of our land so why should they benefit from Hawaiian Land! As a local boy, born and raised on Moku O Keawe, I STRONGLY advise you no longer let US military to use Pohakuloa as a playing ground. There are hundreds of families of Hawaiian bloodline waiting for their piece of land. Just a piece, not a base, not a ranch, or a preservation, just a piece. So please listen to the people of this land. Victorino Ohana                                                                                                                                                                           | <p>Section 3.5.4.11 of the EIS states that soldiers are required to collect casings from spent rounds, wood boxes, and other solid waste debris generated during live-fire training and return them to the ammunition holding area and ammunition supply point for recycling or disposal, as appropriate. Section 3.5.4.11 revised to state that military personnel training at PTA follow several requirements for range operations, maintenance, and clearing including the Pohakuloa Training Area Range Operations Standard Operating Procedures (2022) and the U.S. Army Garrison, Pohakuloa (USAG-PTA) External Standard Operating Procedures (2018).</p> <p>Sections 3.5 and 3.15 supplemented with relevant information from PTA Range Operations Standard Operating Procedures regarding cleaning ranges after training.</p> <p>In accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration of former training areas. After the lease expires, if deemed necessary, the Army would follow Army regulations to determine how and when the cleanup and restoration of State-owned land not retained would occur, following the CERCLA process. Within the CERCLA process, all stakeholder input is taken into account, including the public and Native Hawaiian perspective.</p> |

## Responses to Draft EIS Comments

| Commenter         | Submitted By | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Response                                                                                              |
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| Kaukaohu Wahilani |              | <p>Aloha. My name is Kaukaohu Wahilani. K-A-U-K-A-O-H-U, W-A-H-I-L-A-N-I, and I hail from Pao, Waianae Valley, on the Island of O'ahu, and I am here to use my testimony in opposition to the extension of the lease for Pohakuloa and the further desecration of the Piko of Makua Keawe. Like Uncle Kalani Flores has said at the ending of the meeting that we have (indiscernible) the army was just the actions that have been done, continues to be done to desecrate our aina. You know better. You tried war all these years. Let's do peace and love. So this is my testimony. Please take it under advisement. Kakou pui (ph.), mahalo nui, aloha.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Diane Ware        |              | <p>The Environmental Impact Statement should thoroughly analyze the alternative of moving training from Pōhakuloa to a less sensitive area outside of Hawai'i, in case the military does not retain control of the 23,000 acres. Losing this acreage would severely restrict training, since the area hosts vital facilities for electricity, drinking water, communications, and roads. Why was all this was sited here under a temporary lease (expiration in 2029)?</p> <p>Why does the military need Pōhakuloa, when it already has access to thousands of acres of land, and hundreds of square miles of ocean and airspace, around Hawai'i? Military training causes serious impacts at Pōhakuloa since it is a sensitive area with 50 at-risk species, and with tremendous cultural significance.</p> <p>Why should the public rely on claims that the military cannot manage without Pōhakuloa? The same claims were made for Kaho'olawe and Kapūkakī (Red Hill).</p> <p>Why should the military be entrusted with this land? A recent court decision (Ching case) foundation that the military failed to meet obligations under its current lease for the area. They failed to clean up unexploded ordnance, junk cars, an old tank, shell casings, white phosphorous, and rubbish. There have been three fires in the past seven years. Only about half of the needed archaeological surveys have been done. And they claim they have not found even one traditional cultural property at Pōhakuloa.</p> <p>The military has also been negligent elsewhere. At Waikoloa, unexploded ordnance has not been cleared for decades. On Kaho'olawe, one out of every four surface acres has not been cleared of unexploded ordnance. At Kapūkakī (Red Hill), the military claims the water is now safe, but people returning to their homes report continued problems.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |
| Braeden Watanabe  |              | <p>Though I believe that there is a cultural aspect to the land as recognized in Hawaiian tradition, I believe that the training and military activities that take place on Pohakuloa are deemed as essential and necessary, and outweigh the "damages" and detriments of these activities on Hawaiian culture. While cultural preservation and honoring tradition is important, I believe that it is essential for military personnel to have the resources needed to train, in the occurrence of any war or threat.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p> |

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| J. Watanabe         |              | <p>Comments: 1. The Army's draft EIS fails to identify any prior NEPA evaluation of the environmental impacts to the State owned/leased lands, except for a conclusory statement on p. 1 -15, Section 1.4.1, which provides that "[t]he Proposed Action is a real estate action (i.e., administrative action) that would enable continuation of ongoing activities on the retained State-owned land. Current activities within the State-owned land were previously analyzed in separate NEPA documents, as applicable; therefore, continuation of current activities is not re-evaluated in this EIS." I searched the Army's draft EIS document, including the appendix and references, and found no prior NEPA evaluation of the use of State owned/leased lands for the following activities on p. 2-2: PTA Battle Area Complex Digital live-fire range for mounted, dismounted, and aviation training; Ammunition Holding Area, where ammunition is temporarily stored while a military unit is training; Firing Point Location used for live-fire and non-live-fire training by indirect fire weapons (i.e., artillery, mortars, and rockets); 14 Multi-purpose live-fire range Landing Zone Cleared area for landing and takeoff of helicopters and tilt-rotor aircraft; and Drop Zone Cleared area used to drop equipment and personnel via parachute from aircraft.</p>                         | <p>A list of previous NEPA compliance documents for training at PTA has been added as Appendix E (see Section 2.1). State permits and approvals required under HEPA are described, where appropriate, in the affected environment (Chapter 3) for the applicable resource.</p> |
| J. Watanabe         |              | <p>According to the Army's draft EIS, the "lease for Army use of State-owned land was signed in August 1964" (p. 1 -17). NEPA was enacted in January 1970. If prior NEPA analysis of the impacts of Army activities on the State owned/leased land was conducted, please identify the NEPA document and make it available for public review, so the public has the opportunity to review and comment. If there is no such prior NEPA analysis, then the Army has failed to comply with NEPA and must prepare another draft EIS to include the required environmental NEPA analysis of the impacts of Army activities on State owned/leased lands that Army failed to analyze. 2. Given the Army's failure to comply with NEPA at Makua Military Reservation, the Hawaii public has legitimate concerns about the Army's compliance with environmental laws, such as NEPA. The proponent of the Army's draft EIS for PTA, Daniel Misigoy, Colonel, U.S. Army Commanding, lacks integrity and has demonstrated a willingness to violate federal laws, including Army regulations to achieve his personal aims. This is based on personal experience. With such a person leading this draft EIS, it is hard to place any trust in the Army's compliance with federal environmental laws or Army's own regulations. For these reasons, I object to the Army's use of PTA. Very truly yours. J. Watanabe</p> | <p>The EIS has been revised to provide Appendix E, which includes NEPA and other environmental planning documents and existing management measures.</p>                                                                                                                        |
| Hoku Webb           |              | <p>When your lease is up in 2029 you will have had the land for 65 years, perhaps it is time again for the Native Hawaiians and residents alike to access the land -- in 65 years from 2029 you can lease again. In terms of environment impact, I can only assume (because I probably do not have access to the land) that training for war is nearly as destructive to the land than war itself -- and it is happening over historical and cultural land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                          |
| Justine Weingartner |              | <p>I urge you to listen to native Hawaiians and remove all US military from land that does not belong to them nor hold cultural significance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                          |

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| Kerry Wells   |              | <p>So my name is Kerry Wells. That's K-E-R-R-Y, W-E-L-L-S. I'm a citizen of Waimea. I live on the Puu Nani subdivision, and I have two children, two boys, and they are little. They are eight and 11.</p> <p>When the training activities are happening, which I realize is not on the leasehold land, it's on the training range area, the bombs, we can hear them from the house, and it shakes the house, and my son cries, my 8 year old. And he doesn't really understand what's going on, so I have to explain, you know, that they are bombing. It's really concerning, and so I'm asking that a noise study be conducted. And I realize this EIS only covers that leasehold land, but I would really like a noise study conducted on the bombing activity that's happening. I don't think a noise study was conducted for this EIS, and I know that what's going to happen is that the noise study, if it's done in this area, will probably find that the noise contours are zero. So I am asking if there is some way, and I'm trying to think of a way, to get a noise study done. And I know that the noise contours would probably reach my house. It shakes my house when the training is being conducted, which is roughly, I believe, every three to six months and it's pretty much every day, day and night, and that's, you know, every like a two-week period during that time. And then during RIMPAC, that activity increases substantially. So it would be great if that noise study could be conducted during RIMPAC activities. So yeah, that's my main comment right now. I really do appreciate everybody coming. I was hoping there would be more people here. I work for NAVFAC Pacific, and I'm in the environmental division there. I do NEPA. So it's -- I wish there was more people, because that's part of the process of EIS is the public being involved. So right now this is my comment is just that noise study, and thank you for letting me speak. I really appreciate. Like I said, lots of powerful speeches being made tonight. So thank you.</p> | <p>The best available data for noise analysis was incorporated into this EIS. A noise modeling study was done in 2020 that considered noise zones for military munitions using a baseline model (EIS Figure 3-8), a neutral weather model (EIS Figure 3-9), and a model for weather conditions that enhance sound propagation (EIS Figure 3-10). This study is discussed in Section 3.7.4 and analyzed in Section 3.7.6.</p> |
| Tristyn Wiehl |              | <p>I'm here tonight. I wasn't really prepared to speak, but I feel called to do so. I really want to mahalo all the kupuna in the room who have come before me and shared their thoughts and opinions. I really appreciate you folks. Sorry I'm a little bit nervous. I just wanted to start by saying that at the beginning of this talk you folks mentioned that Hawai'i needs the Army and the Army needs Hawai'i, and I don't believe that that's true. I heard what you followed it up with, and it mostly sounded to me like the reasons why the military needs Hawai'i, not really the other way around. I don't see there being a reciprocal relationship in place. I wanted to mention that we can hold multiple realities in our minds at the same time. We can understand, as bruddah said earlier, why people join the military, for economic reasons. I know I'd be making a lot more now as a college graduate if I was in the military, but that's not what my heart has called me to do. I do appreciate the formality of this meeting. I mean, it's just that, though, it is a formality, and I think, as other people have said, we don't necessarily feel that things that we say are actually taken into consideration when decisions are made, especially when it comes to the military and aina.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                        |

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| Tristyn Wiehl    |              | <p>I apologize. I didn't introduce myself fully. I'm from O'ahu, Mililani specifically. I also agree that, you know, if I wasn't here tonight my words would just be on a sheet of paper or a voicemail. Although that's great opportunities for other people to contribute I think it means a lot more when we can stand in front of you and maybe you can feel our mana and maybe even see some of our tears, because I know I can't necessarily hold it in. As a first generation in Hawai'i, I feel like my duty is to support kanaka and perpetuate their voices, because my family is not from this place, and I am also a product of a Diaspora. You can see my hair. Obviously, I'm part African. And, you know, I don't have those connections to my homeland and my family, and that is a direct impact of colonization, which we all know is carried out predominantly in a lot of cases through the military. I just want to mention that there is some work being done, right, to restore this aina in part by organizations, maybe some funding by the military. I'm not sure how much you guys put in, but I know recently Mauna Kea Watershed Alliance was doing an outsizeing, and I will make this quick. There is a bird corridor, right? How are we supposed to have any effective bird corridor between two mana when there is something cutting them in half? So I just again appreciate everyone else who came before me. Any restoration is going to be undermined by continued desecration. So Mahalo.</p> | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                   |
| Renee Winchester |              | <p>Pohakuloa is our hawaiian land, not military, please consider this</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                   |
| John Witeck      |              | <p>I urge the Army to shut down Pohakuloa and clean up the wastes there and restore all 133,000 acres to civilian use--and to the indigenous people of Hawai'i. The military can find other training areas that don't involve squatting on and ruining the land of these islands. This land was taken without due process, without purchase, and through an executive order in 1964. This constituted an enormous theft. The U.S. government, via Congress and President Bill Clinton, apologized to Hawaiians for the illegal overthrow of the Hawaiian government. Now it's time that the lands taken from the Hawaiian people and used for military training and bombing be returned to native Hawaiians and the people of Hawaii as the island of Kahoolawe was some decades ago. Please do not allow the military's misuse of Pohakuloa and several other extensive sites in the islands to continue. Thank you for hearing my opinion on this matter. It is time do PONO, to make things right, and restore this land to peaceful, civilian uses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                   |
| Adriana Woods    |              | <p>My name is Adriana Woods. I go by Luna. I am from Columbia, and I have lived here 12 years. I am also a U.S. citizen. I have blood on my hands. No. I pay taxes. I have blood on my hands. Do I choose to give my taxes to the U.S. Army? I do not. Neither do I choose to give it the Columbian Army, who has committed many atrocities. I have been to 34 countries, and I chose to come to this country, the Hawaiian kingdom. Mahalo nui loa. Aloha kakou. I have aina, my husband and I. That was the dream. Three acres. We grow banana, pineapple. I work at Pahoa Elementary School. I'm a yoga instructor. I'm a performer, and I performed at the Hilo Palace Theater and inspired children to be dancers and acrobats. I have helped elderly people here to be flexible and work on their breath. I have picked up hitchhikers. I have been a hitchhiker before we had money here. We work hard. My husband is a carpenter. He builds homes for local people, not just tourists. I have earned it. It was not easy to move here. Even though I'm a U.S. citizen and (indiscernible).</p>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your comment. The Army understands its responsibilities for proper stewardship of the land and has the utmost respect for Native Hawaiians. Please see the revised Sections 3.3 and 3.4 (Biological and Cultural Resources) of the EIS and Appendix I for the CIA.</p> |

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| Adriana Woods  |              | <p>What have you done besides pollute? What have you done? Thank you for being here and listening. He's on his phone the whole time, this gentleman. Yes, you. You have been on your phone the whole time. You are not listening. MS. Okay. I'm sorry. But I feel like are you really listening? If you are, like the other man, what's really going to happen? I don't need to tell you what's going on this island. I have been here 12 years. And just like the Mainland, worse on the Mainland, there is so much gun violence with 15 shootings on the Mainland. Mainland, why do we call it the Mainland? Like this is its little finger. This is its own entity. I'm rambling. Okay. I will do research for a book. Okay? And in my book, it's a novel, I have been looking up Pohakuloa, and one thing it says if the depleted uranium gets to reach a very high temperature it can aerosolize the depleted uranium. ?I'm like, okay, (indiscernible) using now if create that high temperature. Maybe they are not that hot. But do you know what would cause that really high temperature? Do you know what you are on? Do you know? Have you seen the heart, the pu'uwai of this island and of all the islands? Pele, the lava. You don't think the lava is going to come and poosht, what's it going to do? It's going to obliterate your camp, whatever you have got going on. I mean, it could totally change. There is many kinds of uranium, you know that. I had to look it up. There are many kinds, and they could change, depending on if they get oxidized or not, if they lose an atom, they gain an atom, blah, blah, blah.</p> | <p>Section 3.5.4.12 includes references noting that the depleted uranium did not aerosolize upon impact and per DODD 4715.11 high explosive munitions are not permitted to be fired into the same area as the depleted uranium impact locations.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> <p>Section 3.6.4 discusses fugitive dust monitoring for depleted uranium at PTA, which concluded that depleted uranium has not impacted air quality at PTA or in the surrounding areas.</p> <p>Analysis of effects of volcanic activity on the impact area is beyond the scope of the EIS.</p> |
| Adriana Woods  |              | <p>Anyway, all I want to say is I see Pohakuloa as like a system of trails, like in the Alps, like this is the alps in Europe, and they have these trails where tourists can walk, stay at a cabin, get some really good local food and then keep walking or bicycling to the next cabin. There could be hunting and tourism that's healthy not just people driving around, going to resorts and leading unhealthy lives of just getting drunk and being tourists. And that's the other side of this issue is tourism. You know, my mom has lived on Maui for 20 years, and I couldn't even be there without trespassing on somebody's resort. I couldn't even go park anywhere without trespassing because tourists are there, and they have priority over residents, who are just Paho school teachers and yoga teachers and carpenters and farmers and whatever you all do that's honest. I don't understand. But I just thought I we give my two cents, because -- Yeah, so kapu. I think there is a sign, I saw it somewhere on your land -- not your land. On the land that you are leasing for a dollar, which is some sort of sick joke. But the sign sets kapu. Kapu. The military sign says kapu, but the military sign is using an olelo word, which means sacred, and it means holy, and it means no trespassing. That is so fucked up. That's really weird that you are using the word kapu. Like the only word you know is no, no trespassing. I would love to see Pohakuloa turn into a system of hiking trails like in the Alps. That's my dream. I'm setting that intention. Mahalo.</p>                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Amy Woods      |              | <p>I do not approve of the military's intention to keep using these lands. The eco system in Hawai'i is so fragile and we must do everything possible not to continue the degradation and desecration of the native lands and animals here. We must immediately start to restore the land</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Janice Workman |              | <p>Stop the desecration on pohakaloo</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Rocio Yao      |              | <p>Military training is hurting the land! Please demilitarize Hawai'i</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Thank you for your correspondence. Your comment has been noted. Please see General Response 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| S Yee                |              | <p>The 133,000-acre Military Toxic Area (PTA) is located in the center of Hawaii Island at an elevation of 6500 feet. It's an area that has been bombed and abused by all branches of the US military for more than 70 years. Millions of live-rounds are fired annually at PTA. A wide range of toxins, including Depleted Uranium (DU) radiation, have been spread throughout the land. All of us on the Big Island, residents and visitors alike, people, plants and animals, are downhill and downwind from PTA.</p> <p>Of the 133,000-acres at PTA, the military wants to renew a State lease of 23,000 acres. The bulk of the land at PTA, more than 84,000-acres were simply seized by a presidential executive order. I say NO to the lease renewal. I say yes to require a comprehensive independent assessment of the toxic military mess at PTA, guaranteed federal funds to do a thorough clean up, and the shut down and return of the entire 133,000-acres to the Hawaiian people. Enough is enough! Bombing the aina is the ultimate desecration. I urge others to express their thoughts publicly, and to the military Environmental Impact Statement (EIS) process</p> | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Unidentified Caller  |              | Hi. A couple of issues about noise remediation. I am thinking that we should be pushing for perhaps outside-the-box thinking, if there is a way that they can train people using virtual explosions instead of real ones so that they are not dislodging things underground and so that they don't scare us, who live in Waikolao and Kukio,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | EIS Section 1.1.3 refers to an analysis that concluded computer-based simulation training is not an adequate substitute for live training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Unidentified Caller  |              | and so that they are not leaving more depleted uranium or whatever all you were leaving there in the area, because anything that is not made out of lava is a newly introduced substance that has to be cleaned up. So that is one of my main concerns. And the other aspect is cleaning up what's already there. I understand there is some depleted uranium. The EIS is very vague about what it says it's going to do to deal with that. I think that's it. Thanks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Depleted uranium, which is outside of the State-owned land, would continue to be managed under the Nuclear Regulatory Commission license.</p> <p>Section 3.5.4.12 notes that the Army completed a 1-year airborne uranium monitoring program in 2009 to determine if depleted uranium has impacted local air quality. Total airborne uranium levels collected from 210 air samples at PTA were within the range of naturally occurring uranium in Hawaiian soils and rock and were several orders of magnitude below the U.S. and international chemical and radiological health guidelines; therefore, the depleted uranium has not impacted local air quality.</p> |
| Unidentified Caller  |              | Aloha. I'm a Hawaiian citizen calling to submit my comment on using the Pohakuloa as a military training area. It has a significant adverse impact on our aina and our cultural practices and resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Unidentified Speaker |              | I come to speak against your presence here. I think that you know what you are doing is wrong. Thank you.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Thank you for your correspondence. Your comment has been noted. Please see General Response 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |