ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA

FINAL ENVIRONMENTAL IMPACT STATEMENT

VOLUME III: APPENDIX N

PŌHAKULOA TRAINING AREA, ISLAND OF HAWAIʻI, HAWAIʻI

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

APRIL 2025

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APRIL 2025

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 (ʻokina 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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Appendix N

Scoping and Draft EIS Comments Received

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Draft EIS Comments and Responses
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Scoping Comments

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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 Po¯hakuloa 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 Po¯hakuloa 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

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

From:	Vitulano, Karen <Vitulano.Karen@epa.gov>
Sent:	Thursday, October 8, 2020 2:20 PM
To:	Wahl, Gregory T CIV USARMY USAG (USA)
Cc:	USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments; Donnelly, Michael O'Malley CIV USARMY IMCOM PACIFIC (USA)
Subject:	[Non-DoD Source] EPA Scoping comments - Pohakuloa Training Area, Army Training Land Retention
Attachments:	2020_10_08_EPA scoping comments-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.

Dear Gregory Wahl –

Please see EPA's attached scoping comments for the Army Training Land Retention at PTA. Thank you.

Sincerely -

~

Karen Vitulano
U.S. Environmental Protection Agency, Region 9
Environmental Review Branch
Tribal, Intergovernmental and Policy Division
75 Hawthorne St. TIP-2
San Francisco, CA 94105
PHONE 415-947-4178

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 process[3] 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 vitulano.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. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT 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 96805

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)

DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

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.

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.

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

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)

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

September 11, 2020

MEMORANDUM

FROM:

~~TO:~~

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_Engineering Division (DLNR.ENGR@hawaii.gov)
_X_Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
_X_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/oeqc/ (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: [signature]
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 ipn 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.hawaiinfip.org/FHAT).

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

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

Signed: _____
CARTY S. CHANG, CHIEF ENGINEER

Date: Oct 2, 2020

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON

KAMANA BEAMER, PH.D.
MICHAEL G. BUCK
ELIZABETH A. CHAR, M.D.
NEIL J. HANNAHS
WAYNE K. KATAYAMA
PAUL J. MEYER

M. KALEO MANUEL
DEPUTY DIRECTOR

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
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/cwrm.

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 steam 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 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

September 11, 2020

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division (DLNR.ENGR@hawaii.gov)
_X_ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_ Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_ Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
_X_ 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/oeqc/ (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.ld@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

DAVID Y. IGE
GOVERNOR

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

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 HAWAI'I
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 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 Quitoriano 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 20020. 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 agency[2] 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 involvement[3] is a requisite element of the scoping process[4]; 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

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 EISPN[7].

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 realignment[8] or annexation of any territory. We look forward to reviewing a NEPA cost-benefit analysis[9] 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

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 .gov1151 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'ohe, 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'omalu 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 Intiative	https://www.agroforestry.org/

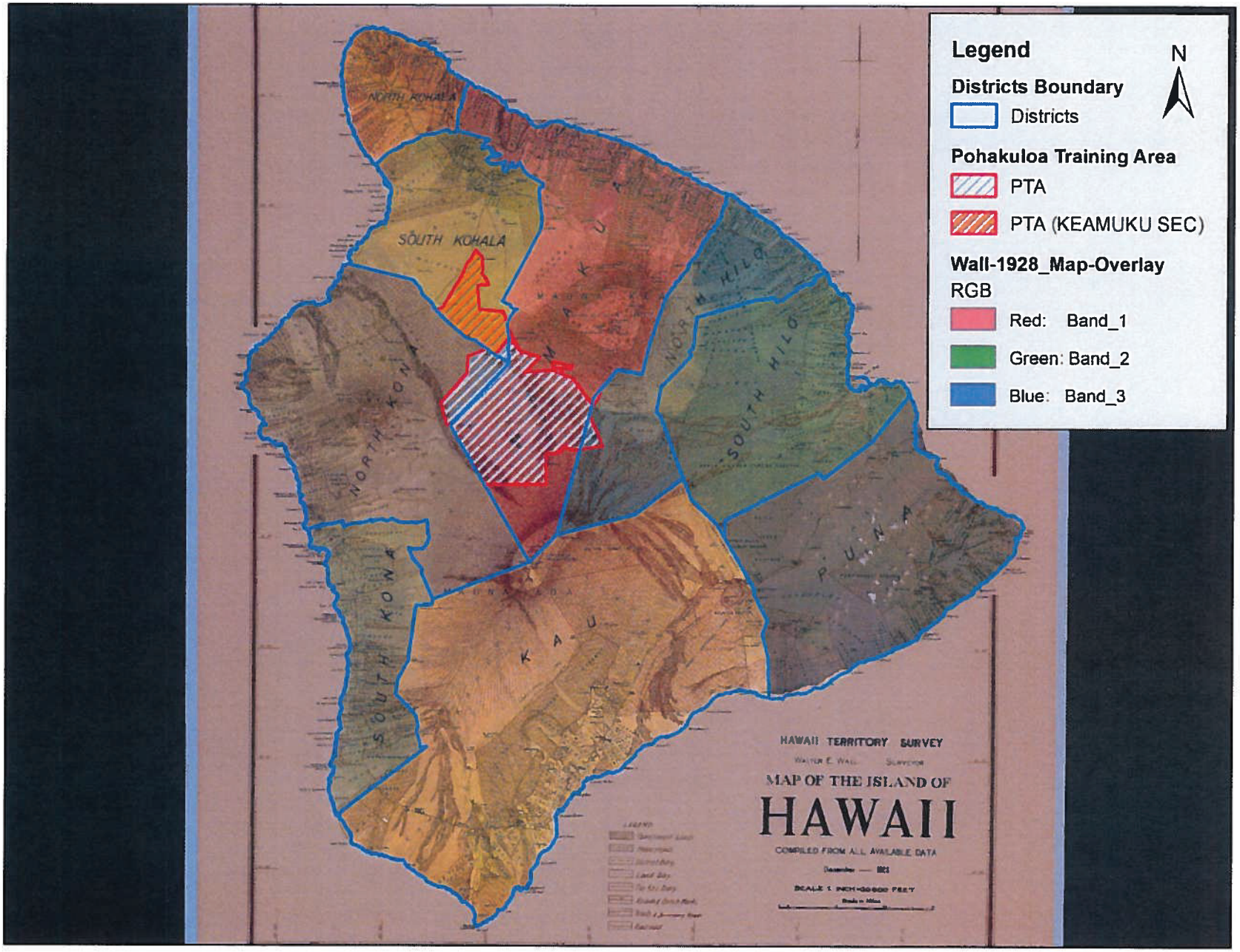

Figure 1 - Historic Map Overlay: 1928 Walter E. Wall, Map of the Island of Hawai'i. Teritory of Hawai'i.
Hawai'i State Registered Maps: 1891 W.D. Alexander, Central Hawai'i. Hawaiian Government Survey. State Registered Map #1718WIDE. 1927 Thos J.K. Evens, Government Lands of Hulunanai, Kaunaloa, and 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.

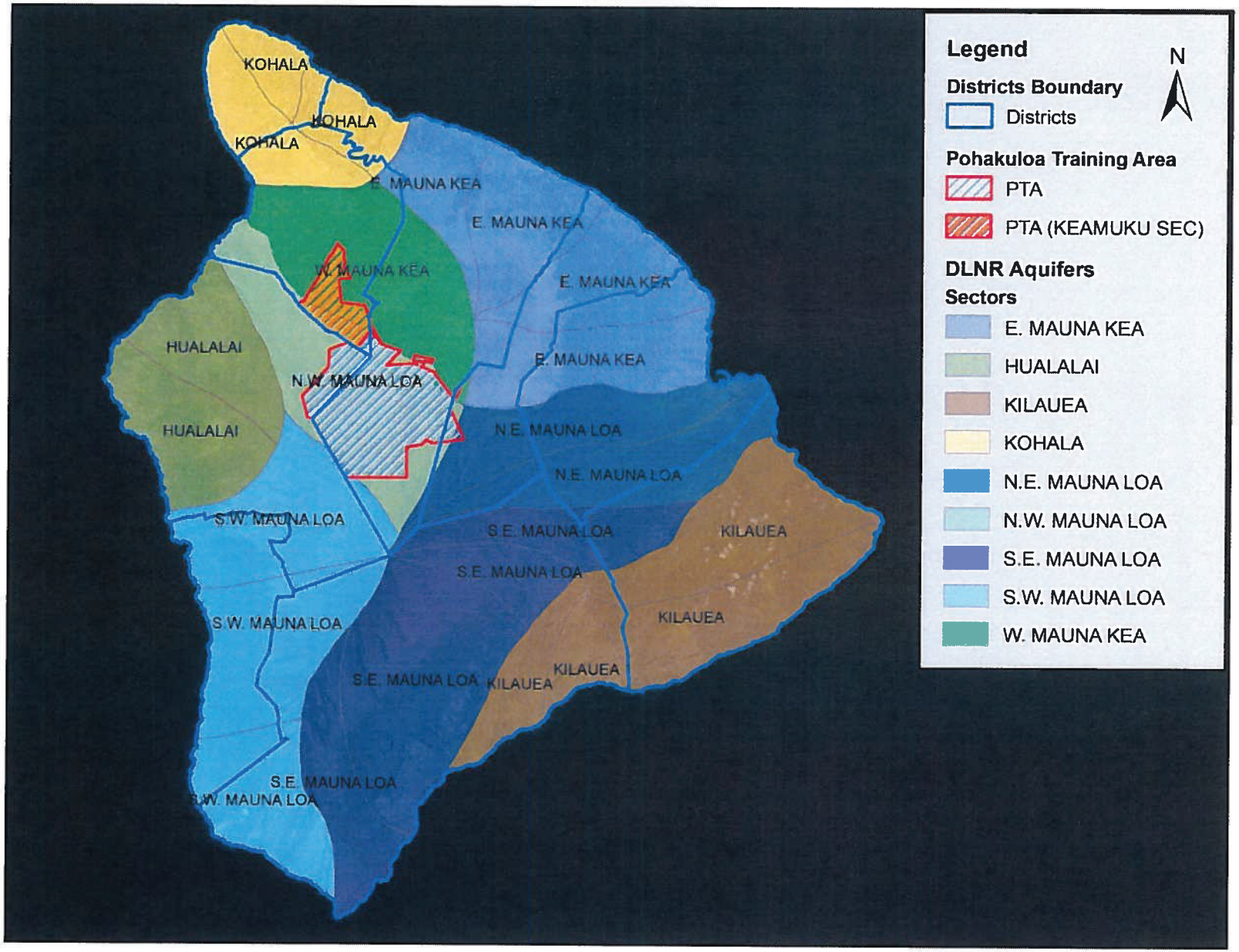

Figure 2 –
DLNR Aquifer Data – https://files.hawaii.gov/dbedt/op/gis/data/aquifers_dlnr.pdf
Pohakuloa from State Reserves Data – https://files.hawaii.gov/dbedt/op/gis/data/reserves_summary.pdf

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

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

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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,

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

Organizations

Organizations

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Environmental Caucus of the
Democratic Party of Hawai‘i O-3
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Institute of Astronomy..... O-207

From: Adam Cohen <acohen@aui.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
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Washington, DC 20036
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1400 16th Street, NW Suite 730
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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 Puʻu Paʻa 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) Humuʻula 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:

MILITARY INSTALLATION	#HAZ. SITES	CITY	COUNTY	RISK OF HARM
PEARL HARBOR NAVAL STATION	145	PEARL HARBOR	Honolulu	High Risk
LUALUALEI NAVAL MAGAZINE	40	WAIʻANAE	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
WAIKAKALAUA AMMO STORAGE	7	MILILANI	Honolulu	High Risk
WAIKANE TRAINING AREA	3	WAIKĀNE	Honolulu	High Risk
ʻAIEA MILITARY RESERVATION	2	ʻAIEA	Honolulu	High Risk
MAUI BOMBING TARGETS	2	MAUI	Maui	High Risk
HEʻEIA COMBAT TRAINING CAMP	2	KAHALUʻU	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
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 RANCHLAND 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) electromagnet 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 ʻAuwaiakeakua 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 probably 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

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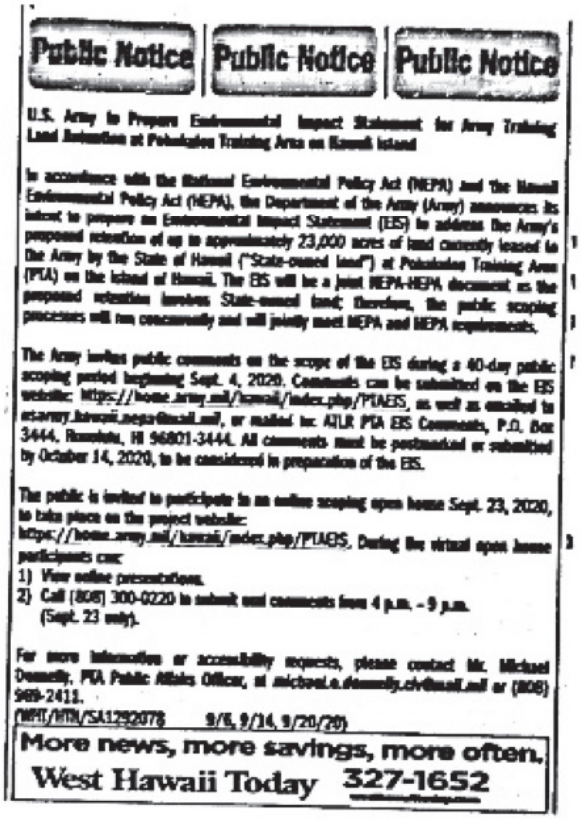
P.O.Box 3444
Honolulu, Hawai'i 96801-3444

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 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 eis.army.hawaii.nepa@mail.mil, or mailed to: ATLR 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.e.donnelly.civ@mail.mil or (808) 969-2411.

(WHT/HTN/SA1292078 9/6, 9/14, 9/20/20)

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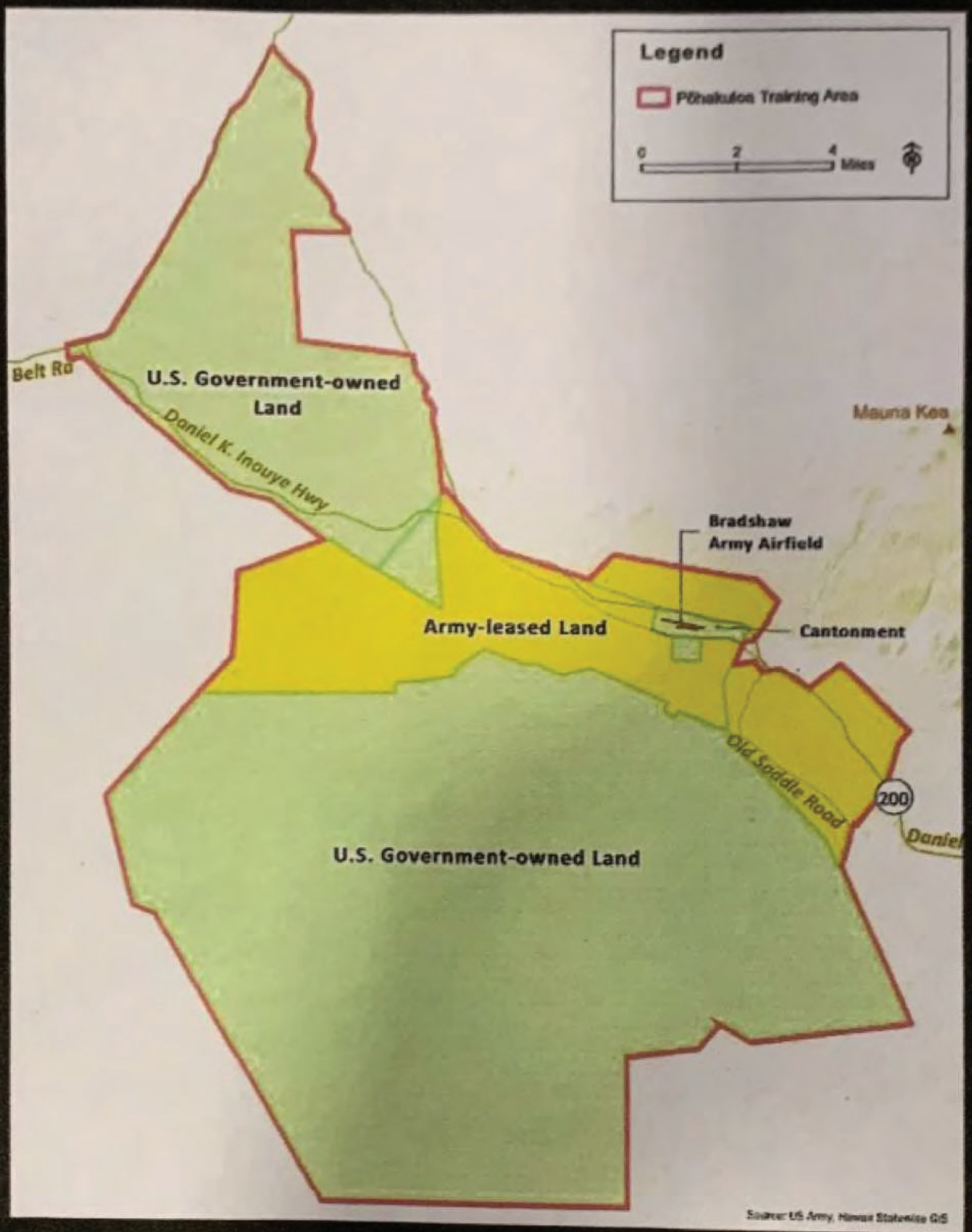
Legend
Pōhakuloa Training Area
0
2
4
Miles
Belt Rd
U.S. Government-owned Land
Daniel K. Inouye Hwy
Mauna Kea
Bradshaw Army Airfield
Army-leased Land
Cantonment
Old Saddle Road
200
U.S. Government-owned Land
Source: US Army, Hawaii Statewide GIS

The Myth of Ceded Lands and the State of Hawai`i's Claim to Perfect Title

By Dr. Keanu 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%, 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

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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
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Honolulu, HI 96814
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F 808.691.9340
schang@gshawaii.org < Caution-mailto:schang@gshawaii.org >

Caution-www.GSHawaii.org < Caution-http://www.gshawaii.org/ >
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Caution-www.gshawaii.org/renew < Caution-http://www.gshawaii.org/renew >

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gshawaii.org

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Alexis Kleeman

Ex Officio
Shari W. Chang
Chief Executive Officer

September 24, 2020

To Whom it may concern;

RE: Army Training Land Retention at Pōhakuloa Training Area EIS

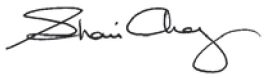
Aloha,

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
Phone: 808-935-7178
miles.yoshioka@hicc.biz < Caution-mailto:miles.yoshioka@hicc.biz >
Caution-www.hicc.biz < Caution-http://www.hicc.biz >
Caution-https://www.facebook.com/HawaiiIslandChamberofCommerce < Caution-https://www.facebook.com/HawaiiIslandChamberofCommerce >

Hawai‘i Island Chamber of Commerce

1321 Kino‘ole Street
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Phone: (808) 935-7178
Fax: (808) 961-4435
E-mail: admin@hicc.biz
www.hicc.biz

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 eamil 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 including 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 Kajihiro, 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

"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 ʻāina.

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 ʻāina (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 Hawaiʻi (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 Hawaiʻi in its original state by 2029.

The alternatives analysis must also consider other locations outside of Hawaiʻi where the proposed training activities may be conducted. In the process of stationing the Stryker Brigade Combat Team (SBCT) in Hawaiʻi, the public was frequently told that Hawaiʻi 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 Hawaiʻi 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.

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

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.

- What Kanaka ʻŌiwi 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 ʻŌiwi and the public to have safe, meaningful, and regular cultural access to Pōhakuloa?
- How will the Army increase the opportunities for Kānaka ʻŌiwi and the public to safely participate in mālama ʻāina (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 ʻŌiwi.

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 ʻAumakua 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, ʻIʻiwi and all forest birds, Nēnē, Pueo,ʻŌpeʻapeʻa, ʻIo, ʻUaʻu, ʻIwa and other sea birds. Also the forest flowers and trees that must be considered include; ancient Lehua, Māmane, ʻIliahi (Aoa), Koa, ʻAkoko and all other rare, threatened and endangered species of plants that represent Hawaiian ʻAumakua 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 ʻUaʻu nesting burrows. What is the current status and the future outlook for recovery of the ʻUaʻu 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 ʻŌiwi 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 Hawaiʻi island. The key considerations in determining environmental justice impacts include:

- 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, laʻau lapaʻau practitioners, and Kanaka ʻŌiwi 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 ʻŌiwi 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?

- 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 ahupuaʻa of Kaʻohe 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 Hawaiʻi 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 ʻŌiwi 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,
- Percholorate, 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),

- 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

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 it's 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

- 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*.

- 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.

Kona-Kohala
CHAMBER OF COMMERCE

October 14, 2020

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

Kona-Kohala Chamber of Commerce
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Ph. (808) 329-1758 Fax (808) 329-8564
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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 an 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 Oʻahu. 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 "ʻāina" has become too narrow over time. In ancient times, ʻāina 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 ʻāina. We are ʻāina. Every time a bomb is detonated anywhere in the Hawaiian islands, Ko Hawaiʻi Pae ʻĀina, not just the land, but the ʻāina, 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 Hawaiʻi. 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 ʻmālama ʻāina,ʻ called two DLNR inspection reports ʻgrossly inadequate,ʻ and ordered the state to develop and potentially execute a plan to obtain adequate funding for a compre¬hensive 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 Hawaiʻi 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; mmkahaulelio@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 Kahaulelio 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 Kahaulelio, 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 Aunty 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 Aunty 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 it's 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			Comments
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					It is important for the Army to acknowledge that Native Hawaiians (Kanaka Maoli) are an embodiment of the ʻāina 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 it's unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy. Mālama ʻĀina (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 ʻāina. 2. The process for clean-up must include restoring the ʻāina to its original condition and beauty. 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 including but not limited to: hunters and gatherers, lāʻau lapaʻau, cultural and religious/spiritual practitioners and their relationship to the ʻāina. 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	It is important for the Army to acknowledge that Native Hawaiians (Kanaka Maoli) are an embodiment of the ʻāina 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 it's unexploded ordnances (UXO) protocol for full transparency, accountability and confidence of adequacy. Mālama ʻĀina (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 ʻāina. 2. The process for clean-up must include restoring the ʻāina to its original condition and beauty. 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 including but not limited to: hunters and gatherers, lāʻau lapaʻau, cultural and religious/spiritual practitioners and their relationship to the ʻāina. 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	
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					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 ʻAelike Consensus Building ʻOhana Date: 9.27.2020 "Stop bombing Ko Pae ʻĀina 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).	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 ʻAelike Consensus Building ʻOhana Date: 9.27.2020 "Stop bombing Ko Pae ʻĀina 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).	

2020-10-14 11:51:24	Mililani	Trask	Hawaii	[redacted]	yes	yes	Comments of Mililani B. Trask, Culture Practitioner, Pohakuloa, Hawaii 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. The fundamental approache 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.) 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: 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. 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.
2020-10-14 11:24:02	Jeike	Meijer	California	[redacted]	yes	no	Valuable natural resources that are also cultural resources need to be identified & include a though literature review, reports on past surveys conducted in the PTA. 2) The extent to which those resources – including traditional and customary Native Hawaiian rights – will be affected or impaired by the proposed action 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. 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 Kahu 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,
2020-10-14 11:13:25	Emily	Burkhart	Hilo, Hawai'i Island	[redacted]	yes	no	I demand that the U.S. Army and state abide by the Hawai'i Supreme Court Ruling in Ching vs Case to mālama ʻāina and abide by their existing lease agreement to clean up the ʻāina. I request in good faith for a schedule and plan of action for clean up of the Pōhakuloa training area. I demand that no extended leases are issued to the Army to continue destroying the ʻāina beyond the end of the Army's current lease (2029).
2020-10-14 11:10:30	Beth	Eisenberg	West Hills	[redacted]	yes	yes	We must honor our word and respect native Hawaiians, our citizens and the land.
2020-10-14 11:07:46	Tlaloc	Tokuda	Kailua Kona	[redacted]	yes	yes	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,
2020-10-14 10:00:03	Nana-Honua	Manuel	Hawaii, Hawaii	[redacted]	yes	yes	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.
2020-10-14 09:50:22	janice	palma-glennie	hawaii, HI	[redacted]	no	yes	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
2020-10-14 08:04:58	Kalamaokaaina	Niheu	Kaaawa	[redacted]	yes	no	
2020-10-14 07:56:51	Melissa	Tomlinson	Lafayette, CA	[redacted]	yes	yes	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 exemplifys 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!
2020-10-14 07:53:58	Jonathan	Davis	CA	[redacted]	yes	yes	
2020-10-14 07:14:13	Terri	Eisenberg	California		yes	no	
2020-10-14 07:12:39	Sherri	Thal	Kea'au	[redacted]	yes	yes	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
2020-10-14 05:35:15	Ally	Arganbright	Santa Cruz, CA	[redacted]	yes	no	Stand up for indigenous moral authority over land!!
2020-10-14 05:33:28	Mary	True	Pepeekeo, 96783	[redacted]	yes	yes	Telescopes please, not bombs.
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		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 Pōhakuloa 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 ʻāina 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		yes	no	
2020-10-13 15:47:03	Laulani	Teale	Kāneʻohe	[redacted]	yes	no	
2020-10-13 15:08:28	Amara	Smith	Oakland, California	[redacted]	yes	yes	Stop desecrating the sacred land of indigenous people. Just. Stop.
2020-10-13 14:43:48	Leimomi	Kalanihuia	Hawaiian Kingdom	[redacted]	yes	no	
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		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 Pohakuloa!
2020-10-13 10:38:52	Luke	Budiardjo	NY	[redacted]	yes	no	
2020-10-13 10:33:46	Sheridan Noelani	Enomoto	Santa Rosa, California		yes	no	
2020-10-13 10:09:05	Mina	Hemmy	O'ahu	[redacted]	yes	yes	
2020-10-13 09:55:49	Kauākeakua	Segundo	Wailuku, Maui	[redacted]	yes	yes	
2020-10-13 09:29:07	Dylan	Kennedy	California	[redacted]	yes	no	
2020-10-13 07:42:25	Aliah	Alcain	Maryland	[redacted]	yes	yes	Our land should be taken care of and protected, not damaged. Aloha ʻāina always
2020-10-13 07:18:22	Talia	Cooper	Oakland, California	[redacted]	yes	no	
2020-10-13 06:43:02	Dr Fuifuilupe	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	Kaliloa	Lee Loy	Hilo, Hawai'i	[redacted]	yes	yes	"He ali'i ka ʻāina; he kauwā ke kanaka." "The land is a chief; man is its servant." ~Mary Kawena Pukui, ʻŌlelo Noʻeau
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	Malialuika P.	Gentry	Kailua-Kona, Hawaii	[redacted]	no	yes	Having worked on Pōhakuloa as an Archaeologist in 2011-12, I am aware of the numerous unique Archaeological sites located on Pōhakuloa. I am also aware of the existing cultural resources on Pōhakuloa 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 Pōhakuloa 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 Pōhakuloa. While working there, I came to realize the cultural significance of Pōhakuloa and the necessity of it's importance to the Hawaiian people. Therefore, I support the clean up and restoration of Pōhakuloa to it's original state, and the cessation of all bombing of the ʻāina in the saddle area. Further, I support the ending of the military's lease of Pōhakuloa 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 Pōhakuloa 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), Pōhakuloa 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, Malialuika 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 Millitary immediately address our initial council of ʻAelike 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

2020-10-12 20:19:48	Benjamin	Shafer	Hauula	[redacted]	yes	yes	Aloha mai kakou, Malama the aina, malama the wai, malama the kanaka and malama the culture. Thus the life of the land is perpetuated in the pono nui of providing for it's people 1000s of years. Do not continue to desecrate nor pollute this limited island lands for the greedy empire of the military Industrial complex and all its affiliates for like all great empires, they have an expiration date and a new one comes along. Once you destroyed the lands as you have done in the Pacific and Asia, your good works and blessings becomes full of false witnessing, lies, deceit, propaganda, malfeasance, incompetence, corruption, and genocidal mass murder. All of which inevitably leads to the karma returning the favor 100 fold. At a budget of more that half the entire treasury each year, America creates more wars to propagate its existence and budget. The intentional maiming, murdering, plundering, of innocent world citizens and its leaders is both Constitutionally wrong and morally corrupt. Respectfully submitted, Benjamin Shafer
2020-10-12 20:00:16	Jodi	Mercier	Kealakekua, Island of Hawai'i	[redacted]	no	yes	Although I am not Kanaka Maoli, I fully support the above message.
2020-10-12 19:23:05	Paul	Cullen	Kaunakakai, Molokai	[redacted]	no	yes	Stop bombing Moananui (Pacific)"*
2020-10-12 17:21:19	Hedwig Nako'o	Warrington	Hilo, Hawai'i	[redacted]	yes	yes	No more bombing of our home!
2020-10-12 02:13:05	Mavis	Oliveira-Medeiros	Hana, Maui, Hawaii	[redacted]	no	yes	Please stop desecrating our sacred Hawaii lands. With the huge amount of land in the contiguous United States, there's no real reason why you should be here practicing. Please leave our islands alone and remove any opala (trash) you brought with you. As Hawaiians say "Leave it as you found it or better than you found it. Mahalo!
2020-10-11 21:38:50	Kaikea	Blakemore	96785	[redacted]	no	yes	
2020-10-11 20:58:43	Napua	Burke	HILO	[redacted]	yes	no	
2020-10-11 16:15:37	Tatiana	Young	Honolulu, Oahu	[redacted]	yes	no	
2020-10-11 10:56:02	Doreene	Kealohanui	Waimānal, O`ahu, HK	[redacted]	yes	no	
2020-10-11 07:38:46	Michael	Lau	Waipahu, Oahu	[redacted]	yes	yes	You need to leave this land and take your rubbish with you back to America. It's time for HAWAI'I to be GREAT again
2020-10-11 06:52:42	Lisa	Schattenburg Raymond	Maui, HI	[redacted]	yes	no	
2020-10-10 22:53:15	Deborah	Ward	Kurtistown HI	[redacted]	yes	yes	The time for the Army to clean up its munitions and debris has long passed , and we, the people of Hawaii, are no longer willing to live with the constant bombing, pollution, DU dust storms, and ominous vibrations shaking our homes and farms. We cannot access land held in trust for the people of Hawaii because of the danger to life and limb. Please do your training virtually, and return the land to the rightful owners.
2020-10-10 08:21:54	Manon	Pretre	Hana Maui	[redacted]	yes	no	
2020-10-10 06:04:12	Sasha	Davis	keene, New Hampshire	[redacted]	yes	yes	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.
2020-10-09 10:49:41	Elizabeth	Apoliona-Brown			yes	no	
2020-10-09 04:03:56	Grace	Osborne	Bronx	[redacted]	yes	no	
2020-10-09 03:53:24	Karen	Crutcher	Oregon , formerally Kauai	[redacted]	yes	no	
2020-10-08 13:27:38	Donna Keala	Leong	Hilo, Hawaii	[redacted]	yes	no	
2020-10-07 17:20:08	Anna Hali'a	Rizzo	San Anselmo	[redacted]	yes	no	
2020-10-07 16:21:49	Lisa	Diaz	Kailua-Kona, Hawaii Island, HI 96740	[redacted]	yes	yes	We need to protect the environment of Pōhakuloa which contains many endangered plants and animals only found in Hawaii. The bombing of Pōhakuloa must stop- this action is an extreme fire risk for our island.
2020-10-07 12:56:41	S. Po	Freed	Hilo	[redacted]	yes	no	
2020-10-07 11:14:35	Kelsey	Sasaki	California	[redacted]	yes	no	
2020-10-07 10:59:14	Jean Mahealani	McClellan	Kailua, Oahu, Hawaii	[redacted]	yes	no	
2020-10-07 10:38:20	Roberta	Kukahiko- Crocker	doyle	[redacted]	yes	no	
2020-10-07 08:04:09	Blake	McNaughton	Pepe'ekeo, Hi	[redacted]	yes	yes	Come on! Do what you said you were going to do. If you cannot mālama ʻāina then you cannot be on it!
2020-10-07 06:25:19	Alyx	Montibon	Hilo	[redacted]	yes	no	
2020-10-07 05:00:26	Kalalaniamakalii	Joao	Maui, Maui County, HI	[redacted]	yes	yes	Free Pohakuloa, stop practice bombing on sacred land. Enough is enough.
2020-10-06 23:48:51	Charley	Ice	Waimalu, Pu'uloa, O'ahu	[redacted]	no	yes	The U.S. federal government has a legal and moral obligation to return all Hawaiian national lands to the State, which assumes public trust responsibilities over all Hawaiian national lands, as the direct descendant of the Hawaiian Kingdom, standing in for the Crown until such time as true self-governance under kapu aloha can be perfected. The public resurrection of the Kingdom, begun in the 1970s, continues against the continuing incursions of global capital hegemony. Under the public trust, the fragile integrity of the island environment must be protected for all generations to come, against the contaminating influence of foreign interlopers, whether by investment capital, pesticides, petrochemicals, or military destruction. The integrity of the island environment is a sacred responsibility of all citizens of these islands, regardless of their place of origin.
2020-10-06 22:20:35	Elise	Dela Cruz-Talbert	Honolulu, Hawaii	[redacted]	yes	yes	While I recognize the importance of each nation in having a strong and well prepared defense against foreign threats, Hawaii's indigenous communities, lands, and other natural resources have been over-burdened by training activities of the U.S. Armed Forces. The unrelenting environmental and financial threats, caused by the training activities and processes in place to acquire land, resources, and personnel in preparation for these activities, threatens the sustainability of Native Hawaiian communities, as such activities pose significant consequences in regards to the ability for Native Hawaiians to live as we wish on our ancestral lands. The U.S Armed Forces must innovate methods of training and preparing its forces which does not place such a heavy burden on Hawaii's indigenous communities and natural resources.
2020-10-06 22:16:48	Elizabeth	Laliberte	Hilo, Hawaii	[redacted]	yes	no	To EIS Committee, The US Army must cease it's occupation of Hawaiian land. The people of Hawaii will no longer tolerate the wasteful destruction imposed upon our island. This is our island home, and the ancestral home of Native Hawaiians. We are exercising our rights to democratically determine what these lands that we call home will be used for. Unless communities have the right to make these decisions, how can we call ourselves free? The US Army must respect the people of Hawaii when we say, "No more military bases. No more occupation. No more wasteful destruction of these lands!" Sincerely, Elizabeth Yu Laliberte Hilo, HI
2020-10-06 22:10:02	Millicent	Cummings	Hilo	[redacted]	yes	yes	We all know what this is about...Those who have eyes to see. There are way to many who know for you to continue this piracy -Millicent Cummings
2020-10-06 21:48:36	Auli'i	Ludington	O'ahualua	[redacted]	yes	no	

2020-10-06 16:43:21	Livia	Solari	Oakland, CA (Chochenyo Land)	[redacted]	yes	no	
2020-10-06 15:32:11	Rachel	Huang	California	[redacted]	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	[redacted]	yes	no	
2020-10-06 15:16:56	Dante	Gonzales	California	[redacted]	yes	yes	
2020-10-06 14:45:25	Mel	Wildman	Honolulu	[redacted]	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	[redacted]	yes	no	
2020-10-06 11:04:39	danielle	west	Oahu, Hawai'i and Santa Cruz, CA	[redacted]	yes	yes	Protect Pōhakuloa!! End the occupation! Return the lands!
2020-10-06 09:57:28	Alex	Tan	Oakland, CA	[redacted]	yes	yes	
2020-10-06 08:32:56	Ashley	Tyau	Honolulu, Oahu	[redacted]	yes	no	
2020-10-06 08:27:44	Megan	Moniz	Wailuku, Maui	[redacted]	yes	no	
2020-10-06 08:14:22	Kaleo	Elvenia	NV	[redacted]	yes	yes	
2020-10-06 07:54:51	Bobbie	Nava	California	[redacted]	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	[redacted]	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	[redacted]	yes	yes	
2020-10-06 06:17:48	Jonathon	Jacobson	Georgia	[redacted]	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	[redacted]	yes	no	
2020-10-06 04:30:48	Nadine K	Robertson	Mountain View, Moku o Keawe, Hawai'i	[redacted]	yes	no	
2020-10-06 04:19:43	Pablo	Beimler	Hawaii Island	[redacted]	yes	yes	
2020-10-06 04:07:45	Robin	Kaowili	94/408Keaolani St	[redacted]	yes	no	
2020-10-06 02:33:54	Edward	Acfalle jr.	Hagatna, GU	[redacted]	yes	yes	
2020-10-06 02:24:48	Victoria	Kaeo	Ocean View, Hawai'i, Hawai'i	[redacted]	yes	no	
2020-10-06 02:03:36	Keoni	DeFranco	Los Angeles	[redacted]	yes	no	
2020-10-06 00:31:14	Kawika Ke Koa	Pegram	Honolulu, O'ahu	[redacted]	yes	no	
2020-10-06 00:21:55	Kalani	Reyes	Northern Mariana Islands	[redacted]	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	[redacted]	yes	no	
2020-10-05 23:47:29	Mike Alapa'i	Linnolt	VOLCANO, Hawaii	[redacted]	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 hoʻi ʻole!!!
2020-10-05 22:30:13	Sheadon	Freitas	Kailua-Kona, Hawai'i	[redacted]	yes	yes	
2020-10-05 22:26:05	Alyssa	Roman	Papaikou, Hawaii	[redacted]	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	[redacted]	yes	no	
2020-10-05 21:47:16	Krystal	Zaragoza	New Mexico	[redacted]	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	[redacted]	no	yes	No lease renewal. Clean up the military mess and No more bombing of Pohakuloa. The Kaohe ahupua'a 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	[redacted]	yes	no	
2020-10-05 18:33:33	Paul	Cullen	Kaunakakai, Molokai	[redacted]	no	yes	STOP THE BOMBING !
2020-10-05 17:35:12	Harry	Kepaa	Hilo, Hawaii	[redacted]	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	[redacted]	yes	no	
2020-10-05 17:12:44	Brooke	Bohnhoff	KAILUA KONA	[redacted]	yes	no	
2020-10-05 17:00:06	Alan	Domingo	Edmond Oklahoma	[redacted]	yes	yes	
2020-10-05 16:58:45	Mikey	Inouye	Honolulu	[redacted]	yes	no	
2020-10-05 16:54:55	Healani	Waia'u	Hilo	[redacted]	yes	no	
2020-10-05 16:30:09	Beth	Leeds	Oahu	[redacted]	yes	no	Now can you clean up the debris? Mahalo
2020-10-05 16:23:40	Faith	Chase	Maui	[redacted]	yes	no	
2020-10-05 16:15:45	Travist thomas	Mokiao	Oahu Hawaii	[redacted]	yes	no	
2020-10-05 15:21:37	Bobbie	Mattoon	Oahu, Hawaii	[redacted]	yes	no	
2020-10-05 15:10:07	Puanani	Brown		[redacted]	yes	yes	
2020-10-05 14:50:50	Katherine	Hoyt	Houston	[redacted]	yes	no	
2020-10-05 13:58:22	Mahinakeakaualani	Matthews	Oahu	[redacted]	yes	no	
2020-10-05 13:43:37	Alissa	Tamayo	OAHU	[redacted]	yes	no	
2020-10-05 13:12:49	fred	hofer	kurtistown	[redacted]	yes	no	
2020-10-05 12:07:31	Jennifer	Mitchell	Kailua Kona, Hawaii	[redacted]	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	[redacted]	yes	yes	

2020-10-05 11:27:18	Kulamanu	Kaneapua	Honokaa, Hawaii	[redacted]	yes	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! Mahalo Nui Loa ~ Kulamanu
2020-10-05 10:55:48	Noble	Kaluhiokalani	Madison, Alabama	[redacted]	no	yes	Was there use of depleted uranium during maneuvers???
2020-10-05 10:28:40	Sharon	Kershner	Waimanalo Oahu	[redacted]	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	[redacted]	yes	yes	
2020-10-05 10:16:59	Kris	Mueller	NH	[redacted]	yes	no	
2020-10-05 09:58:32	Mokihana	Iida	Waimānalo	[redacted]	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	[redacted]	no	yes	As a citizen who cares about the Aina of this island, I respectfully require the US Milirary 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	[redacted]	yes	no	
2020-10-05 09:38:13	Nohealani	Ornellas	Kailua, O'ahu	[redacted]	yes	no	
2020-10-05 09:25:15	Ann	Saunders	Florida	[redacted]	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	[redacted]	yes	no	Why should we allow more years of illegal military invasion and occupation of Pohakuloa when they have continually destroyed our peace, ʻaina, kai, wai and caused harm to our people! Why?
2020-10-05 09:01:44	Lorraine	Sonoda	Hilo	[redacted]	yes	no	
2020-10-05 08:33:40	Pedra-Monnic	Reynolds	Washington	[redacted]	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	[redacted]	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	[redacted]	yes	no	
2020-10-05 06:37:53	Randee	Golden	Hawaii Island ~ North Kohala	[redacted]	yes	no	
2020-10-05 06:19:33	Mimi	Thayer	New York	[redacted]	yes	yes	Clean up the land. Do what's pono. Malama 'Aina.
2020-10-05 05:30:52	Amber	Genegabus	Hilo Hawaii	[redacted]	yes	yes	
2020-10-05 05:21:09	Brian	Ogawa	Keaau, Hi 9674	[redacted]	yes	no	
2020-10-05 04:49:53	Janelle	AhQuin	Mesa, AZ	[redacted]	yes	yes	
2020-10-05 04:34:14	Kealoha	Ferreira	Saint Paul	[redacted]	yes	no	
2020-10-05 03:19:43	Kathy	Kaukani	New York	[redacted]	yes	no	Please return the land to the Native people.
2020-10-05 02:56:35	Anne	Schneider	Maui	[redacted]	yes	no	
2020-10-05 01:52:59	Mary	Kekalia	Molokai	[redacted]	yes	yes	It is time to cleanse the land!
2020-10-05 00:49:45	Katy	Benjamin	Hilo, HI	[redacted]	yes	no	
2020-10-04 23:20:56	Bobbi	Cuttance	Pahoa	[redacted]	yes	no	
2020-10-04 23:13:40	Barbara	S.Altemus	Honolulu	[redacted]	yes	no	
2020-10-04 22:58:46	Vince	Saures	Hoolehua Molokai HI	[redacted]	no	yes	Lawa i keia manawa!
2020-10-04 22:51:34	Marie R.Kaleo	Keawemauhili	Oahu , Hawaiian Kingdom	[redacted]	yes	no	
2020-10-04 22:51:15	Jonah	Keohokapu	Wahiawā	[redacted]	yes	yes	
2020-10-04 22:42:53	John Kaaeokalani	Keawemauhili Jr.	Oahu , Hawaiian Kingdom	[redacted]	yes	no	
2020-10-04 22:30:18	Kahaka	Patolo	Honolulu	[redacted]	yes	yes	Stop desecration! CEASE AND DESIST IMMEDIATELY!! STOP bombing our Islands! Deoccupy The Hawaiian Kingdom!
2020-10-04 22:28:55	Micah Kaimana	Pacatang	Wahiawā, O'ahu	[redacted]	yes	no	
2020-10-04 22:27:15	Ola	Jenkins	Hilo, Hawai'i	[redacted]	yes	yes	I wholeheartedly stand by the content and message of this letter. I support Mālama ʻāina and the recommendations aligned with this value.
2020-10-04 22:26:42	Rosa	Notta	Hāmākua, Moku o Keawe	[redacted]	yes	no	
2020-10-04 22:26:19	Brandy	Kimura	Kaneohe Oahu Hawaii	[redacted]	yes	no	
2020-10-04 22:22:18	Chloe	Hartwell	Honolulu, Hawai'i	[redacted]	yes	no	
2020-10-04 22:07:11	Dazdo	Duenas	California	[redacted]	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	[redacted]	yes	no	
2020-10-04 21:45:08	Raene	Chong	Hawaii	[redacted]	yes	no	
2020-10-04 21:37:45	Nohealani	Kaawa	Naalehu Hawaii	[redacted]	yes	yes	Stop Military and Military practices in Ko Hawai'i Pae ʻĀina. Enough desecration on our ʻĀina. 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	[redacted]	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	[redacted]	yes	no	
2020-10-04 21:16:23	Pedro	Maynes	Honolulu, O'ahu, Hawai'i	[redacted]	yes	yes	Eo! Ea! Ku Kia'i Mauna! Onipa'a! Aloha Aina!
2020-10-04 21:12:25	Lili	Solomon	Island of Hawaii	[redacted]	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	[redacted]	yes	no	
2020-10-04 20:33:45	Isaiah	Burch	Waianae		yes	no	
2020-10-04 20:04:29	Brittny	Perez	Kekaha, Kaua'i , Hawai'i	[redacted]	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 Hawai'i 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	[redacted]	yes	no	
2020-10-04 19:12:41	Shannon	Cornwell	Hilo		yes	no	
2020-10-04 19:07:20	Fabienne	Melchior	Honolulu	[redacted]	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	[redacted]	yes	no	
2020-10-04 19:00:14	Ramsey	Calimlim	Kahuku, Oahu, Hawaii	[redacted]	yes	no	
2020-10-04 18:59:38	Ethan	Porter	Oahu	[redacted]	yes	no	
2020-10-04 18:39:24	Miles	Matsumura	Hilo	[redacted]	yes	no	The U.S. military did a poor job at cleaning up Kahoʻolawe, leaving it neither cleaned up nor safe as evidenced by removal of all remnant ordnance. 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 Pōhakuloa to its pre-military use condition.
2020-10-04 18:36:10	Yvonne	Kahikina	Hilo, Hawaii	[redacted]	yes	no	
2020-10-04 18:20:31	Lindsay	Terkelsen	Mountain View, Hawai'i Island	[redacted]	yes	yes	
2020-10-04 18:19:33	Amy	Marsh	California	[redacted]	yes	no	
2020-10-04 18:17:29	Christine	Villaflor	Ewa Beach	[redacted]	yes	yes	Stop bombing Hawai'i
2020-10-04 18:16:14	Jacob	Noa	Mililani, O'ahu	[redacted]	yes	no	
2020-10-04 18:11:44	Gayle	Fung	Oahu	[redacted]	yes	no	CLEAN UP AND GET OUT OF POHAKULOA!!!
2020-10-04 18:10:02	Ku'uleialohalani	Ortiz	Oahu	[redacted]	yes	no	
2020-10-04 18:03:15	Ericka	Badua	Hāwī, Moku ʻo Keawe	[redacted]	yes	no	Stop the bombing of Ko Pae ʻĀina o Hawai'i, stop the bombing of Moananui.

2020-10-04 18:03:09	Patricia	Magoffin	California	[redacted]	yes	yes	
2020-10-04 17:37:24	Kimberly	Usher	Wailuku	[redacted]	yes	yes	This area sits on the island's aquifer.
2020-10-04 17:29:11	Angela Noelani	Smith	San Jose, California	[redacted]	yes	no	
2020-10-04 17:23:15	Michael	Haring	Hilo, Hawaii	[redacted]	yes	no	
2020-10-04 17:10:11	Kah: Richard Maele	DeLeon	Wailuku Maui	[redacted]	no	yes	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	[redacted]	yes	yes	We also need Makua to be cleaned and swept of UXO's.
2020-10-04 16:44:21	Christine	Ahn	Honolulu	[redacted]	yes	no	
2020-10-04 16:29:35	Kaiea	Medeiros	Maui	[redacted]	yes	yes	Aloha no Pohakuloa.
2020-10-04 16:19:06	Bob	Douglas	HI	[redacted]	yes	no	
2020-10-04 16:17:55	Erik	Ho	Waimanalo, Oahu	[redacted]	yes	yes	
2020-10-04 16:12:10	Cynthia	Massa	Hilo	[redacted]	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	[redacted]	yes	no	
2020-10-04 16:00:15	Jonna	Ho'opai	Honolulu, Oahu	[redacted]	yes	no	
2020-10-04 15:57:37	Purdyka	Wahilani	Waianae	[redacted]	yes	yes	
2020-10-04 15:57:26	Maria	Walker	Kapaa, Hawaii	[redacted]	yes	no	
2020-10-04 15:54:35	Jacquelyn	Myers	Visalia California moku honu	[redacted]	yes	no	
2020-10-04 15:54:16	Tracie	Muraki	O'AHU	[redacted]	yes	no	
2020-10-04 15:53:17	Doreen	Hobdy	Kokomo, Maui	[redacted]	yes	no	
2020-10-04 15:52:48	Tiare	HewLen	Hawaii	[redacted]	no	yes	
2020-10-04 15:48:21	Eliott	medina	volcano,hi	[redacted]	yes	yes	
2020-10-04 15:47:39	Miki	Lene	Kalihi, O`ahu, Hawai`i	[redacted]	yes	no	
2020-10-04 15:45:31	Tara	Rojas	O'ahu	[redacted]	yes	yes	Hawaiian lands in Hawaiian hands. Period. Military, train elsewhere.
2020-10-04 15:44:02	Aleka	Pahinui	Oahu	[redacted]	yes	no	
2020-10-04 15:05:18	Daniel	Towle	Minnesota	[redacted]	yes	yes	
2020-10-04 14:53:46	Mitcheal	Hughes	oHIo	[redacted]	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	[redacted]	yes	no	
2020-10-04 10:38:33	Martin	Groark	Kona	[redacted]	yes	no	
2020-10-04 09:56:31	Adam	Dochin	Kāneʻohe, Oʻahu	[redacted]	yes	no	
2020-10-04 09:21:42	Luana	Jones	Hawaii	[redacted]	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	[redacted]	yes	no	
2020-10-04 07:20:24	Ryan	Christopher	Honokaa	[redacted]	yes	yes	
2020-10-04 06:40:50	Megan	Lamson Leatherman	Hawai'i	[redacted]	yes	no	
2020-10-03 23:45:21	Ashelyn	Valdez	CA	[redacted]	yes	no	
2020-10-03 22:06:03	Dominique	Cordy	Kilauea, Kau'i	[redacted]	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 mauli decide
2020-10-03 21:22:28	Douglas	Nabeshima	Kailua-Kona	[redacted]	yes	yes	
2020-10-03 20:17:03	pake	salmon	waiane	[redacted]	yes	yes	"Stop bombing Ko Pae 'Āina o Hawai'i (Archipelago of Hawai'i), Stop bombing Moananui (Pacific)"
2020-10-03 19:24:57	V	Pahia	Hau'ula, Oahu	[redacted]	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	[redacted]	yes	no	
2020-10-03 17:00:31	Maile	Villablanca	California		yes	no	
2020-10-03 15:38:29	artemis	kim	ca	[redacted]	yes	yes	
2020-10-03 15:28:19	Emily	Kirk	Mooresville, Indiana	[redacted]	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	[redacted]	yes	no	
2020-10-03 14:08:25	Sharon	Medeiros	Kamuela Hawaii 96743	[redacted]	yes	yes	(C) Sharon K Medeiros (TM) try that one
2020-10-03 14:05:19	Kelly	Osorio	Hilo	[redacted]	yes	yes	
2020-10-03 13:18:25	Honorable+Tiffany	Snyder+-+Mayor+of+Ward, +Colorado+(Ret.)	Boulder, Colorado	[redacted]	yes	no	
2020-10-03 11:50:05	Shelley	Muneoka	He'eia Uli, O'ahu	[redacted]	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	[redacted]	yes	no	
2020-10-03 10:42:56	MJ	McDonald	Honolulu, Oahu	[redacted]	yes	yes	
2020-10-03 10:15:44	La'akea	Kane	Hawai'i	[redacted]	yes	yes	
2020-10-03 09:23:58	Derek	Lara	Aurora	[redacted]	yes	yes	
2020-10-03 09:19:52	Nakoa	Nelson-Riley	Kailua-Kona	[redacted]	no	yes	No more Bombing in Hawaii nei. Practice Peace Building!
2020-10-03 09:16:19	Laureena	Marston	Seattle, WA	[redacted]	yes	yes	
2020-10-03 09:01:25	Chet	Gardiner	Hawaii Island	[redacted]	yes	no	
2020-10-03 08:42:01	Regina	Gregory	Honolulu		yes	no	

2020-10-03 08:25:40	Lehuanani	DeFranco	New York	[redacted]	yes	yes	The military is required by law to care for this land that is LEASED to them. You do not own this property. This land is put into a trust for Kanaka Maoli. This EIS needs to follow strict guidelines to investigate all the protocols that have been set in place to mālama 'āina. Many EIS do not cover the full ground of the impact for the people living on the ‘āina and this needs to be explicitly understood. Pōhakuloa has been used as military training for far too long and the military does not care or understand the relationship Kanaka Maoli have to the land. I want to repeat this section from the statement attached: 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)].” We are done with the continued bombing and destruction of Hawaiian lands. We do not need an EIS to know that the land needs to be taken care of. Follow through on these demands: 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; 3) no extended leases to continue destroying the ‘āina beyond the end of the Army’s current lease (2029). Mahalo, Lehuanani DeFranco
2020-10-03 08:24:51	Lehuanani	DeFranco	New York	[redacted]	yes	yes	The military is required by law to care for this land that is LEASED to them. You do not own this property. This land is put into a trust for Kanaka Maoli. This EIS needs to follow strict guidelines to investigate all the protocols that have been set in place to mālama 'āina. Many EIS do not cover the full ground of the impact for the people living on the ‘āina and this needs to be explicitly understood. Pōhakuloa has been used as military training for far too long and the military does not care or understand the relationship Kanaka Maoli have to the land. I want to repeat this section from the statement attached: 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)].” We are done with the continued bombing and destruction of Hawaiian lands. We do not need an EIS to know that the land needs to be taken care of. Follow through on these demands: 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; 3) no extended leases to continue destroying the ‘āina beyond the end of the Army’s current lease (2029). Mahalo, Lehuanani DeFranco
2020-10-03 07:29:16	Xian	Pomare	Oahu	[redacted]	yes	no	
2020-10-03 07:14:32	Maggie	Topalian	Ohio	[redacted]	yes	no	
2020-10-03 07:01:27	Renata	Mazurek	New York	[redacted]	yes	no	
2020-10-03 06:47:23	Kiana	Kerr	Stewart Manor, NY	[redacted]	yes	no	
2020-10-03 06:31:58	Mariko	Munro	Los Angeles	[redacted]	yes	no	
2020-10-03 06:17:39	Lisbeth	Slabotsky	Ottawa	[redacted]	yes	yes	
2020-10-03 06:08:09	Shayne	Kansana	Maui	[redacted]	yes	no	
2020-10-03 05:56:21	Kahi	Lancaster	Nevada	[redacted]	yes	no	
2020-10-03 05:43:18	Bekah	Tomlinson	Colorado	[redacted]	yes	yes	
2020-10-03 05:30:09	Peggy	Toyoshima	San Jose, California	[redacted]	yes	no	
2020-10-03 05:20:08	Joe	Parker	Altadena, CA	[redacted]	yes	no	
2020-10-03 04:10:17	Kealani	Charbonneau	Kansas	[redacted]	yes	yes	Protect that which is sacred and respect the people's of Hawai'i.
2020-10-03 02:55:00	Lono	Kollars	Moreno Valley	[redacted]	yes	no	
2020-10-03 00:37:47	Larry	Kamai	Waianae	[redacted]	yes	no	
2020-10-02 23:25:02	Nicole	Chatman	Mililani	[redacted]	yes	yes	Clean up the land and give it back!
2020-10-02 23:04:20	Sheryl	Mulholland	Victoria, BC, Canada	[redacted]	yes	no	
2020-10-02 22:09:20	Melissa	Foley	Koloa Kaua'i	[redacted]	yes	no	
2020-10-02 21:51:16	Hokulani	Kaikaina	Hawaii	[redacted]	yes	no	
2020-10-02 21:45:17	Valerie	Kekahuna	'Oahu	[redacted]	yes	yes	Stop destroying our environment... You destroyed our island of Kaho'olawe and only after returned it to the State. We continue to restore the land many life times before the land may be livable or sustainable. Please target a playground in the continental U.S. Thus allowing Hawai'i's future generations to thrive and enjoy a toxic free lifestyle.
2020-10-02 21:22:15	Jolie	Wanger	Honolulu, HI	[redacted]	yes	yes	Continued training at Pohakuloa is not in the best interest of the land, the plants and animals or the people of Hawaii. These lands should be restored to their highest purpose. Given the state and trajectory of our planet's climate it is irresponsible to allow activities that perpetuate the destruction of important habitat for rare plants and animals. In 2020 we can not pretend to not understand the cultural importance of these lands. Therefore it would be immoral to grant another lease to the Army to continue training at Pohakuloa.
2020-10-02 21:13:01	Tanya	Aynessazian	Pahoa	[redacted]	no	yes	The Aloha State will need to change drastically over the next decade. The people and the land are the most valuable resources we have. i pray that we learn to plan for peace as much as we plan for and support war. I support this letter wholeheartedly. In addition it’s clear that it is an absolutely insane and questionable corporate business practice for the state to continue to lease Pohakuloa for less than fair market value if the lands are not returned as requested by 2029 for any reason.
2020-10-02 20:37:28	CommissionerRtArthur H	Jackson	Silver Spring Maryland	[redacted]	no	yes	Our FederalGovernments has an obligation to adhere to State and Local residents desire to protect their lands and environment. And to Act in Good Faith by honoring the Hawaii Court Order- Commissioner Rt Arthur H Jackson
2020-10-02 20:23:39	E E	Keliipuleole	Honolulu	[redacted]	yes	no	
2020-10-02 20:20:46	Nālani	Mills	O'ahu	[redacted]	yes	no	
2020-10-02 20:17:55	Kimmer	Horsen	Mililani	[redacted]	yes	no	I am a US Army combat veteran who lives in Mililani and has marched from Hilo to Pohakuloa to being awareness to the destruction of the land, and nearby burial grounds of Pohakuloa. I know that Army training is necessary to maintain a lethal force but I also know that this area has been devastated by explosives, munitions and unexploded ordnance unecessarily. Mother earth needs care and clean up not more unnatural deformity by the destructive explosive weaponry of Army equipment. Wars can wait, the earth cannot survive forever as its prime victim of destruction.
2020-10-02 20:07:42	James	Manuwai	Pahoa,HI	[redacted]	no	yes	Go home yankee and take your rubbish with you.
2020-10-02 19:58:25	Bruce	Pascua	Wahiawa,Oahu	[redacted]	yes	yes	No lease extention. Clean up your opala and leave. Bomb and poison land in america,not here in Hawaii....
2020-10-02 19:56:10	Jamie	Kawauchi	Hawaii Island	[redacted]	yes	yes	
2020-10-02 19:36:06	Keoni	Lorenzo	HAWAI'I ISLAND	[redacted]	yes	yes	DEOCCUPY POHAKULOA! THIS IS OUR ‘ĀINA, STOP THE BOMBING, AND LEAVE HAWAI’I FOR GOOD.

2020-10-02 19:34:59	Kamalupawehi	Abad	Kohala	[redacted]	yes	no	
2020-10-02 19:26:27	johanna	stone	kailua, ko'olaupoko, o'ahu	[redacted]	yes	yes	
2020-10-02 19:21:00	Hideki	Kimukai	Honolulu, Oahu	[redacted]	yes	yes	
2020-10-02 19:00:32	Priscilla	Olii	Hilo	[redacted]	yes	yes	
2020-10-02 18:54:31	Tania	Malven	AZ	[redacted]	yes	yes	
2020-10-02 18:50:54	Belinda	Hosking	Reservoir	[redacted]	yes	no	
2020-10-02 18:41:45	Frank	Colburn	Hilo, Hawaii	[redacted]	yes	no	
2020-10-02 18:27:37	Amy	Nishimura	Honolulu	[redacted]	yes	no	
2020-10-02 18:12:39	Danielle	Martinez	California	[redacted]	yes	no	
2020-10-02 18:10:16	Blake	Watson	Hawaii island	[redacted]	yes	no	
2020-10-02 18:06:10	Briana	Guzman	CA	[redacted]	yes	yes	
2020-10-02 18:04:47	Kaina	Quenga	Hawai'i	[redacted]	yes	yes	Aloha Pōhakuloa
2020-10-02 17:52:16	Catherine	Lee	Oahu	[redacted]	yes	no	
2020-10-02 17:50:38	Marti	Townsend	HI	[redacted]	yes	no	
2020-10-02 17:45:34	Mishka	Sulva	Honolulu, HI	[redacted]	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	[redacted]	yes	no	
2020-10-02 17:29:06	Kelsea	Armstrong	Kaua'i	[redacted]	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 ʻāina 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 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.
2020-10-02 16:00:07	Amy	Perruso	Wahiawa	[redacted]	yes	no	
2020-10-02 15:58:48	Kathleen	Kane	Honolulu	[redacted]	yes	no	
2020-10-02 15:58:30	Bianca	Isaki	Kaneohe	[redacted]	yes	no	
2020-10-02 15:49:56	Maya	Greenhill	Hilo, HI	[redacted]	yes	yes	
2020-10-02 15:48:12	Tehani	Malterre	Honolulu, Hawaii	[redacted]	yes	no	
2020-10-02 15:47:59	Imiloa	Borland	Kaaawa, Oahu	[redacted]	yes	no	
2020-10-02 15:46:54	Karen	Thatcher	Honolulu	[redacted]	yes	yes	
2020-10-02 15:46:44	Andrew	Russell	Oahu	[redacted]	yes	no	
2020-10-02 14:19:41	Lindsay	Roth	Kailua-Kona, Hawaii	[redacted]	yes	no	
2020-10-02 13:24:16	cindy	schardt	Bellingham	[redacted]	yes	yes	
2020-10-02 11:31:40	Dylan	Ramos	Honolulu, HI	[redacted]	yes	no	
2020-10-02 10:15:53	Edward	Flounoy	Far Rockaway	[redacted]	yes	yes	
2020-10-02 07:55:24	Kara	Kelai	Honolulu, HI	[redacted]	yes	yes	
2020-10-02 06:25:16	Sheri	Wahinekapu	Kailua-Kona, Hawaii Island	[redacted]	yes	no	
2020-10-02 05:29:20	Bronson	Barrozo	Oahu	[redacted]	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	[redacted]	yes	no	
2020-10-01 22:07:57	Davina	Sanders	Hauula, Oahu	[redacted]	yes	no	
2020-10-01 21:21:35	Shelly	Johnston	Saipan	[redacted]	yes	yes	
2020-10-01 21:09:10	Denise	D'Haenens-Luker	Washington	[redacted]	yes	yes	
2020-10-01 18:32:23	Kris	Larson	Cupertino, California	[redacted]	yes	no	
2020-10-01 17:16:39	Mahealani	Martin	Honolulu	[redacted]	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 Pohakuloa 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	[redacted]	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	[redacted]	yes	yes	
2020-10-01 15:09:09	Kalena	Lee-Agcaoili	Kihei, Maui, HI	[redacted]	yes	yes	
2020-10-01 15:04:59	Jenna Puanani	Horner	Phoenix, AZ	[redacted]	yes	yes	
2020-10-01 14:59:38	Kapua	Keliikoa-Kamai	Waianae	[redacted]	yes	yes	Aloha, I fully support & mahalo nunui Uncle Ku Ching's and Aunty Maxine Kahaʻulelio's efforts and celebrate their 2019 Hawaii Circuit Court success in Ching v. Case (CAAP-18-0000432; 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. To this end, my comment only reiterates the U.S. Army's necessity to fulfill it's lease agreement to the people and State of Hawaii. They should not be permitted to wait or delay Pohakuloa'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. Mahalo for this opportunity to share my manao.
2020-10-01 14:45:38	Maggie	Zambolla	Louisiana	[redacted]	yes	no	
2020-10-01 14:18:54	Haunani	Hess	1626 Aloha Ave	[redacted]	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	[redacted]	yes	yes	In addition to everything mentioned above, I also request a comprehensive hydrology study of Pohakuloa lands. That the water in the aquafirs under Pohakuloa be tested for contaminations as well as the aquafirs fed by this area. The fact Pohakuloa 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 Pohakuloa.
2020-10-01 13:19:56	Helen	Jaccard	California	[redacted]	yes	no	
2020-10-01 12:48:50	Malia	Marquez	Honolulu	[redacted]	yes	yes	Mahalo for your time on this very important matter.
2020-10-01 12:25:32	Alisha	Mahne-Brooks	Hawai'i	[redacted]	yes	no	
2020-10-01 12:10:56	Benjamin	Shafer	Kahana Bay, Oahu. Hawaii	[redacted]	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	Nānākuli, O'ahu	[redacted]	yes	no	
2020-10-01 10:44:28	Lanwood	Ap6	Colorado	[redacted]	yes	no	
2020-10-01 10:03:59	Danielle	Beaver	Honolulu	[redacted]	yes	no	
2020-10-01 09:45:05	Claudia	Deley	Phoenix	[redacted]	yes	no	
2020-10-01 09:38:00	Merle	Hayward	Hilo	[redacted]	yes	no	
2020-10-01 09:30:26	Leona	Leialoha	Hilo, island of Hawaii	[redacted]	yes	no	

2020-10-01 09:15:58	Robin	Proctor	Maui	[redacted]	yes	yes	
2020-10-01 09:05:25	Kahelelani	Mahone	LA.	[redacted]	yes	yes	It is time for the our ʻāina to rest. Enough damage has been done by the U.S military.
2020-10-01 08:17:59	Crystal	West	Kapaau	[redacted]	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	Kalâhiki	Oahu	[redacted]	yes	yes	Malama aina
2020-10-01 07:55:46	Jane	Brahm	Hawaii Big Island	[redacted]	yes	yes	
2020-10-01 07:47:14	Aileen Lily	Acain	Kihei, Maui, Hawai	[redacted]	yes	no	
2020-10-01 07:08:56	Renee	Winchester	Honolulu, oahu, hasii	[redacted]	yes	yes	
2020-10-01 07:04:33	Kaylene	Sheldon	Hawaii	[redacted]	yes	yes	Enough desecration and destruction!
2020-10-01 06:39:01	Michelle	Tomas	Kailua Kona	[redacted]	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	[redacted]	yes	yes	Stop the desecration of Big Island, Hawaii and throughout our state! Stop leaving your trash of ammunition and clean it up thoroughly!
2020-10-01 06:16:38	Diane	Hanzel	Volcano,Hawaii	[redacted]	yes	no	
2020-10-01 04:58:09	Dominica	Esperas	Montana	[redacted]	yes	no	
2020-10-01 04:48:28	Janet	Mac Neal	Hilo, HI. 96720	[redacted]	yes	yes	(I AGREE to the above mentioned Comments & PETITION & also add my comments here too.) PA'A! 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	[redacted]	yes	no	
2020-10-01 04:12:49	Ximena	Balmori	New York City	[redacted]	yes	no	
2020-10-01 02:38:16	Raul Nohea	Goodness	Wailuku, Maui	[redacted]	yes	no	
2020-10-01 00:36:58	Ranette	Robinson	Hilo, hi	[redacted]	yes	no	STOP THE MADNESS
2020-09-30 22:59:15	Mahealani	Ahia	Honolulu, Oʻahu	[redacted]	yes	no	
2020-09-30 22:49:44	Leimomi	Wheeler	Keaʻau, HI	[redacted]	yes	yes	
2020-09-30 22:21:54	Pinky	Keanu	Waimanalo Oahu	[redacted]	yes	yes	Holomua! Eo! EA! Eo! 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	[redacted]	yes	no	
2020-09-30 21:47:57	Henry	Boothe	Hilo, HI	[redacted]	yes	yes	
2020-09-30 21:36:30	Aleka	Pahinui	Waialua	[redacted]	yes	no	
2020-09-30 21:34:59	Holland	Mulder	Oregon	[redacted]	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 Pōhakuloa land to the Native Hawaiians.
2020-09-30 21:33:59	Sharla	Au	Honolulu, HI	[redacted]	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	[redacted]	yes	no	
2020-09-30 21:29:05	Vivian	Chin	Hawai'i	[redacted]	yes	no	
2020-09-30 21:20:57	Kiana	Otsuka	Honolulu	[redacted]	yes	no	
2020-09-30 21:20:46	kevin	landers	HONOLULU	[redacted]	yes	no	
2020-09-30 21:20:08	Lauren	Stovall	Kamuela, Hawai'i	[redacted]	yes	no	
2020-09-30 21:17:48	Vicky	Robbins	Pahoa, Hawaii	[redacted]	yes	no	
2020-09-30 21:15:56	Titus	Matthews	Maunakea, Hawai`i	[redacted]	yes	yes	I kakoʻo.
2020-09-30 21:08:51	Laura	Paul	Kaneohe	[redacted]	yes	no	
2020-09-30 20:13:46	Sadie	SARKISSIAN	kailua	[redacted]	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	[redacted]	yes	yes	
2020-09-30 19:30:50	Troy	Wong	Kapaa	[redacted]	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	[redacted]	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	[redacted]	yes	no	
2020-09-30 19:00:37	Zoe	Beat	Newark	[redacted]	yes	no	
2020-09-30 18:56:04	Krystle	Montgomery	San Diego, CA	[redacted]	yes	no	
2020-09-30 18:44:06	Jeannine	Johnson	Niu Valley, O'ahu, HI	[redacted]	yes	no	
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	[redacted]	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.

							Continued from above. 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. 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: 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? 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
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	[redacted]	no	yes	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 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. 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
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	[redacted]	no	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.
2020-09-30 18:34:25	S. Joe	Estores	North Las Vegas	[redacted]	no	yes	**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 18:19:50	Leilani	Nussman	Seattle, WA	[redacted]	yes	no	
2020-09-30 18:11:33	Bernice	silva	volcano,bigisland, HI	[redacted]	yes	yes	

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	[redacted]	yes	no	
2020-09-30 18:08:10	Josh	Vincent	Maui	[redacted]	yes	no	
2020-09-30 17:15:20	Hiapo	Perreira	Ka'ūmana, Hilo, Hawai'i	[redacted]	yes	no	
2020-09-30 17:08:02	Alec	Marentic	Keaau	[redacted]	yes	yes	I support respecting and honoring native hawaiian rights and sovereignty.
2020-09-30 17:07:30	Laurie	Akana	Honolulu, Oahu	[redacted]	yes	no	
2020-09-30 17:05:51	kāwika	hostallero	O'ahu	[redacted]	yes	no	
2020-09-30 17:00:06	Iliana	Isaia	Chua Vista	[redacted]	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	[redacted]	yes	no	
2020-09-30 16:42:29	Melanie	Kay	Kailua	[redacted]	yes	no	
2020-09-30 16:26:27	Merle	Pak	Kane'ohe, Hawai'i	[redacted]	no	yes	Protect Pohakuloa!
2020-09-30 16:01:43	Patricia	Blair	Kailua	[redacted]	yes	yes	Time to stop this desecration of the Aina.
2020-09-30 16:00:41	Summer Kaimalia	Mullins-Ibrahim	O'ahu	[redacted]	yes	no	
2020-09-30 15:59:44	Gary	Pak	Hawai'i	[redacted]	yes	no	
2020-09-30 15:52:22	Melissa	Kaonohi-Camit	Kahuku, hawaii	[redacted]	yes	no	
2020-09-30 15:42:05	Dee	Green	Honolulu Hawaii	[redacted]	yes	no	
2020-09-30 15:38:07	Gabrielle	Igarta	O'ahu	[redacted]	yes	yes	
2020-09-30 15:36:47	Kyle Kawaimanōkahala	Contrades	Anahola, Kaua'i	[redacted]	yes	yes	
2020-09-30 15:33:44	Cheryl	burghardt	Kou O`ahu	[redacted]	yes	no	I sent my own personal comments in a separate email last week.
2020-09-30 15:28:29	Rain	Wright	Oahu	[redacted]	yes	no	
2020-09-30 15:28:20	Christina	Keophannga	Franklin, Massachusetts	[redacted]	yes	yes	Stop bombing the land! Clean it up and leave it be.
2020-09-30 15:25:48	Candace	Fujikane	Honolulu, HI	[redacted]	yes	no	
2020-09-30 15:25:13	Ursula	Ching	Kamuela	[redacted]	yes	no	
2020-09-30 15:24:19	Teresa	Robertson	Ewa Beach, Oahu Hawaii	[redacted]	yes	yes	
2020-09-30 15:21:39	Charles	Phillips	Lahaina, Maui, Hawaii	[redacted]	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	Keliikuli	Oahu	[redacted]	yes	no	
2020-09-30 15:07:32	Raene	Chong	Big Island	[redacted]	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	[redacted]	yes	no	
2020-09-30 15:04:11	Kapua	Medeiros	Waimānalo O'ahu Hawai'i	[redacted]	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	Wills	Aiea Oahu HI	[redacted]	yes	no	
2020-09-30 14:53:59	Shayna Noelani	Dabis-Tom	O'ahu	[redacted]	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	[redacted]	yes	yes	
2020-09-30 14:34:00	Emalani	Case	Kamuela, Hawai'i	[redacted]	yes	no	
2020-09-30 14:30:06	Piilani	Akina	Honolulu	[redacted]	yes	no	
2020-09-30 14:10:34	Brandon	Santos	Honolulu	[redacted]	yes	yes	
2020-09-30 14:05:48	Noelani	Ahia	Wailuku Maui	[redacted]	yes	no	
2020-09-30 14:02:56	Rawstina	Leleo	Kapolei	[redacted]	yes	yes	Hewa , enough is enough ...Clean up your mess & don't come back
2020-09-30 13:59:11	atsushi	sawada	kaua'i	[redacted]	yes	yes	
2020-09-30 13:58:21	Lala	Johnson	Maui	[redacted]	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	Goracorrea	Hawai'i	[redacted]	yes	no	
2020-09-30 13:42:23	Janali	Torres	Captain Cook, HI	[redacted]	yes	no	
2020-09-30 13:40:46	Shannon	Oberle	Punaluu, Oahu	[redacted]	yes	no	
2020-09-30 13:34:33	Tanya	Alana	Oahu	[redacted]	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	[redacted]	yes	no	
2020-09-30 13:26:48	Jennifer	Mitchell	Kailua Kona, Hawaii	[redacted]	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	[redacted]	yes	yes	
2020-09-30 13:26:17	Samson	Poomaihealani	Papaaloa, HI. 96780	[redacted]	yes	no	
2020-09-30 13:22:33	Jim	Albertini	Ola'a (Kurtistown), Hawaii 96760	[redacted]	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	[redacted]	yes	no	
2020-09-30 13:12:02	Ingrid	Larson	Portland, OR	[redacted]	yes	no	
2020-09-30 13:11:22	Tatiana	Young	Oahu	[redacted]	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	[redacted]	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	[redacted]	yes	no	Stop the Bombing of pohakuloa And RIM Pac!! Now!!
2020-09-30 13:05:26	Kahaka	Patolo	Honolulu	[redacted]	yes	yes	STOP ALL DESECRATION! CEASE AND DESIST IMMEDIATELY
2020-09-30 13:05:12	Mary	Sakamoto	Hawai'i	[redacted]	yes	no	
2020-09-30 13:00:56	Jonathon	Jacobson	Georgia	[redacted]	yes	no	
2020-09-30 12:59:41	Inoa	Teeter	Maui, Hawai'i	[redacted]	yes	no	
2020-09-30 12:58:17	Kamuela	Napoleon	Mililani, Oahu	[redacted]	yes	yes	
2020-09-30 12:56:04	Alexandria	Brewster	California	[redacted]	yes	yes	A HIKI I KE ALOHA AINA HOPE LOA you fucking shitheads
2020-09-30 12:54:33	Gwen	Kim	Ka'a'awa HI	[redacted]	no	yes	Adamantly against further destruction of Moana Nui by military ♡♡♡
2020-09-30 12:54:08	Destiny	Lopez	California	[redacted]	yes	yes	

2020-09-30 12:53:52	Jamaica	Osorio	Wahiawa, O'ahu	[redacted]	yes	yes	
2020-09-30 12:51:55	Emmaline	Padeken	Hawaii	[redacted]	yes	no	
2020-09-30 12:51:46	Nanea	Lo	Kapolei	[redacted]	yes	yes	
2020-09-30 12:49:54	Sunaina	Kale	California	[redacted]	yes	no	
2020-09-30 12:41:13	Lurlyne	Paleka-Kama	Hawaii	[redacted]	yes	no	
2020-09-30 12:35:47	Lawrence	Kidder	Kapolei	[redacted]	yes	no	
2020-09-30 12:33:30	Gerry	Condon	Oahu	[redacted]	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	[redacted]	yes	no	Stop bombing and clean up your Mess. Aloha Aina.
2020-09-30 12:23:32	Pono	Nui	HAWAII	[redacted]	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	[redacted]	yes	yes	
2020-09-30 12:16:00	Chassidy	Reis-Moniz	Hawai'i	[redacted]	yes	yes	
2020-09-30 12:15:36	AnissaMarie	Cummings	Kailua, Oahu, Hawaii	[redacted]	yes	no	
2020-09-30 12:12:15	R	Vincent	Oahu	[redacted]	yes	no	
2020-09-30 12:09:22	Shannon	Rudolph	Holualoa	[redacted]	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	[redacted]	yes	no	
2020-09-30 12:06:51	Kahala	Johnson	Maui	[redacted]	yes	yes	
2020-09-30 12:05:57	Margaret	Conner	California	[redacted]	yes	yes	Return "ceded lands' back to the people of Hawai'i. Clean up your mess first. It's the only right choice. Respectfully, Margret Conner
2020-09-30 12:04:35	Scott	Williams	Volcano Hawaii	[redacted]	yes	yes	Please take it somewhere else
2020-09-30 12:03:44	Norman	Gaspar	Honoka'a	[redacted]	yes	yes	
2020-09-30 12:03:08	Cookie	Akau-Gaspar	Honoka'a	[redacted]	yes	yes	
2020-09-30 12:01:25	Joy	McLeod	Hilo, Hawaii	[redacted]	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	[redacted]	yes	yes	
2020-09-30 11:55:16	Sharon	Moraes	Volcano, Hawai'i	[redacted]	yes	no	
2020-09-30 11:45:18	TerrillJames Kaneali'i	Williams			yes	no	
2020-09-30 11:44:15	Alicia	Kalāhiki-Wathington	O'ahu	[redacted]	yes	no	
2020-09-30 11:42:47	Keala	Kekaualua	Hilo, Hawaii	[redacted]	yes	no	
2020-09-30 11:40:34	Purdyka	Wahilani	Waianae	[redacted]	yes	yes	
2020-09-30 11:31:27	Kimberly	Crawford	Kailua Kona, HI 96740	[redacted]	yes	no	
2020-09-30 11:21:14	M. Healani	Sonoda-Pale	Honolulu, O'ahu	[redacted]	yes	no	
2020-09-30 11:19:21	Warren	Costa	Hilo	[redacted]	yes	yes	Stop the bombing! Demilitarize Hawaii!
2020-09-30 11:13:31	Marilyn	Higbee	Hilo, Hawaii	[redacted]	yes	yes	How much time will be needed to clean up before the lease is ended?

MAUNAKEA OBSERVATORIES

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 hoa‘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, 20202

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.nhlchi.org
Phone (808) 521-2302 • Fax (808) 537-4268

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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 COMABT TEAM (SBCT) U.S.ARMY PŌHAKULOA TRAINING AREA, ISLAND OF HAWAI'I, HAWAI'I (TMK K 3-4-4-1.6:1) (April 2006) at 21, 25-29; and the testimony of Kealoha Pisciotta at the *Ching v. Case* trial.
>
> • ARCHAEOLOGICAL INVESTIGATIONS OF TWO WORK AREAS FOR THE LEGACY RESOURCE MANAGEMENT PROGRAM AT PŌHAKULOA TRAINING AREA, HAWAI'I ISLAND, HAWAI'I (March 1998) at 4, 38, and 47-49.
>
> • PHASE I ARCHAEOLOGICAL RECONNAISSANCE SURVEY FOR SBCT GO/NO GO MANEUVER AREAS AT U.S. ARMY PŌHAKULOA TRAINING AREA, KA'OHE AHUPUA'A, HAMĀKUA DISTRICT AND PU'UANAHULU AHUPUA'A, NORTH KONA DISTRICT, ISLAND OF HAWAI'I, HAWAI'I (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

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. Kawailani 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.

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(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,

Chris Delaunay

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://oeqc2.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 oor 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 DKI 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 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. 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 landsin 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 Pohakuloa 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 Pohakuloa 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 Hawai'i 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 Retenion 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 leased[1] 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 pursues 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 <u>owned</u> 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]

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[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 km^2] 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).

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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 Hawai

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 <u>owes to the Plaintiffs</u>, 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."); Kahoʻohanohano v. State, 114 Hawaiʻi 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. ʻAina, 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. ʻAina 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 ʻaina is part of their ʻohana, 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 Hawaiʻi, 121 Hawaiʻi 324, 333, 219 P.3d 1111, 1120 (2009) (alterations omitted) (quoting Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawai'i, 117 Hawaiʻi 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 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 HAWAIʻI

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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 Hawaiʻi Constitution, all public natural resources are held in trust by the State for the common benefit of Hawaiʻi'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 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi'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 Hawaiʻi Department of Land and Natural Resources (DLNR) entered into a written agreement to lease three tracts of ceded land situated at Kaʻohe, Hāmākua and Puʻuanahulu, North Kona, Hawaiʻi 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 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").[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 Hawaiʻi and engages in native Hawaiian

[9] Under Hawaiʻi 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. Kahaulelio is also a descendant of the aboriginal people of Hawaiʻi, 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."[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 Hawaiʻi 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 Hawaiʻi. 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 Hawaiʻi 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,

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[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 Hawaiʻi 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, Hawaiʻi 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 HRCP Rule 19(b) and therefore the suit should be dismissed if it cannot be joined.[18] Under the first factor of HRCP 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] 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.

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 HRCP 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 HRCP Rule 19(a), it was not an indispensable party under HRCP 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 Hawaiʻi 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 HRCP Rule 19(a).[21]

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[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

(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 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.[22] 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 non-party's sovereign immunity."[23]

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[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 HRCP 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 Hawaiʻi 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 Hawaiʻi, 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 state[27] 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 ʻaina," 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 Kahoʻolawe, 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 Kahoʻolawe 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, Hawaiʻi Island, Hawaiʻi" 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), Mâkua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mâkua 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 Hawaiʻi 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.

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[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 unrebutted 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 Hawaiʻi 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 HRCP Rule 19(b) for a party's failure to join an indispensable party. UFJ Bank Ltd. v. Ieda, 109 Hawaiʻi 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 Hawaiʻi 468, 473, 92 P.3d 477, 482 (2004) (citing Shanghai Inv. Co. v. Alteka Co., 92 Hawaiʻi 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 Hawaiʻi 75, 83, 398 P.3d 664, 672 (2017) (citing Nordic PCL Constr., Inc. v. LPIHGC, LLC, 136 Hawaiʻi 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 Hawaiʻi 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.
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> . . . .
>
> 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 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi 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 HRCP 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 HRCP 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 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi 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 HRCP 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 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

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 Hawaiʻi 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 Hawaiʻi Constitution); Kahoʻohanohano v. State, 114 Hawaiʻi 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 Hawaiʻi 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

(continued . . .)

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 Hawaiʻi Constitution[45] was a political question not suited for judicial resolution. 127 Hawaiʻi 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 Hawaiʻi 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 Act[46] 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 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi. Id. When Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi 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.

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[47] Article XII, section 4 of the Hawaiʻi 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 Hawaiʻi 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."); Kahoʻohanohano v. State, 114 Hawaiʻi 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. ʻAina, 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 Hawaiʻi, 121 Hawaiʻi 324, 333, 219 P.3d 1111, 1120 (2009) (alterations omitted) (quoting Office of Hawaiian Affairs v. Hous. & Cmty. Dev. Corp. of Hawaiʻi, 117 Hawaiʻi 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 Hawaiʻi 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 Hawaiʻi 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 Kauaʻi, 133 Hawaiʻi 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 Hawaiʻi 379, 416, 431 P.3d 752, 789 (2018) (Pollack, J., concurring) ("Thus, although some congruence exists, BLNR's and the University of Hawaiʻi at Hilo's public trust obligations are distinct from their obligations under [Hawaiʻi 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., Soroof 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

(continued . . .)

(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

(. . . continued)

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 duties[52] 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. Hawaiʻi 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 Paʻakai O KaʻAina v. Land Use Comm'n, 94 Hawaiʻi 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 Paʻakai court held that the Hawaiʻi 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 Paʻakai 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 Hawaiʻi 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."

ʻaina 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 HRCP 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 HRCP 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 Hawaiʻi, 85 Hawaiʻi 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 Hawaiʻi 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 fulfil its trust obligations in the future. See Beneficial Hawaii, Inc. v. Kida, 96 Hawaiʻi 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:

    - 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**

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

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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
Operations Coordinator
University of Hawai'i
Institute for Astronomy
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UNIVERSITY OF HAWAIʻI AT MĀNOA

Institute for Astronomy
Office of the Director

October 8, 2020

Via email:

Board of Land and Natural Resources, State of Hawaiʻi
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 Hawaiʻi

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 Hawaiʻi 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. Hawaiʻi-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.

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Lights can have an adverse effect on astronomical observations by incrementally increasing the night sky brightness, effectively making the telescope smaller and less sensitive.

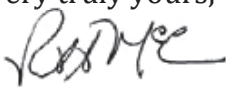
IfA greatly appreciates the longstanding working relationship between PTA and the Maunakea astronomy community, including first responder support for emergencies on the mountain. We also value the opportunity to offer input on minimizing light pollution at PTA, both through the EIS process and on an 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.

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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 the 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.

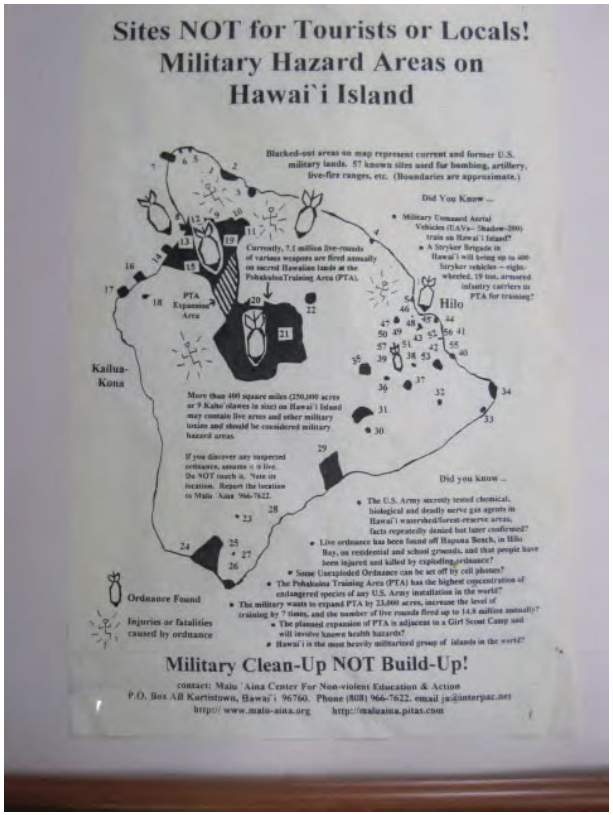
4. Testing for DU oxide particles not simply DU metal needs to be done at PTA and at Mauna Kea Park (Gil Kahele Park) across Saddle Rd. from PTA. DU oxide particles can be carried long distances in the wind and can cause cancer and other health problems when inhaled. The internal hazards of DU oxide 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 be 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.



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 historial 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 POHAKULOA
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 compre-hensive 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 ʻāina 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 compre-hensive 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.
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.

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 signficant, 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

Caution-https://home.army.mil/hawaii/index.php/ptaeis/public-involvement < Caution-https://home.army.mil/hawaii/index.php/ptaeis/public-involvement >

Caution-https://home.army.mil/hawaii/application/files/1515/9919/5070/PTAEIS_NOI_200903.pdf < Caution-https://home.army.mil/hawaii/application/files/1515/9919/5070/PTAEIS_NOI_200903.pdf >

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 Grafenwhoer 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 Hawaiʻi 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 Hawaiiankingdom.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 an ordered by him as the president. Years later President Mckinely 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 foreing 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 foregin 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 manaʻo (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 >

Caution-https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government < Caution-https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government >

Caution-https://www.nea.org/advocating-for-change/new-from-nea/impact-us-occupation-hawaiian-people < Caution-https://www.nea.org/advocating-for-change/new-from-nea/impact-us-occupation-hawaiian-people >

Me ke aloha,

Kinion Wahinealiʻi C.

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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,

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

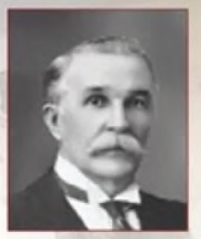
- Ninety years later in 1988, the U.S. Department of Justice concluded in a legal opinion:
  - "[Despite] constitutional objections, Congress approved the joint resolution and President McKinley signed the measure in 1898"
  - "Nevertheless, whether this action demonstrates the constitutional power of 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

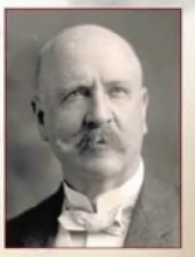
- On January 17, 1893 the Hawaiian Kingdom came under belligerent occupation
- The law of occupation mandates the occupying State (United States) to administer the laws of the occupied State (Hawaiian Kingdom)
- According to Judge Crawford of the International Court of Justice:
  - "belligerent occupation 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 Unuted 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 is 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 ʻōpeʻapeʻa (Hawaiian hoary bat), the only native terrestrial mammal in the state. Military installations in the State of Hawaiʻi, 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 Hawaiʻi, or Hawaiʻi 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 Hawaiʻi, but employs only “240 personnel on the Island of Hawaiʻi.” Therefore, the military provides employment for approximately 0.1% of Hawaiʻi 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 Hawaiʻi County.

If the U.S. military is going to claim financial benefits to the County of Hawaiʻi 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 Hawaiʻi 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 knowledgable 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

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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" [illegible] 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 [illegible] 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 to many potential hazards like unexploded ordinances 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 lead to an 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 incompliance 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 full 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 owned by the US Government, we find that most of those lands were attained thru 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 began 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 Hualali. 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 Hualali 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

// HANALEI 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 awaken 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 ʻāina.

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. I 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

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

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 < Caution-https://vimeo.com/63867248 >

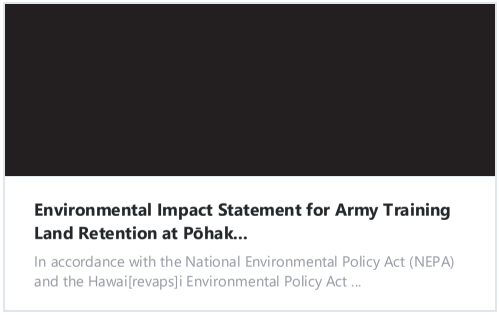
< Caution-https://vimeo.com/63867248 >
Mahalo for listening.

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 that 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 ʻĀina.

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.

Gary HARROLD

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.

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 < Caution-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
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>
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 rejeim, 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 ordinance disposal units found that the following types of ordinance were observed to be present:

1.M29A2 training rounds with dummy M405 fuse,

2. Practice 81mm mortars, and

3. High explosive anti-tank (HEAT) rifle grenades.

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

1.M28A2 bazooka rounds with M404 fuse, and

2.M30 white phosphorus (WP) bazooka rounds.

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

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!

QUIKSILVER
PUMA

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.

2.Decision-making process - Who decides what comments are "substantive", and therefore included in the Draft EIS? What effect can our comments have on the outcome / decision? How will you make the Draft EIS public and notify people that it is now available? And if it is the Army issuing it's own Record of Decision, what effect do the public comments have on the Decision? What effect does the "State" of Hawaii have on the decision, since they are the trust holders? It should not be up to the Army, but rather the "State" on behalf of the Native Hawaiians, to decide if the Army can continue to lease this land. So shouldn't the "State" be issuing the Record of Decision?

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.

"PTA supports joint and multinational exercises critical to ensure that the US military and allied nations know how to cooperatively work together" Exactly how does the 23,000 acres owned by the PEOPLE of Hawaii (out of the much larger US government acreage) do this? How many people will be in the state-controlled area? How many facilities are there? What terrible impact does this have?

"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)
Gives access between the two federally-owned pieces of land at PTA
Keep a road between federal properties if you must.

"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?

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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.

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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.

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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.

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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.

Comments by Helen Jaccard about Pohakuloa lease extension

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.

2. **Decision-making process -** Who decides what comments are "substantive", and therefore included in the Draft EIS? What effect can our comments have on the outcome / decision? How will you make the Draft EIS public and notify people that it is now available? And if it is the Army issuing it's own Record of Decision, what effect do the public comments have on the Decision? What effect does the "State" of Hawaii have on the decision, since they are the trust holders? It should not be up to the Army, but rather the "State" on behalf of the Native Hawaiians, to decide if the Army can continue to lease this land. So shouldn't the "State" be issuing the Record of Decision?

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.

"PTA supports joint and multinational exercises critical to ensure that the US military and allied nations know how to cooperatively work together" Exactly how does the 23,000 acres owned by the PEOPLE of Hawaii (out of the much larger US government acreage) do this? How many people will be in the state-controlled area? How many facilities are there? What terrible impact does this have?

"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)
Gives access between the two federally-owned pieces of land at PTA
Keep a road between federal properties if you must.

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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 immpossible 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 attempet 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.

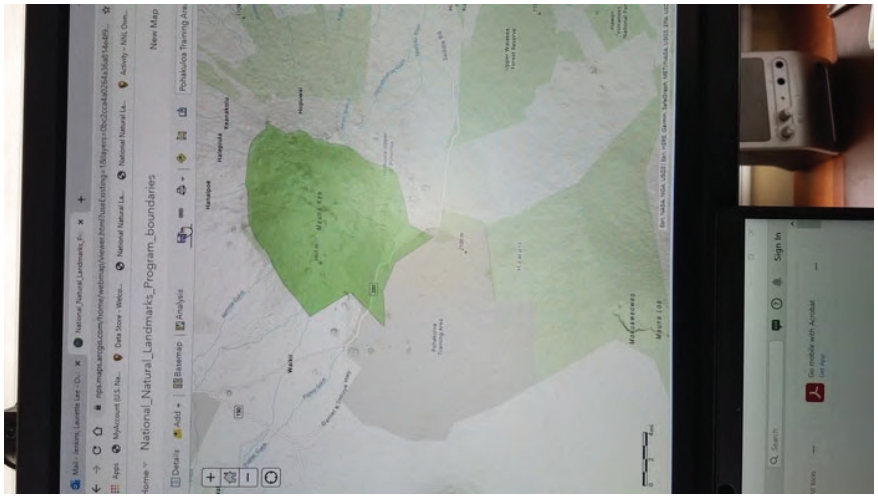
Laurie Jenkins

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

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.

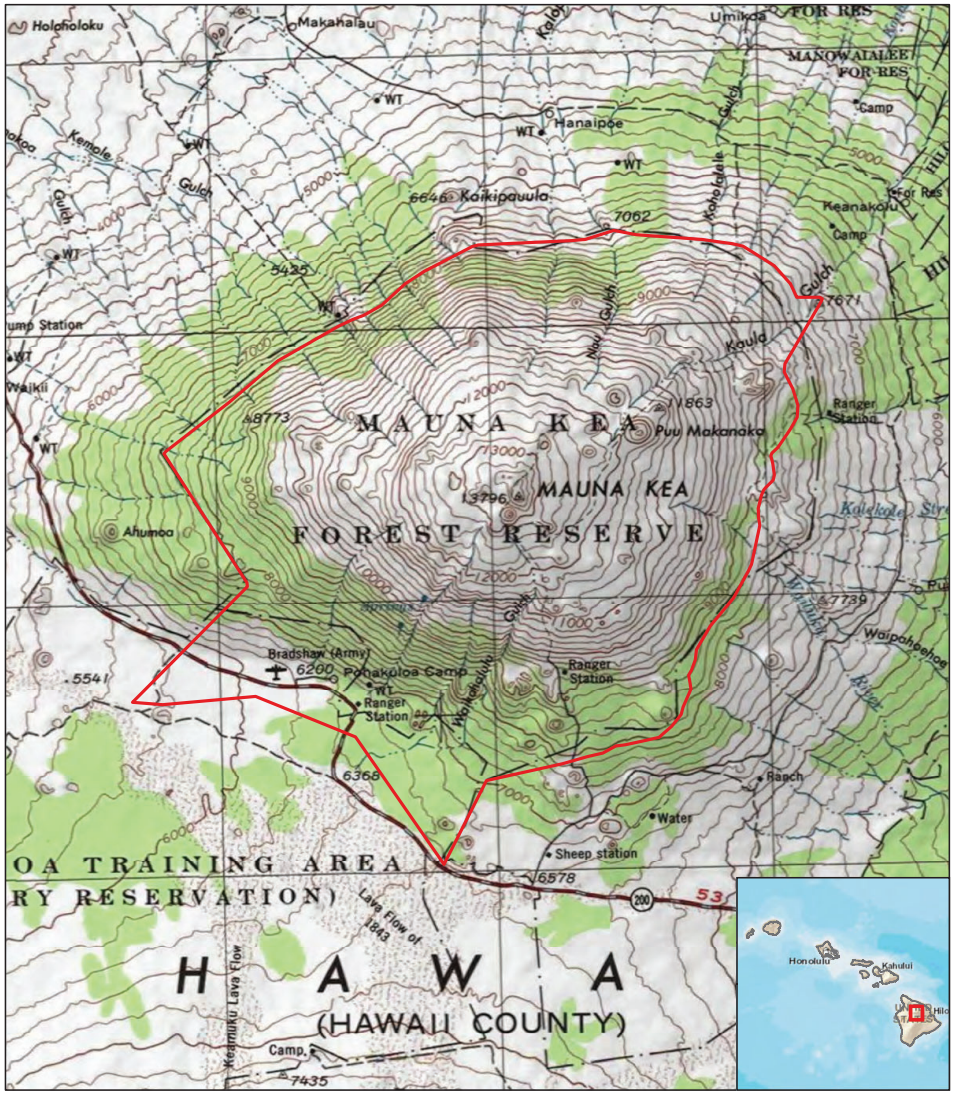
Significance:

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

NNL Boundary

Calculated Acreage: 86,190.9

0 2.5 5 Miles

N

Data Source:
NPS NNL Data, ESRI Roads

Map Produced June 2012
by National Park Service
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

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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scoping comments for the Pohakuloa Training Area (PTA) EIS submitted by email to : 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
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: Pohakuloa 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 ʻĀina 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

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.

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

--

Kyle Kajihiro, Ph.D.
Instructor, Department of Geography and Environment
Instructor, Department of Ethnic Studies
University of Hawai'i at Mānoa

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 KAHOOLAWE.

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 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.

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.

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 mauli 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 mauli hoalii iku pau

< Caution-http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_campaign=sig-email&utm_content=emailclient >
< #DAB4FAD8-2DD7-40BB-A1B8-4E2AA1F9FDF2 >
Virus-free. Caution-www.avg.com < Caution-http://www.avg.com/email-signature?utm_medium=email&utm_source=link&utm_content=emailclient >

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 HAWAI'I 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 land. 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 ordinances and spend shell casings negatively impact the environment and put the health, safety, and well being of the island and its residence 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 their 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 aquafer 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

[Non-DoD Source] PTA EIS comments

Jeffrey Mermel
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA 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 plance 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.

To whom it may concern,

It has come to my attention thatthe government has under consideration an extension to its facilities locatedat Pohakuloa on the Big Island of Hawaii. Over several decades, the undersignedhas been involved in either undertaking or reviewing environmental impactstatements for various public and private projects. While some may considersuch statements to be time-consuming and unduly costly — some of whichunquestionably are — the vast majority of work done for EIS is valuable, andsometimes invaluable.

It is respectfully suggested thatthe government agencies responsible for having an EIS prepared for the plannedextension of the Pohakuloa leases take the additional time necessary tothoroughly review all types of issues required by federal and state laws.

William W. Milks

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. Botantist (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 to 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 it's 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 Orlans

The State of Hawaii & DLNR do not have any ownership of these ceded Hawaiian Kindgom 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 internationl 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 burried 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 Kamakawiwoʻole Osorio, PhD. I am a Professor of Hawaiian Studies and dean of the Hawaiʻinuiākea School of Hawaiian Knowledge at the University of Hawaiʻi Mānoa. I am also a kamaʻāina to the Island of Hawaiʻi 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 Hawaiʻi Mānoa and a scholar of traditional moʻolelo and literature of Pele and Hiʻiaka as well as contemporary Indigenous and Native Hawaiian politics. We are both Kānaka Maoli and reside in Wahiawā, Oʻahu.

We have been copied with the testimony of several other individuals who have pointed out the illegality of America's taking of Hawaiʻi'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 Hawaiʻi" 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 Hawaiʻi and to offer small farm leaseholds to American families in the hopes of encouraging a Caucasian immigration to Hawaiʻi that would replace Native people and the tens of thousands of Asian men and women who had been brought to Hawaiʻi by contract in the last half of the 19th century.

There was nothing legal about the "Republicʻs" possession of the Crown and Government lands and nothing either legal or moral about the "Republicʻs" 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 Hawaiʻi'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 Hawaiʻi.

The United States territorialized Hawaiʻi 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 Kahoʻolawe 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 Kahoʻolawe, when your armed forces were forced to cease using live ordnance on the island in 1981, archaeologists discovered so many historic sites on Kahoʻolawe that the entire island was listed on the National Historic Record.

Environmental degradation poses a harm to Hawaiʻi's citizens. Nothing illustrates the willingness of the US armed forces in Hawaiʻi to disregard the public welfare as the dilatory response to the leaking fuel tank on Red Hill that sits over Oʻahu'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 Humuʻula, Puʻuanahulu 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 Hawaiʻi 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 - ATLR 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

From: Charels Ota _____
Sent: Tuesday, October 13, 2020 5:24 PM
To: DLNR.CO.PublicDLNR <dlnr@hawaii.gov>
Subject: [EXTERNAL] Fw: Thank you for your submission: Contact the Governor

To Ms Case, Directo od 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 <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 bring 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

Pōhakuloa 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 vechicles 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 CLAIR

THE GREAT DECEPTION "de fact

PUREFY YOUR HISTORY

Honolulu STAR ADVERTISER SUNDAY 9-20-2
Rubie NOTICE page 8 TITLE 28 U.S.C § 91
THE US ARMY fraudulent CLAIM STATEMENT "ISAIA
without pure evidence of geographic Land
claim by unauthourized Agent and officer
of the U.S union "STATE OF HAWAII" "corpora
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and LAWFULLY reserve the rights to ASSERT
their rightful LAND CLAIMS. International LAW,
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PAGE 1 AS required and DESIGNATED BY PURE TRUST Docum

HAWAIIAN Cultural PRESERVATION COUNCIL
KAHUNA
KALAI WA'A
KUA MOO O KEHAU - MU LINE 24,000 BC.
LAAU LAPA AU
LOMI LOMI
HOO KELE -
MAHIAI KALO

Artical - ART 43 - TERMS 1893 LiliuoKalani Assignment
" CONSTRUCTIVE FRAUD "Identity THEFT. AGREEMEN
Pure geographic Authority & Jurisdiction
Physical boundries - HAWAII NATIONAL soil.
Public LAW 103-150 - admission to unlawful
THERE IS NO contract between HEIRS, & "STATE
OF HAWAII - FEDRAL U.S. Govt. FOREIGN JURISDIC
QUASI AUTHORIZATION BY A FOREIGN Govt
and its AGents and OFFICERS - opperating
unlawfull with fraudulent authoritive
CLAIMS of mineral Rights. Act of WAR ON FRIE
Blantant violation of international LAW -
Who is fraudulently AUTHOURIZING contracts
with out consent of Heir of the pure
LIVING will - & Probate trust.

APRIL 21-2005 Filing N.O. MC 05 00109 - US court FOR HAWAII DISTRIC

ARTICAL 7 THE HAQUE convention
HIST Sec 106 - US military law (JAG)
JOHN 14:26 ALOHA
INDIGENOUS PRIVATE CITIZEN KAHUMU RASI
Ke Aupuni O Hawaii nei O NA Koolaupoko AINA

Page 2

Hawaiian Cultural Preservation Council
P.O. Box 23258, Honolulu, Hawaii 96823, (808) 235-4958

Honorable Ban Ki-Moon
Secretary General, United Nations
1st Avenue and 46th Street
New York, NY 10017, USA

September 16, 2016

Re: The Issue of President Barrack Hussein Obama's Birth

1. **Fact:** Barrack H. Obama is a Christian member of the United Church of Christ (UCC): **TRUE**
2. **Fact:** Barrack H. Obama was born at Kapiolani Maturnity Hospital, Honolulu, Hawaii: **TRUE**
3. **Fact:** Barrack 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 50th 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.**

1

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

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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 ordinance 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 pubic 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 through 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 Lingering from the 8/2018 EA Finding of No Significant Impact

1. I can see that a through evaluation of thepotential ancient and historical sites has not been completed. There have been identified 1,198 sites, 822have not been evaluated, and 364 are traditional Hawaiian sites, and that only20% of the high impact zone has been evaluated. That no sacred sites were identified seems highly unlikely. This information should have affected the finaldetermination of No Significant Impact.

2. While I understand that there has been numerouslava flows as well as 100 years of ranching in the zone, and that a collectionof physical artifacts exists that was recovered through surveys, it seems thatthere very well could be long term impacts to the Island of Hawai'i throughcontinued use of the area as a training area for the use and training ofvarious weapon systems. These impactswould include, contamination of the ground water serving communities at lowerelevations, contamination of soils from depleted uranium pieces and dust kickedup in the impact zone unknowingly (because you really don't know where all theDU lies) impacting both the soldiers and communities down wind, and thepotential for ancient sites which have not yet been surveyed to be destroyed.

3. The Hawai'i County Council has passed variousResolutions that are also concerned about these potential impacts. Resolution 639-88 urges the military toaddress the potential hazards of DU at the Pohakuloa Training Area. This Resolution has 8 action areas includingceasing of live fire and clean up of DU that have not been adequately addressedin the past 9 years.

4. The State of Hawai'i land lease does not allowfor storage of nuclear storage on site, even though the NRC has given Pokahuloaa permit to possess DU on site. The Armyhas not been transparent with the public about the use of DU coated weaponsbeing used currently on site. IF theArmy is not using DU coated weapons and firing them at the Pohakuloa TrainingSite, you should tell the public. Thatwould make a huge difference in many peoples minds of how they view yourcontinued 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

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.

October 7, 2020

To : US Army, Hawaii
USArmy.hawaii.nepa@mail.mil

From: Michael Reimer, Ph.D.

Subject: Comments onEIS for Pohakuloa Training Area, Hawaii

I append here my comments for the Environmental ImpactStatement being developed for the renegotiation for use of leased lands atPohakuloa Training Area, Hawaii.

Please acknowledge receipt.

COMMENT ON EISCONSIDERATION 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: MichaelReimer, Ph.D.

The Environmental Impact Statement (EIS) for this lease renegotiationwill be fatally flawed if it does not comprehensively discuss the need,methodologies and schedule for cleanup of the toxic and waste materials put inplace by the training activities. Evenif there is an attempt to eliminate the cleanup requirements as exist in thecurrent lease, this is an issue that cannot be avoided in the content of thisEIS as it has tremendous human impact.

The U.S. Army has often boasted that it is a great stewardof the `aina at PTA but has repeatedly failed to adequately demonstrate thatclaim on its own volition. That, ofcourse, applies not only to maintaining stewardship of the physical lands butthe requirement for respecting the social, cultural, and spiritual use of thelands. While this EIS is stated toprimarily focus on the leased lands, those lands cannot be so easily separated fromthe entire PTA complex. Most importantly,it is known that environmental degradation of the leased area is further causedby any and all toxic materials grossly contaminating the natural environmentalconditions present anywhere at PTA as those toxins are actively transferred eitherfrom or to those leased lands. This factwas noted in the judicial ruling (ROA Vol. 6 ICA 47:229-73) regarding failureto clean up the leased lands as required by the existing lease.

While the need for military training facilities isrecognized, there is no reason that a harmonious use cannot be achieved withoutleaving behind a wasteland never again to be used for any cultural or communitypurpose. It is possible to negate anyand all risks to the public, the soldiers, and the employees of PTA fromcontamination caused by the training activities. The face of military engagement is changingand that must be acknowledged. It isbecoming less an engagement of bombs and bullets and more an economic andsocial battle especially among superpowers as we have clear evidence today ofhacking computer systems to destroy infrastructure and hence, freedoms andliberties.

Human health and lives should not be cavalierly andunwittingly considered as acceptable collateral damage from the trainingactivities. A discussion must be includedto consider that if a lease renewal is to be granted, an environmental bondmust be required to fully cover cleanup costs to returnthe`aina to its original condition. Simply stated, the`ainamust be returned to its original useful condition before any leaseextension is granted. This is a crucial point. If the U.S. Army claims that the land cannotbe cleaned and restored to usable conditions for the public free of hazards andrisks, then the environmental damage must be acknowledged as permanent and thatmust be clearly stated in the EIS. Inother words, continued use of the leased lands would ensure permanent irreversibledamage to the environment and this condition then singularly supports what mustbe the final conclusion of the EIS - that the lease continuation is not advised. It would be contrary to claimed stewardshipthat these lands shall existonly as a military toxic-waste dump with continuing and lasting health andsafety risks to the public.

Waiting until such future time that the military abandonsthe PTA training site and expecting complete restoration or mitigation would bedelusional. Requirement for cleanup nowexists and has been largely ignored. Thereis no trust fund established to cover the costs of such cleanup that will undoubtedlybefall the State or County. To reiterate, thefailure of the U.S. Army to abide by the original lease agreement clearlydemonstrates that the Army's claim of good stewardship is a hollow claim and withoutsubstance. Part of the EIS discussionmust include the good faith requirement that the Army willreturn the `aina to its original condition prior to termination ofthe existing lease and before a lease renewal can be considered.

The failure toreclaim land from unexploded ordinance (UXO) and other residual military toxinsis not unusual on the Big Island or elsewherein Hawaii for that matter. Note the repeated requiredcleanup of UXO at Waikoloa Village from remaining World War II trainingactivities associated with the Waikoloa Maneuver Area. Cleanup is requiredof UXO on Department of Hawaiian Home Landsin Waimea (Kamuela 96743) inhabited by native Hawaiians. Furtherlack of complete and dedicated cleanup in Hawaii is evidenced by Kaho`olawe,where only partial effort was implemented, and ground-water contamination onOahu from leakingunderground fuel storage facilities threatening the drinking water source ofthe primary population center of Hawaii is knownand must be immediately mitigated. These are just a few examples of poor militarystewardship in Hawaii.

The need for proper cleanup at PTA has been expressedpreviously by the Hawaii County Council (Resolution 639-08) and in the HawaiiCourts (449 P.3d 1146 (2019) but seemingly ignored by the U.S. Army. The EIS must address all efforts to clean upexisting contamination and address how it will be ameliorated after eachtraining session.

The use of highly toxic depleted uranium (DU) in the 1960sis a prime example of toxic and contaminated conditions already existing atPTA. There are several areas known asradiation controlled areas (RCAs) now sequestered with highly restricted entrythat are known to contain depleted uranium. It must be noted that these areas are only approximations of where trainingwith DU may have occurred and may actually include a portion of leased lands ifa fuller determination under the principle of an abundance of caution had beenconducted. In any event, the RCA areashave also been used for high-explosive weapon detonation, thus distributing thedepleted uranium particulates over much larger areas outside the RCAs, includingthe leased lands. The total uraniumcontent of soils several miles distant from the RCAs has been analyzed andshown be composed of up to 30 percent depleted uranium (Nuclear Regulatory Commissionon-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 becontacted for that estimate and perhaps the clean-up plan as well. As I recall, the cost was insignificant atabout $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 theDU clean-up operations, other toxins and UXO could be removed at littleadditional cost.

The EIS must provide full disclosure, discuss adequatemonitoring 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 programgenerated and based on numerous statements of misinformation by the U.S. Army. The primary distribution of DU particulatescausing the greatest risk to the soldiers, and employees of the garrison at PTAand the public is by air. The current monitoringprogram ignores air transport but the distribution is so pronounced that eventhe evasive monitoring program currently applied has shown the aforementionedDU contamination. It becomes easy forthe military to claim that the NRC has approved their program and toconveniently hide behind that mantle when it is clear that program wasestablished to minimize the chances of finding DU distribution outside of theRCAs. In effect, it adheres to the adageof "do not seek and ye shall not find." Thenthe claim of no required action is assured. I am sure that any reviewer of my comment will see the similarity of thislogic of using defective testing to that used by current Administrative demandsto stop testing for Corona Virus.

In sum, it is imperative for this EIS to fully discuss arequirement to clean the land at PTA of military toxins and hazards and to monitorthat progress after every exercise. Ifthe land is not cleaned up and restored to its primal state, fully usable forpublic purposes including spiritual and cultural activities, then the EIS mustconclude 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 extention 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, it 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

--
Aaron Stene

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

October 8, 2020

Mr. Russell Tsugi
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.

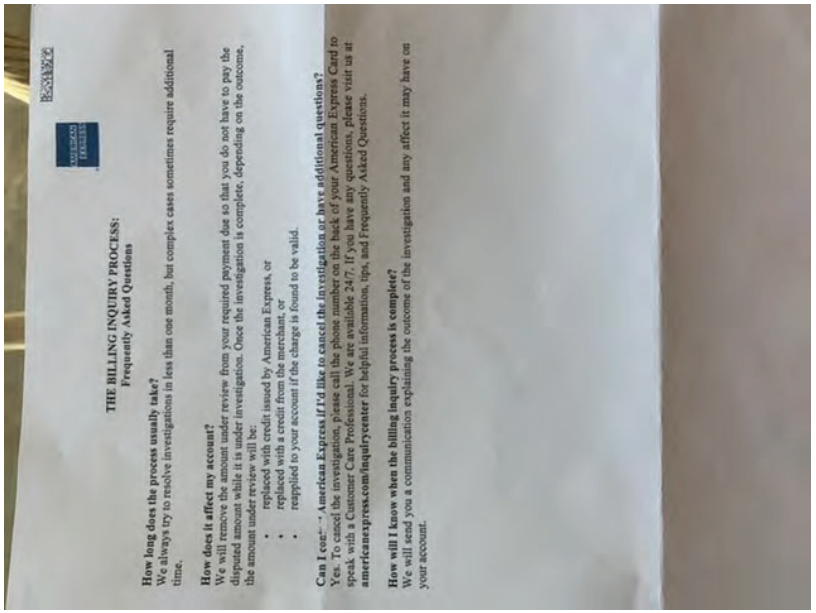
Thank you again for accepting these comments.

Sincerely,
Ms. Jojo Tanimoto

cc: Gregory.T.Wahl.civ@mail.mil

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 American Express if I'd like to cancel the investigation or have additional questions?
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** 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.

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

"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 a 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 saftey for a while now. As the US military is
largely responsible for bringing the methamphetamines (aka Ice) preexisting epidemic to these islands
with devastanv 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 saftey for a while now. As the US military is largely responsible for bringing the methamphetamines (aka Ice) preexisting epidemic to these islands with devastanv 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

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 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, 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 ʻAina 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, Molokaʻi, Hawaiʻi 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, Hawaiʻi. 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, Hawaiʻi 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.

**Transcribed from recorded message.*

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 Kajihiro* *Recorded September 23, 2020, 16:13*

My name is Kyle Kajihiro I'm calling on Wednesday, the 23rd 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 ʻāina etc., but you guys gotta talk about and look at the troops. What if they no train? You gotta, you gotta consider that – important ʻeh? So, look at the effect on everything the land, the community lʻdat. So yeah okay, thanks. Kimo out.

**Transcribed from recorded message.*

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.

**Transcribed from recorded message.*

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.

**Transcribed from recorded message.*

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.

**Transcribed from recorded message.*

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.*

Unidentified Caller #5* *Recorded September 23, 2020, 19:30*

Ua mau ke ea i ka ʻāina i ka pono. Genesis all people are separated by peremeters and pirimeters and parameters. Article 43 terms of the1893 Liliuʻokalani 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.

**Transcribed from recorded message.*

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.

**Transcribed from recorded message.*

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.*

Draft EIS Comments

Federal Agencies

State of Hawai‘i Agencies

County of Hawai‘i Agencies

Elected Officials

Organizations

Individuals

Petition Letter

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. 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.[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. 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.[2] These directives and DoD's Equity Action Plan should be considered in the context of the project to help guide decision-making.

[1]Public meetings held on April 25 and 26, 2002, recordings available at https://home.army.mil/hawaii/index.php/ptaeis/public-involvement

[2] 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*[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).

> ***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),[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

[3] 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

[4] 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[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.

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").[6]

> ***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

[5] See https://nca2018.globalchange.gov/chapter/13/

[6] 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).[7]

Recommendation: Work with the Hawaii Department of Health to confirm approval of the permanent portable latrines and include this information in the FEIS.

[7] 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 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 Emergency Response Office HI-21
Department of Land and Natural Resources, Division of Forestry and Wildlife..... HI-24
Department of Land and Natural Resources, Engineering Division..... HI-30
Department of Land and Natural Resources, Land Division HI-34
Department of Land and Natural Resources, Land Division – Hawaii District..... HI-50
Department of Land and Natural Resources, Office of Conservation and Coastal Lands .. HI-54
Office of Hawaiian Affairs HI-59

STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

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DTS 202204041431NA

Coastal Zone Management Program

Environmental Review Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented Development

Statewide Geographic Information System

Statewide Sustainability Branch

June 6, 2022

To: Suzanne Case, Chairperson
State of Hawai'i, Department of Land and Natural Resources

From: Mary Alice Evans, Director
Office of Planning and Sustainable Development

Attention: Russel Tsuji, Administrator
Land Division

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

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 Hekekia 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)

State Of Hawaii
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
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Mr. Michael Donnelly
U.S. Army Garrison-Hawaii
Directorate Of Public Works-Environmental
948 Santos Dumont Avenue, Building 105, 3rd Floor
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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.

Sincerely,

Kenneth S. Hara
Major General
Hawaii National Guard
Adjutant General

Attachment

c: HIARNG
HIANG

COMMENTS ON PŌHAKULOA 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/ NEPA Analysis, 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 Oiwi 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, socioeconomics, 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

	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.
Jose Balignasay/NEPA Analysis, Socio and EJ	References Donovan, N. J., & Blazer, D. (2020). Social isolation and loneliness in older adults: Review and commentary of a National Academies report. *The American journal of geriatric psychiatry : official journal of the American Association for Geriatric Psychiatry*, *28*(12), 1233–1244. https://doi.org/10.1016/j.jagp.2020.08.005 Social Isolation and Loneliness in Older Adults: Review and Commentary of a National Academies Report - PMC (nih.gov) Lee, B., & Bearman, P. (2020). Political isolation in America. *Network Science*, *8*(3), 333-355. Lee_Bearman_political_isolation_in_america.pdf (byungkyulee.com) Mohai, P., Pellow, D., & Roberts, J. T. (2009). Environmental justice. *Annual review of environment and resources*, *34*, 405-430. Environmental Justice (researchgate.net) Opiyo, B., & Çelebi, S. İ. (2008). Public relations and nation-building under political isolation: The case of Northern Cyprus. *Communication in Peace/Conflict in Communication*, 47, 1 – 37. Com_Peace_Conflict_Com_2007.pdf (emu.edu.tr) Singh, N. (2022, April 25). US threatens military action if China sets up Solomon Islands base: "Would very naturally respond'. *Independent*. US threatens military action if China sets up Solomon Islands base: 'Would very naturally respond' (yahoo.com) U.S. Army Corps of Engineers, Honolulu District. (2022, April). *Army training land retention at Pohakuloa Training Area, Draft Environmental Impact Statement, Volume I: EIS document*. 1 – 397. 2022-04-08-HA-DEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-I.pdf (hawaii.gov) Webb, J. (2022, February 16). China now more willing, able to challenge US military, report says. *AirForceTimes*. China now more willing, able to challenge US military, report says (yahoo.com)

Kekapala Dye/Cultural & Historic Resources	Cultural 3.4 – **Alternative 1**, full retention. Overall impact less than significant. Cultural resource management continues, ongoing activities will follow existing SOPs. **Alternative 2 and 3**, 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. **No Action Alternative**, 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.
Craig Blaisdell (and Clint Sores, Tony Chen/ Biological Resources (Flora and Fauna) including Pest Management / Invasive Species	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.
Art Javier and Ian Cevallos /HazMat/Haz-Tox Waste and Disposal	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.

Karl Motoyama/ Land Use Background and Training Operations	Alternative 1 if 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/ Water Resources	"The action alternatives would not generate any new impacts, but the continued **negligible adverse impacts** to the watershed, underlying aquifer systems and stormwater and flooding described above would continue over the long term." 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?
Karl Bromwell/ CH3.12 - 3.16, Summary of Effects and	**Summary of Effects (per Table 3.17.1)** *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* *CH3.13 Airspace: All alternatives would have negligible impacts due to the need for civilian air traffic control* *CH3.14 Electromagnetic Spectrum: All alternatives would have negligible negative impacts due to use of EMS equipment, except the NA alternative, which would be see beneficial effects from discontinued use* *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* *CH3.17 Human Health and Safety: No comment*

Mitigation Measures (CH 3.17) and CH4 Cumulative Impacts. Other General Comments provided as necessary.	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. **Cumulative Impacts:** 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. 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.
Leslie Chau/ CH3.12 - 3.15	I have reviewed my assigned sections and have no comment.

Alexa Jacroux Biggs/CH 3.6-3.8	3.6 - Air Quality and Greenhouse Gasses – all actions produce less than significant impacts. 3.7 – Noise – Appropriate studies conducted and cited. All actions produce less than significant impacts. 3.8 - Geology, Topography and Soils - Appropriate studies conducted and cited. All actions produce less than significant impacts. All maps - Recommend representing Bradshaw Army Airfield and FARPs as a linear or point feature instead of as an area on all maps. Recommend adding Cooper Air Strip and BAAF to maps. Figure 3-12 clean up legend Figure 3-14 a map with simple, legible labels and a legend would be helpful.

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. 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

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WILLIAM J. AILA, JR
CHAIRMAN
HAWAIIAN HOMES COMMISSION

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DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P O BOX 1879
HONOLULU, HAWAII 96805

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, 3rd 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.

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 .

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)

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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)

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
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 - ATLR 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
Clean Air Branch
Hawaii State Department of Health

DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR 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 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.

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 Crocket 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

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.

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)

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 9, 2022

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: 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. Thank you.

Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Enclosures
cc: Central Files

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)
_X_ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_ Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_ Land Division – Hawaii District (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

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. Thank you.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
( ) We have no additional comments.
( ) Comments are included/attached.

Signed: DGS
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

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

ROBERT K. MASUDA
FIRST DEPUTY

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

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) whould 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.

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.

We have no additional comments.

From:	Nakamura, Darlene K <darlene.k.nakamura@hawaii.gov>
Sent:	Tuesday, June 7, 2022 3:58 PM
To:	G70 - ATLR 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
Fax No. (808) 312-6357
Email: 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

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. Thank you.

Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Enclosures
cc: Central Files

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

FROM: ~~TO:~~ **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division (DLNR.ENGR@hawaii.gov)
_X_ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_ Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_ Land Division – Hawaii District (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

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

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. Thank you.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
(✓) We have no additional comments.
( ) Comments are included/attached.

Signed: *CSC*
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.

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 assertation 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 of 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.
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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.

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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 Keʻāmuku 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 Keʻāmuku parcel. Please elaborate on why that information was excluded from the 2020 noise model and please clarify if the Keʻāmuku 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 though 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 - ATLR 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

DAVID Y. IGE
GOVERNOR OF
HAWAII

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
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STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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[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

1 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 assertation 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.

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  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.

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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.

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process when the land retention method is known." Please clarify how the Army could be "*brought into conformance with conservation district rules."*

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- 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

2 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.

- 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 though 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, 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.

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.

We have no objections.

From:	Nakamura, Darlene K <darlene.k.nakamura@hawaii.gov>
Sent:	Tuesday, June 7, 2022 3:58 PM
To:	G70 - ATLR 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
Fax No. (808) 312-6357
Email: 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

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. 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)
_X_Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_Land Division – Hawaii District (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

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. 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 - ATLR 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

DAVID Y. IGE
GOVERNOR OF
HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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 Statues 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.

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.

PHONE (808) 594-1888 FAX (808) 594-1938

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAIʻI 96817

June 3, 2022

Col. Daniel Misigoy
U.S. Army Garrison Hawaiʻi Commander
745 Wright Avenue, Wheeler Army Airfield
Schofield Barracks, Hawaiʻi 96857-5000

Suzanne Case
Chairperson, Board of Land and Natural Resources
1151 Punchbowl St.
Honolulu, Hawaiʻi 96813

Re: Withdrawal of Draft Environmental Impact Statement
Army Training Land Retention at Pōhakuloa Training Area
Kaʻohe Mauka and Humuʻula Ahupuaʻa, Hāmākua and Hilo Moku, Hawaiʻi Mokupuni
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), Hawaiʻi 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 Hawaiʻi, (hereinafter "Army") pursuant to Hawaiʻi 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 Hawaiʻi 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.[1]

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

[1] Use of the Federal portion of these lands for military purposes was established via a formal Maneuver Agreement with the Territory of Hawaiʻi 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 ʻauwai akua (waterways of the gods); 5) securing funds for PA implementation; 6) protection of Na Puʻu (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,[2] 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…"[3]. Affirmation of OHA's public trust duties our 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 (EISPN) expressing concern over hazardous materials occurring near their lands and water sources as a result of military use. As such, DHHL

[2] HAW. CONST., art. XII, §5 (1978).
[3] 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

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.

‘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)

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

ENCLOSURE 1

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.

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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.

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[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

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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 drawn upon its own case law in interpreting trust obligations. Haw. Rev. Stat. § 632-1.

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[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

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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.

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ENCLOSURE 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

David Kimo Frankel, Honolulu, (Summer L.H. Sylva with him on the briefs), for appellees

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‘ohe, Hāmākua and Pu‘uanahulu, 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 on August 16, 2029. In exchange, the United States paid the DLNR one dollar.

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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 ****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."[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]

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 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 ****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").[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.

****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."[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 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 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.

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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.[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 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, 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 **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.[17] 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 (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 HRCP Rule 19(b) and therefore the suit should be dismissed if it cannot be joined.[18] ****1156 *158** Under the first factor of HRCP 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 HRCP 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 HRCP Rule 19(a), it was not an indispensable party under HRCP 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

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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 ****1157 *159** 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 HRCP Rule 19(a).[21] 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.[22] 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."[23]

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

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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 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 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."

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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.[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.

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 state[27] 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."[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]."

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.

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).[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.

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."[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.

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 HRCP 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

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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),[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 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 ****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.
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> ....
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> 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.
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> 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)).

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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.

[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 HRCP 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"

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[10] **[11]** The State contends that the United States is a necessary and indispensable party to the present case under HRCP 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 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 ****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 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.

[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

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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)).

**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.[38]

[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.[39] 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.[40]

[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

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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 ****1171 *173** 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 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).[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.

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 **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.[44] 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[45] 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[46] 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

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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."[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.

[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.").[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, 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., Soroof 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[.[50]]

****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.[51] Under the circumstances, the State contends, it was reasonable for the State to delegate its duties[52] 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);[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 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[.]

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(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 '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 HRCP 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 HRCP 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.[56] 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.[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 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.

[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."[59] Quiksilver, Inc. v. Kymsta Corp., 360 F. App'x 886, 889 (9th Cir. 2009) (quoting E. & J. Gallo, 967 F.2d at 1297).

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[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 fulfil 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

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- 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:

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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.

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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

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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 HRCP 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), Mâkua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mâkua 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 unrebutted 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.

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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 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.

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 HRCP 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:

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> 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.

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ENCLOSURE 1

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI`I

CLARENCE CHING and MARY MAXINE KAHAULELIO, Plaintiffs, 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, DEPARTMENT OF LAND AND NATURAL RESOURCES, Defendants.	CIVIL NO. 14-1-1085-04 GWBC (Declaratory Judgment) COURT ORDERED DLNR MANAGEMENT PLAN FOR LEASED LANDS AT POHAKULOA; APPENDIX I-IV (INCLUDING EXHIBITS "B"-"H")

COURT ORDERED DLNR MANAGEMENT
PLAN FOR LEASED LANDS AT POHAKULOA

For good cause shown herein,

IT IS HEREBY ORDERED as follows:

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

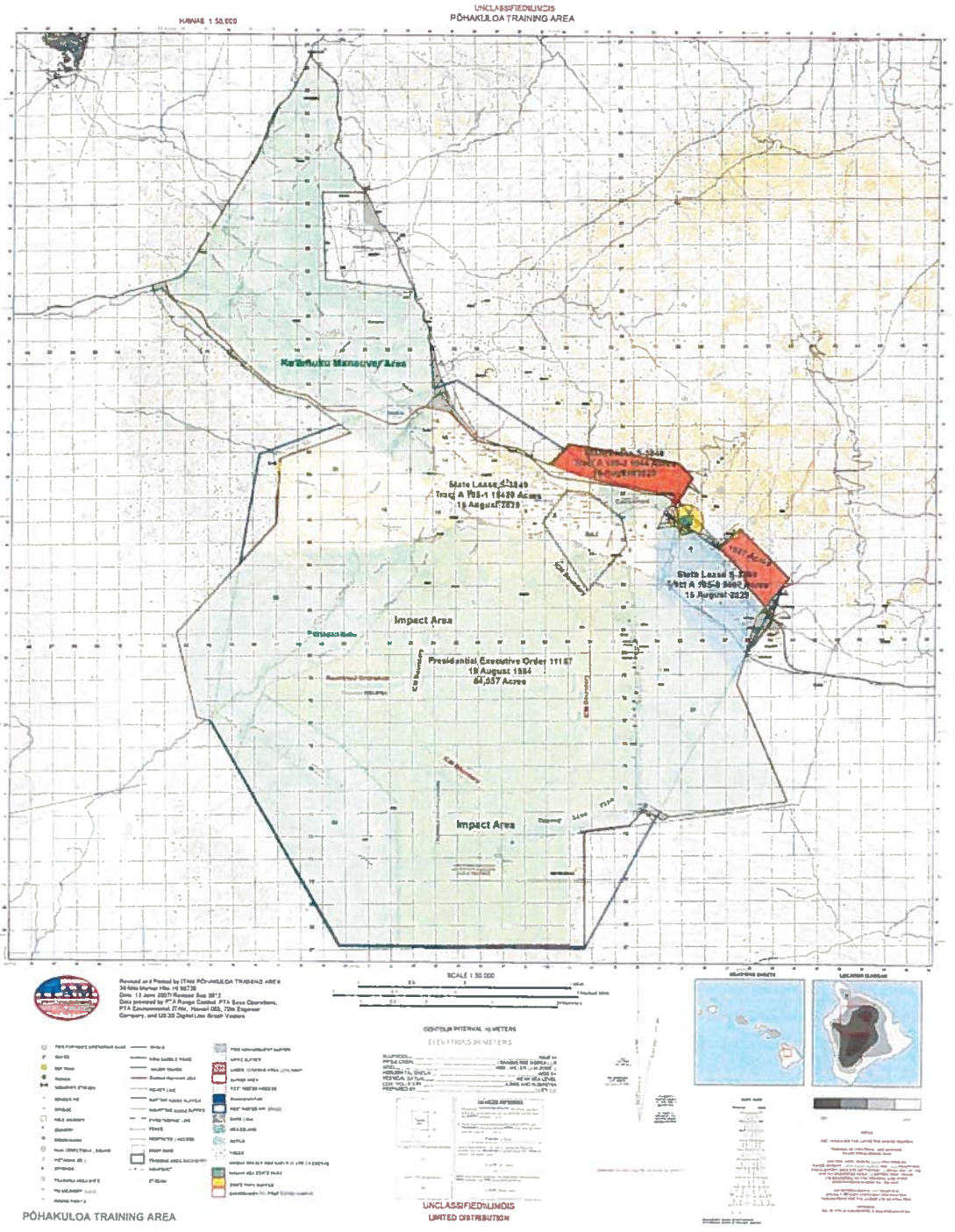
It is recommended by the Court, but not a mandatory component of this COMP, that DLNR obtain and review periodic, semi-annual inspection reports from the United States in the general form attached as Appendix III, and provide any necessary assistance or support in seeking federal funding for cleanup 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


UNCLASSIFIED//LIMDIS
PŌHAKULOA TRAINING AREA
HAWAII 1:50,000
Kahuku Maneuver Area
State Lease S-3849
Tract A 1958-1 18429 Acres
15 August 2029
State Lease S-3849
Tract A 1958-2 1044 Acres
15 August 2029
1977 Acres
Impact Area
Presidential Executive Order 1117
15 August 1964
64,037 Acres
Impact Area
SCALE 1:50,000
CONTOUR INTERVAL 10 METERS
ELEVATIONS IN METERS
LOCATION DIAGRAM
PŌHAKULOA TRAINING AREA
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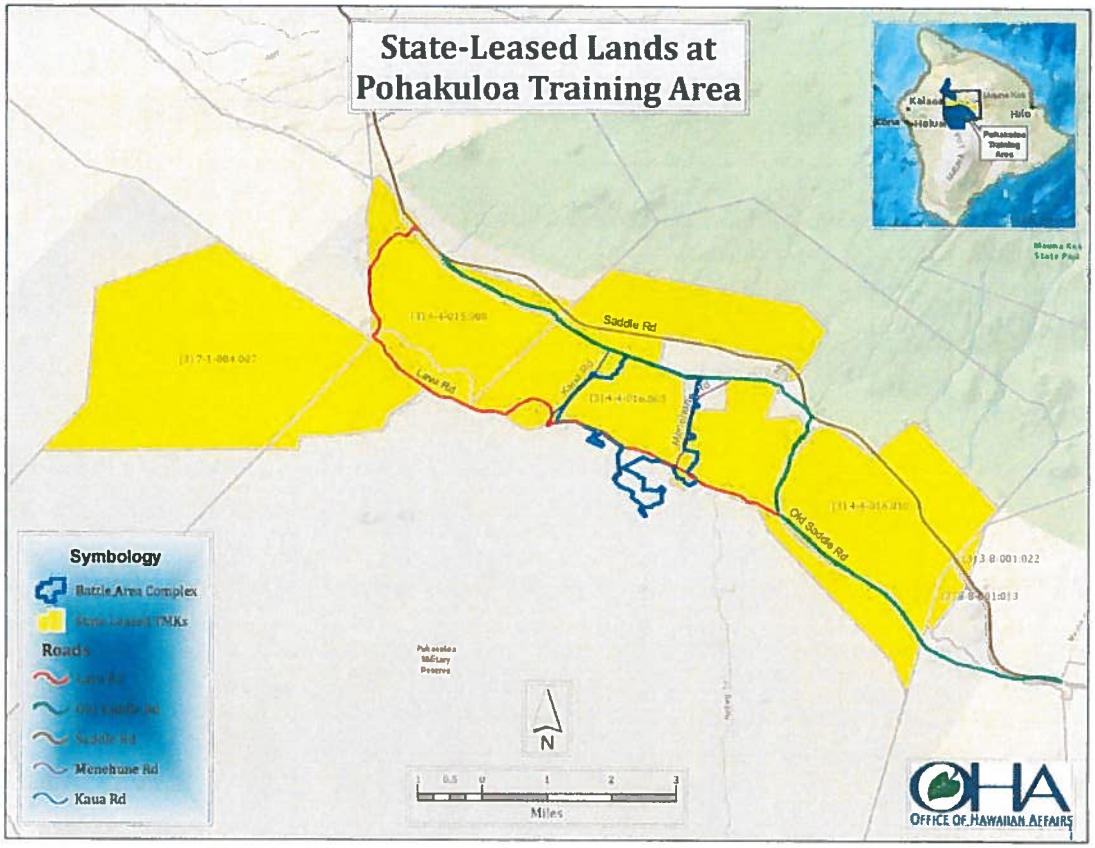

State-Leased Lands at
Pohakuloa Training Area
Saddle Rd
Lava Rd
Old Saddle Rd
Symbology
Battle Area Complex
Roads
Menehune Rd
Kaua Rd
N
Miles
OHA
OFFICE OF HAWAIIAN AFFAIRS

APPENDIX I

State of Hawai'i
DLNR, Land Division

INSPECTION REPORT
Commercial/Industrial/Resort/Other Business

General Information

Document Number: GLS 3849 or RPS _____ Character of Use Military purposes

Inspection Date: 12/20/18 Inspection Time: 10:00 a.m. Land Agent: Gordon Heit

TENANT INFORMATION

Name: United States of America (Dept. of Army) Home Phone: _____

Address: P.O. Box 4607 Business Phone: _____

Hilo, Hawaii Fax: _____

Contact Person: Lt. Col. Loreto V. Borce, Jr. Contact Phone: 969-2407

SITE INFORMATION

TMK: (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

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File N/A	YES	NO	COMMENTS/NOTES/LISTS
Subletting	X			attach copy of list or map if applicable
Improvement Construction Buildings			X	note deadlines for % completion Some structures (i.e. Quonset huts) were built prior to the 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 Plan submitted and approved by Chairperson for the installati of electrical substations within the lease area.

Field Inspection

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

ITEM	SATISFACTORY? N/A	YES	NO	COMMENTS/RECOMMENDATIONS
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 contactor. 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 Crocket 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 Crocket 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 Crocket 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 105-1), Parcel B (A-105-2) and Parcel C (A-105-3). 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-105-1, 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-105-2, 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-105-3, 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, Parcel C A-105-3	various	UXO, MEC, metals	Heaviest use anticipated at the 400 Series FP based on past use.

ENCLOSURE 1

APPENDIX III

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

.Y TO
:NTION OF:

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"

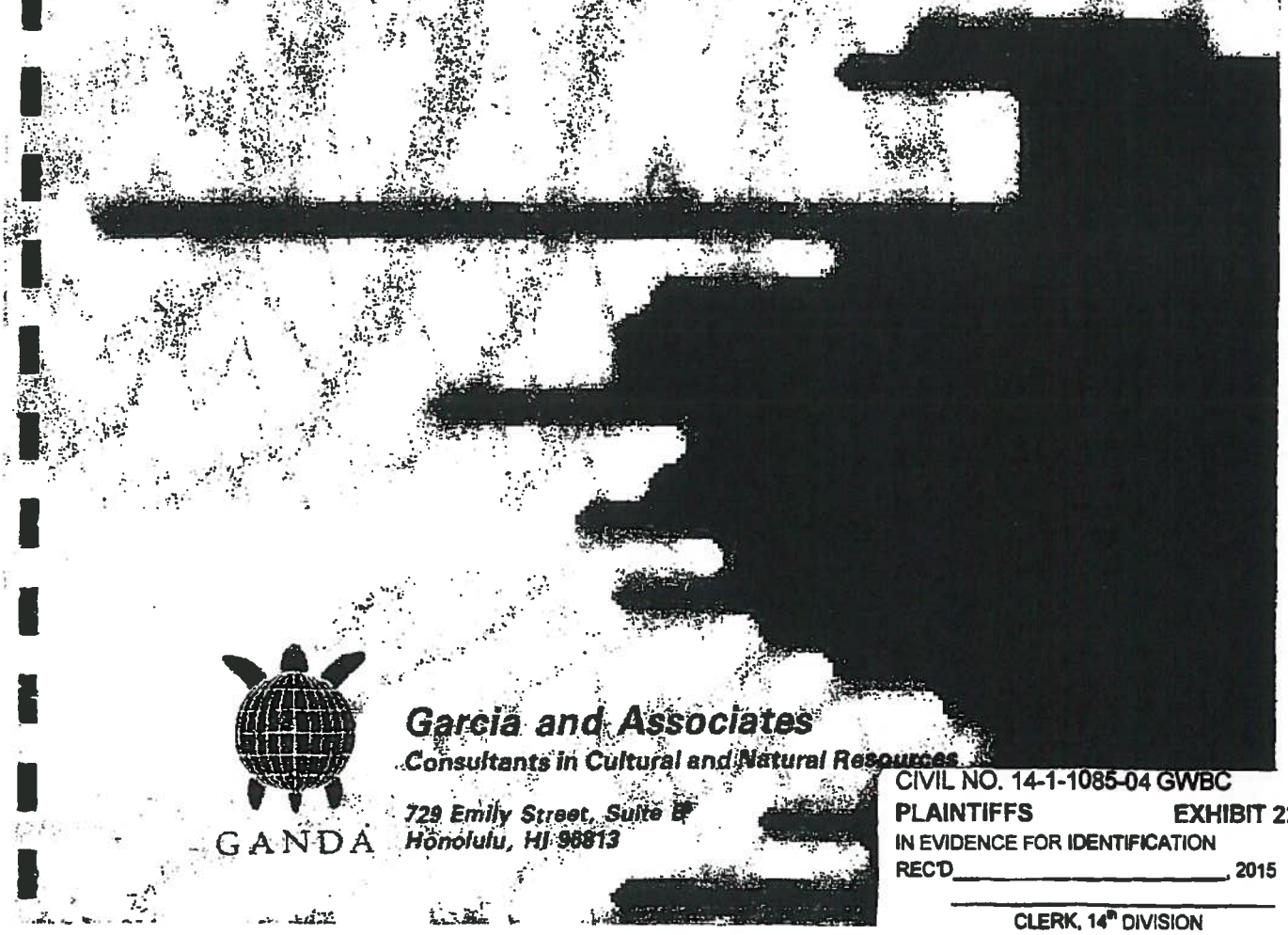
H-01438

4-4

draft rec'd 7/28/98

ARCHAEOLOGICAL INVESTIGATIONS OF TWO WORK AREAS FOR THE LEGACY RESOURCE MANAGEMENT PROGRAM AT POHAKULOA TRAINING AREA, HAWAI'I ISLAND, HAWAII

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, 14th DIVISION
001163

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^2 (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. (kly). 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.

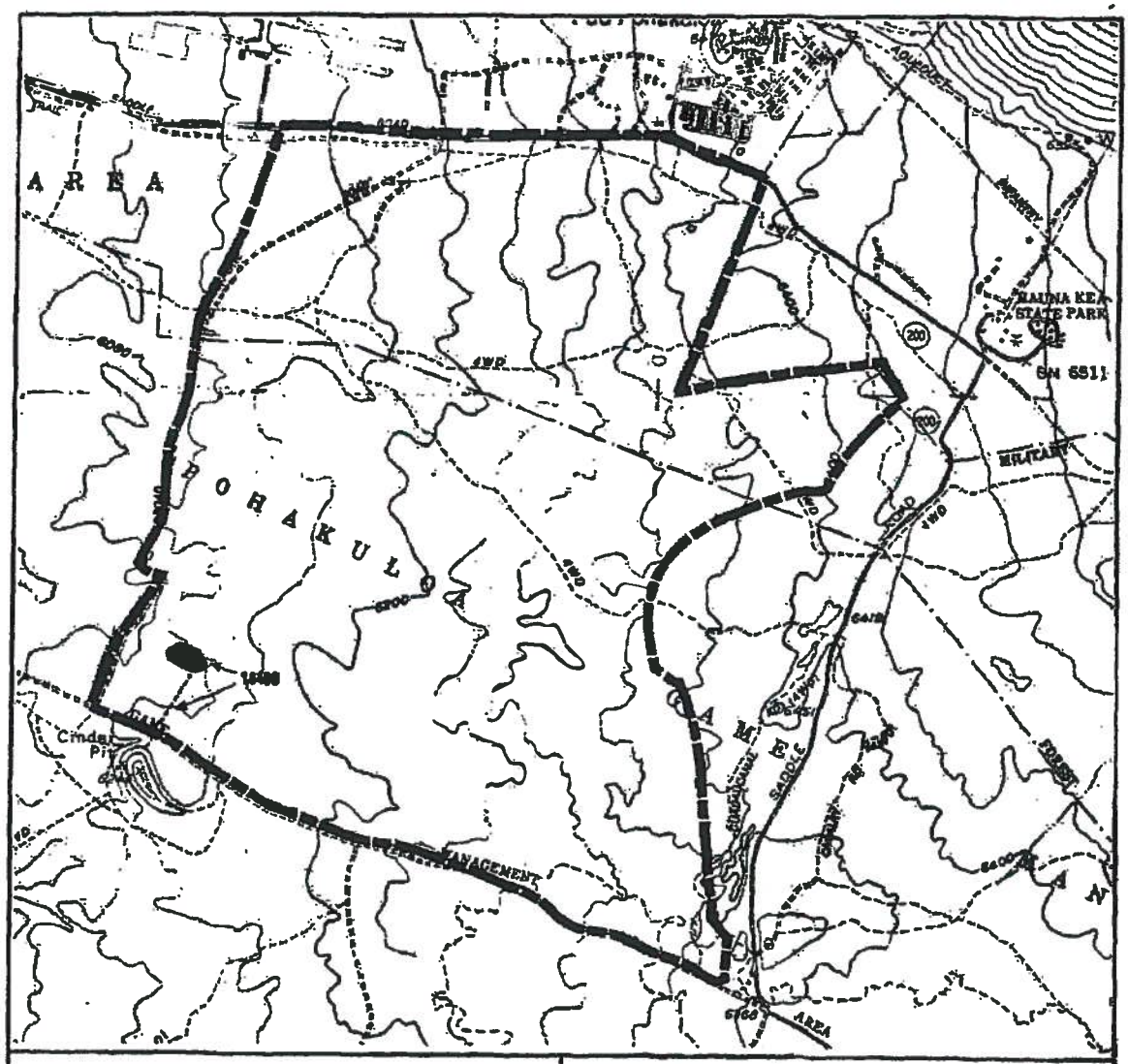


Figure 9. Archaeological site locations: Work Area 2.

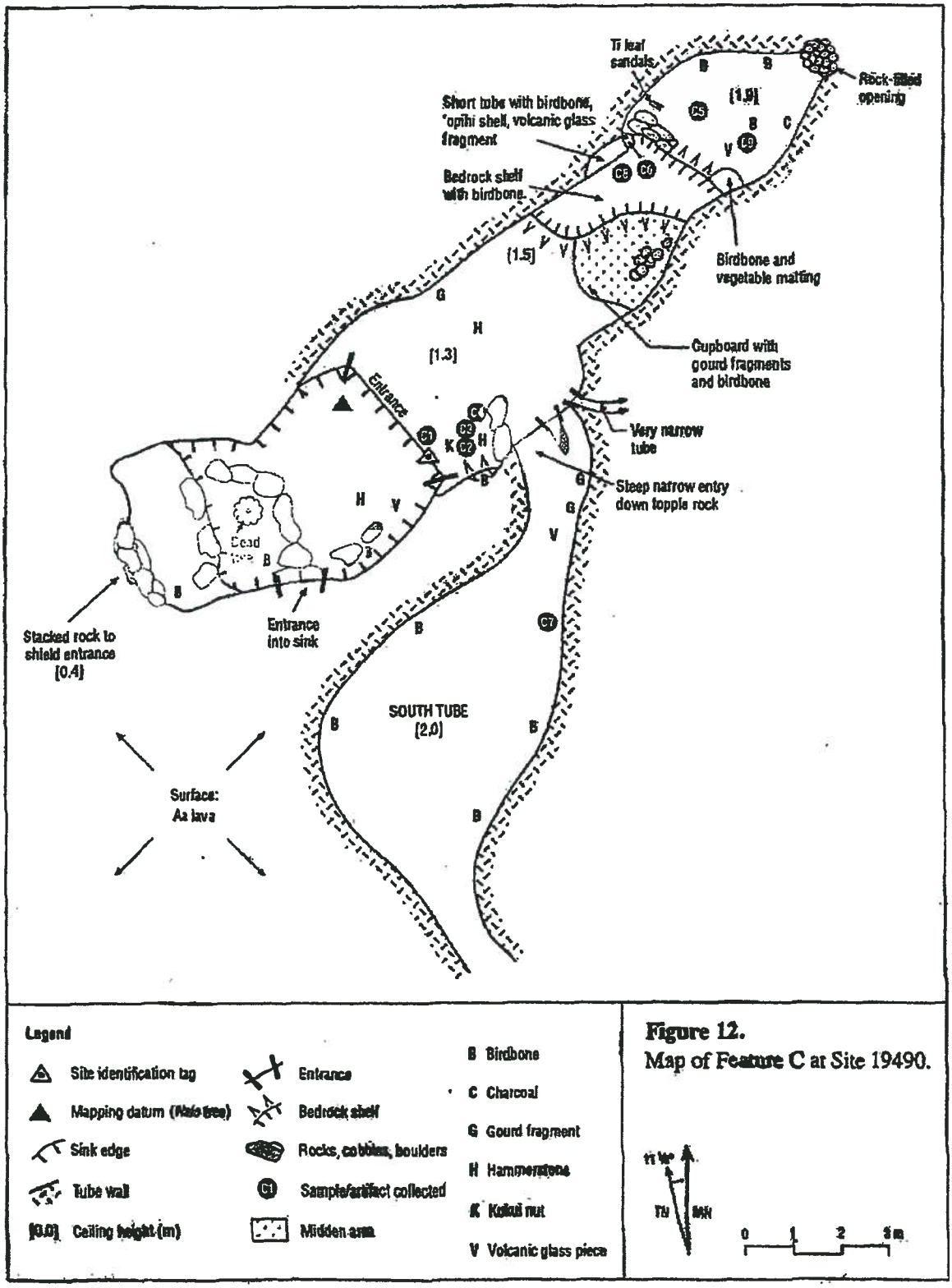


Figure 12.
Map of Feature C at Site 19490.

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^{13} 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 toppled 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 mattings, 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 HAWAI'I, HAWAI'I (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, 14th DIVISION

GANDA Report No. 2051-1

EXHIBIT "C"

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 (2σ 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 2σ 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.

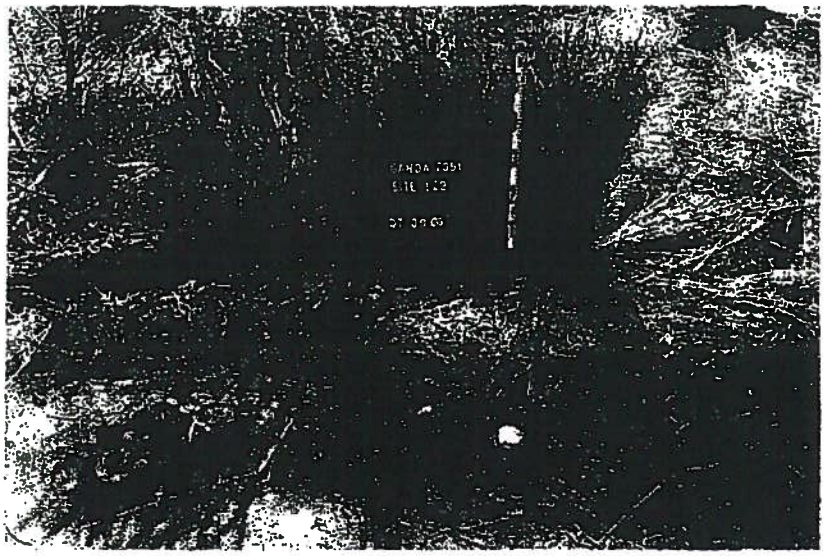


Figure 33. GANDA Site 129, view to northwest.

EXHIBIT "D"

ENCLOSURE 1

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

REPLY TO
ATTENTION OF:

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, 14th DIVISION
HI-139

SUBJECT: EBS for Return of a Portion of Lands Leased from the State of Hawaii (State Lease #S-3849), Pohakuloa Training Area, Hawaii

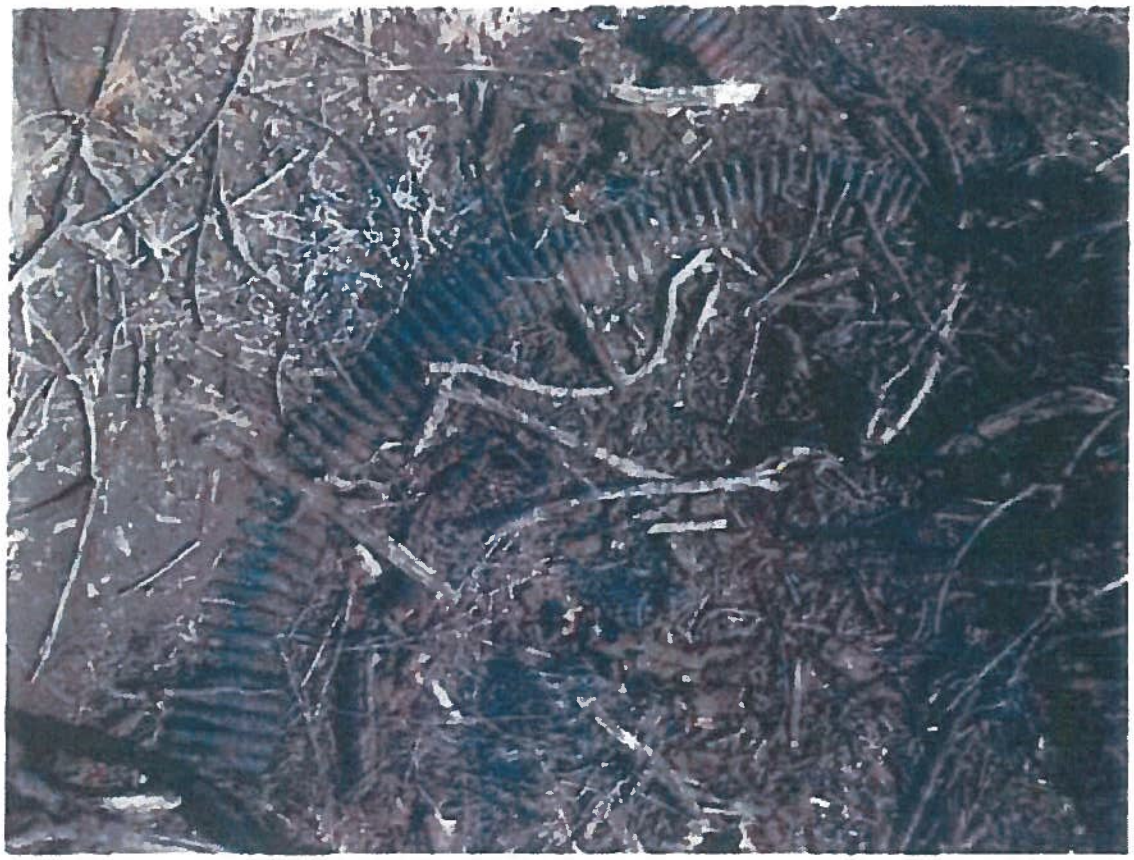


Photo IR-2.6 mi: Blank Ammunition. Small arms blank ammunition observed close to Gate SR-2.

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

CIVIL NO. 14-1-1085-04 GWBC
PLAINTIFFS EXHIBIT 31
IN EVIDENCE FOR IDENTIFICATION
REC'D HI-143 2015
CLERK 14th DIVISION

EXHIBIT "E"

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/markersattached to each gas vent and gas vents painted	9/30/2009
1/29/2010		X	Identification tage on gas vents	
4/6/2010		X	Identification tage 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	

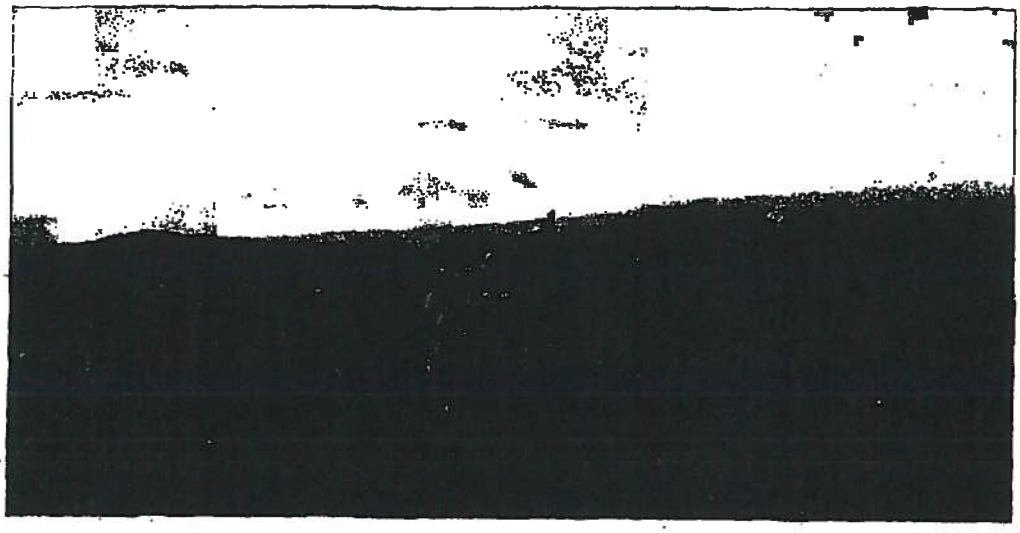
P000124

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 HAWAI'I, HAWAI'I (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

GANDA

CIVIL NO. 14-1-1085-04 GWBC
PLAINTIFFS EXHIBIT 26
IN EVIDENCE FOR IDENTIFICATION
REC'D _____, 2015

CLERK, 14th DIVISION

EXHIBIT "F"

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 conduced 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 Pohakuloa Basalt/Glass (Hawaii) chemical group (cf. Jackson and Miksicek 1994).

Phase I Survey; Roberts et al. 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.

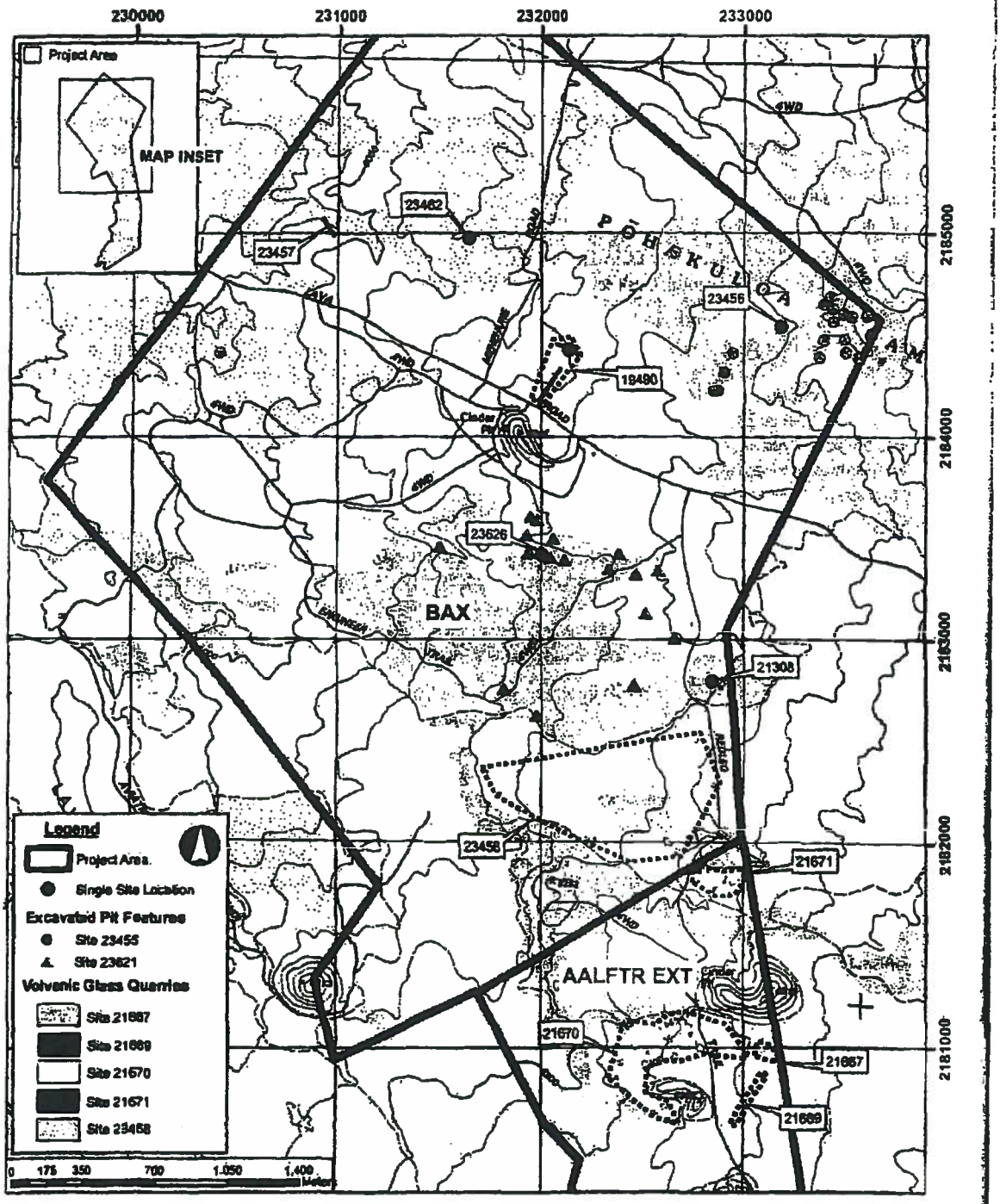


Figure 10. USGS 7.5 Minute Puu Koli Quad Showing Site Locations in Northern Portion of Project Area

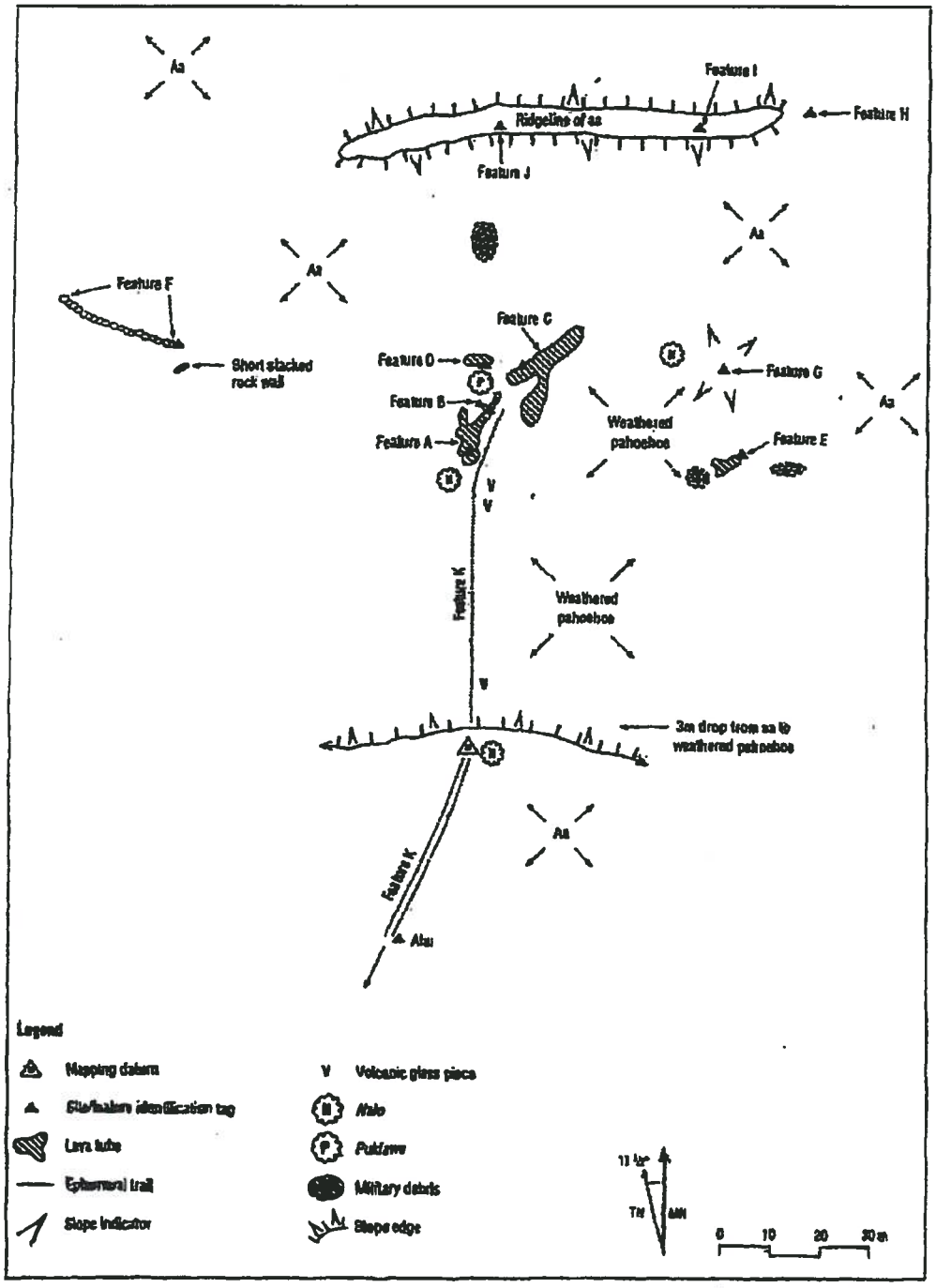


Figure 12. Plan View of Site 19490 Complex (From Shapiro and Cleghorn 1998)

EXHIBIT "G"

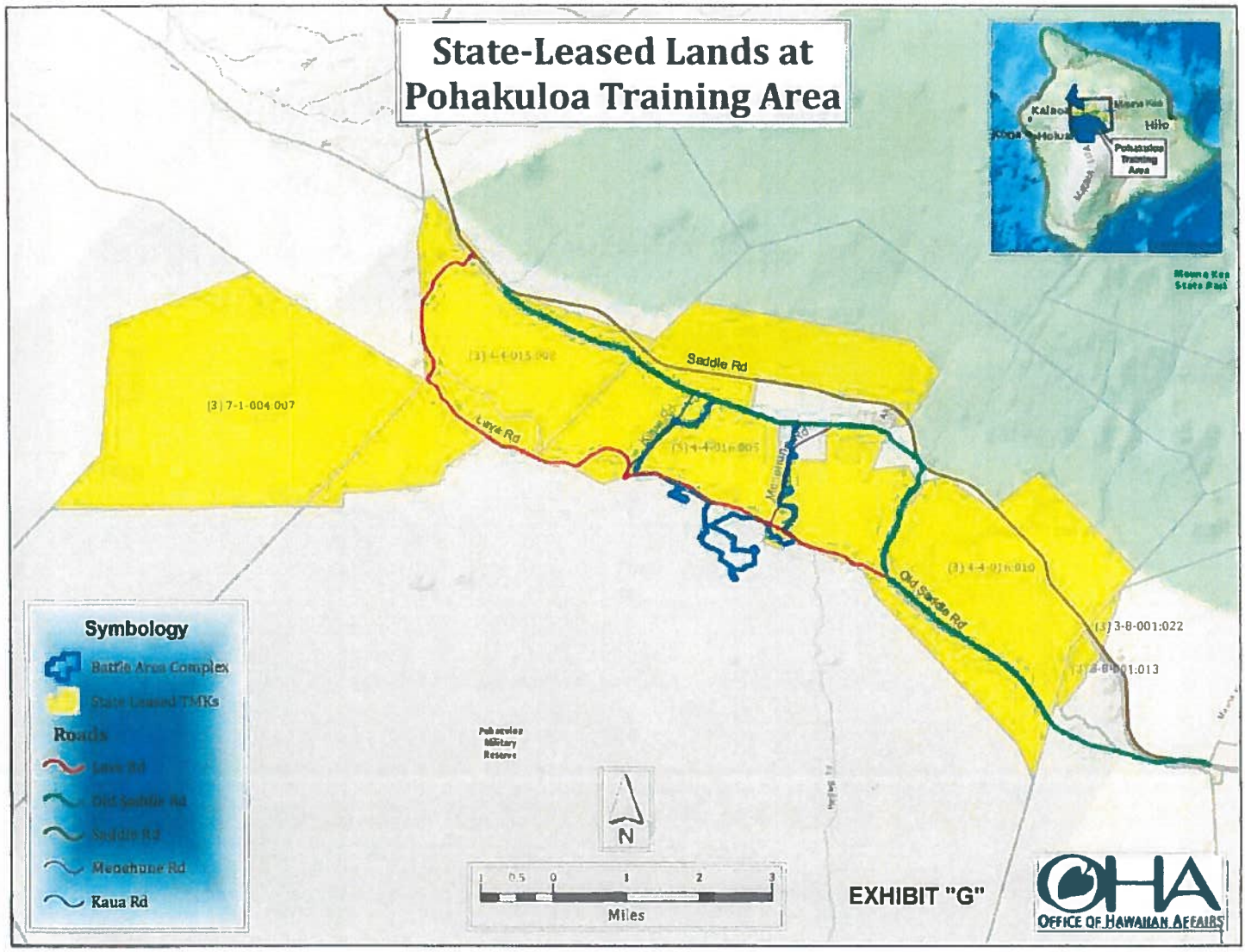

State-Leased Lands at
Pohakuloa Training Area
Saddle Rd
Lava Rd
Old Saddle Rd
(3) 7-1-004:007
(3) 3-8-001:022
Symbology
Battle Area Complex
State Leased TMKs
Roads
Lava Rd
Old Saddle Rd
Saddle Rd
Mauna Kea Access Rd
Kaua Rd
Pohakuloa Military Reserve
N
0.5 0 1 2 3
Miles
EXHIBIT "G"
OHA
OFFICE OF HAWAIIAN AFFAIRS

EXHIBIT "H"

PERMISSION TO COPY DENIED, HRS 606.13, etc.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

Electronically Filed
Intermediate Court of Appeals
CAAP-18-0000432
25-JUL-2018
02:59 PM

CLARENCE CHING and MARY MAXINE KAHAULELIO, Plaintiffs, v. 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.	Civil No. 14-1-1085-04 (GWBC)

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

A. Well, from our maps, uh-huh.

Q. I want to ask you about what you saw on the land the State leases at Pohakuloa to the U.S., just that area, okay, the area north of Lava Road.

A. Right.

Q. Okay. Actually, before I go there -- well, other than the cultural sites that you saw, what did you see on the land the State leases at Pohakuloa to the U.S.?

A. Other than the cultural --

THE COURT: Can you be more specific, what area of land you're talking about.

BY MR. FRANKEL:

Q. Sure. This area north of Lava Road.

A. Mm-hm.

Q. East of Kaua Road and west of Menehune Road, and south of the blue line that's parallel to Saddle Road, and that area's all marked in yellow on this map; right?

A. Yes, yes.

Q. And maybe I'm going to include a little bit east of Menehune Road where the blue goes a little farther east of Menehune Road.

A. Okay.

PERMISSION TO COPY DENIED, HRS 606.13, etc.

Q. Is that clear what I'm talking about?
A. Yeah, I think so.
Q. So other than historic and cultural sites --
A. Mm-hm.
Q. -- what did you see in this area?
A. Well, basically the construction going on, which is what we were monitoring as well, and you know, Army stuff.
Q. Be more descriptive about the Army stuff. What Army stuff did you see on the ground there?
A. Oh, on the ground, um, well, spent Army things, rounds and munitions and unexploded ordinance and things like that.
Q. Where did you see this unexploded ordinance?
A. All over.
Q. Can you describe the age of the debris that you saw.
A. I mean, what I can say is that, you know, you would have anything from new stuff. You can tell because it's not oxidized, and then old stuff which is oxidized, you know, it kind of rusted and things like that, I mean, yeah, all different ages.
Q. Who is in the field with you?

Department of Defense

INSTRUCTION

NUMBER 4710.03
October 25, 2011
Incorporating Change 1, August 31, 2018

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
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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[1] and 2000bb-1[2] 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")

[1] Also known as "The National Environmental Policy Act of 1969, as amended"
[2] 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
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www.achp.gov

Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook

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ENCLOSURE 3

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[1]. 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."[2]

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

[1] 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).

[2] 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

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.

- **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.[3]

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.

[3] 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).[4] 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

[4] 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* [5]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.

[5] 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[6] 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

[6] 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[7] 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

[7] 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."*[8] 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 <u>any</u> 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**

[8] Available at https://www.nps.gov/subjects/nationalregister/upload/NRB38-Completeweb.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.[9]

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

[9] 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 objects 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 you 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/.

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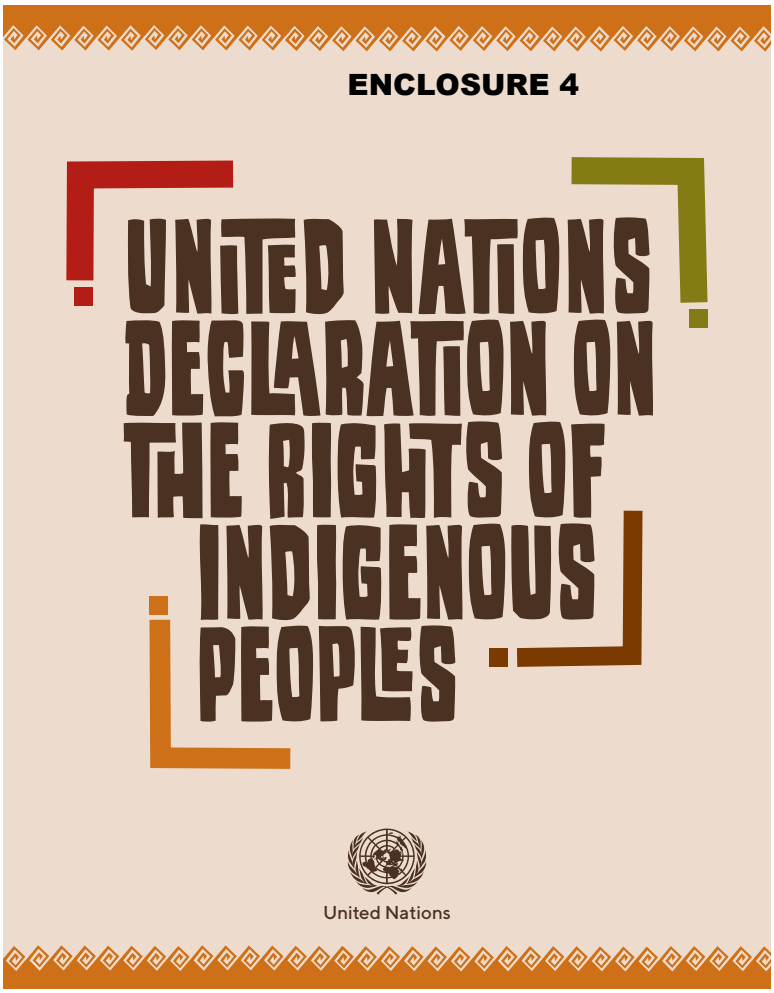
UNITED NATIONS
DECLARATION ON
THE RIGHTS OF
INDIGENOUS
PEOPLES
United Nations

ENCLOSURE 4

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

United Nations

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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[1], 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,

1 See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.

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,

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

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,

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[2] and the International Covenant on Civil and Political Rights,[2] as well as the Vienna Declaration and Programme of Action,[3] affirm the fundamental importance of the right to self-determination of all peoples, by

2 See resolution 2200 A (XXI), annex.

3 A/CONF.157/24 (Part I), chap. III.

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

human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights[4] 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.

4 Resolution 217 A (III).

ENCLOSURE 4

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.

ENCLOSURE 4

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.

ENCLOSURE 4

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.

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-

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

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

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

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.

ENCLOSURE 4

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.

ENCLOSURE 4

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.

ENCLOSURE 4

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.

ENCLOSURE 4

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

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.

ENCLOSURE 4

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

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

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.

ENCLOSURE 4

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-

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

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.

ENCLOSURE 4

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-

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 Quitoriano 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
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County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi 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.

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 Kahoʻolawe 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 Kahoʻolawe ʻOhana actions and litigation, President George Bush, Sr. ordered a stop to the bombing of Kahoʻolawe in 1990. Kahoʻolawe was then turned over to the State of Hawaiʻi Kahoʻolawe 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 Kahoʻolawe 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. Kahoʻolawe is only one prime example. There are also other harmful desecrations that have occurred on Oahu lands including the Kahuku Training Area, Kawailoa-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 Hawaiʻi 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>
Sent: Friday, April 22, 2022 3:15 PM
To: G70 - ATLR 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 **o:** (808) 586-6360
d: (808) 586-6623 **i:** x6-6623 **f:** (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, HAWAIʻI 96813

April 22, 2022

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:

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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 Kahoʻolawe 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 Kahoʻolawe ʻOhana actions and litigation, President George Bush, Sr. ordered a **stop** to the bombing of Kahoʻolawe in 1990. Kahoʻolawe was then turned over to the State of Hawaiʻi Kahoʻolawe Island Reserve Commission in 1994. Huge efforts and sums of

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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 Hawaiʻi 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

Organizations

Organizations

Chamber of Commerce Hawaii's Military Affairs Council..... O-1
County Game Management Advisory Commission..... O-2
Environmental Caucus of the Democratic Party of Hawai‘i O-3
Hawai‘i Island Chamber of Commerce..... O-14
Ka Ohana O Na Pua O-15
Kupuna for the Moopuna O-18
Kona-Kohala Chamber of Commerce..... O-27
Malu ‘Aina Center for Non-violent Education in Action O-28
Na Kupuna Moku O. Keawe O-59
Sierra Club, Hawai‘i Island Group O-61

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,

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
(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 - ATLR 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

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

Email: 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

MILITARY INSTALLATION	#HAZ. SITES	CITY	COUNTY	RISK OF HARM
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
WAIKAKALAUA 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

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 RANCHLAND 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

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 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) electromagnet 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

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 ʻAuwaiakeakua 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 probably 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 Hawaiʻi 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

/s/ Melodie Aduja
Co-Chair, Environmental Caucus of the Democratic Party of Hawai‘i
Co-Chair, Human Environmental Impacts Committee
Email: 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
Kealakekua, 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 ordinance 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 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 pubic 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 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 Lingering 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.

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

From: Kupuna Moopuna <kupuna4moopuna@gmail.com>
Sent: Monday, June 6, 2022 10:03 AM
To: usarmy.hawaii.comrel@mail.mil; G70 - ATLR 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 Moʻopuna

---------- Forwarded message ---------
From: **Kupuna Moopuna** <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>
Cc: Kupuna Moopuna <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 Moʻopuna

---------- Forwarded message ---------
From: **Kupuna Moopuna** <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>
Cc: Kupuna Moopuna <Kupuna4moopuna@gmail.com>

PDF ATTACHMENT ALSO EMAILED

SENT VIA EMAIL TO: atlr-pta-eis@g70.design

June 5, 2022

Kūpuna for the Moʻopuna

committed to the well-being of Hawaiʻi for the next generations to come

kupuna4moopuna@gmail.com

SUBJECT: Army Training Land Retention at Pōhakuloa Training Area – Draft EIS

RE: Comments

Kūpuna for the Moʻopuna, a network of homestead farmer beneficiaries of the Hawaiian Homes Commission Act from Panaʻewa, Hawaiʻi, 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.

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/

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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/

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 compete 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.”

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SENT VIA EMAIL TO: 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

Kona-Kohala
CHAMBER OF COMMERCE

June 7, 2022

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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 EImped 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 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. 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 - ATLR 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

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List of Current & Former Military Sites on Hawai`i Island (List still in formation)

1. Jungle Training Area, North Shore
2. Waipio Bombing Targets
3. Jungle Training Area near Waipio
4. Ninoole Radar Station
5. Upolu Point
6. Navy Rocket Range, Hawi
7. Big Island Bombing Targets -- Mahukona Range
8. Navy Bombing Range, Kawaihae
9. Kamuela Reservoir
10. Kamuela Camp #4
11. Anti-tank, artillery, impact range
12. Nansay Hawaii - Ouli
13. Big Island Bombing Targets -- Puako
14. Puako
15. Lalamilo Firing Range
16. Big Island Bombing Targets -- Mano Point
17. Makolea Point
18. Kona & Huehue Station
19. Waikoloa Maneuver Area
20. Camp Kilohana
21. Mauna Loa Training Area
22. Camp Pohakuloa--anti-tank, artillery, impact Range
23. Kahuku Ranch Radar Station
24. Pakini Bombing Range
25. Missile Tracking Station
26. Ka La`e Military Reservation
27. Morse Field
28. Pahala Hospital
29. Ka`u Bombing Range
30. Kilauea Crater maneuver/impact Area
31. Kilauea Military Camp
32. Pololu
33. Kapoho Target Area
34. Big Island Bombing Targets -- Cape Kumukahi
35. Waiakea Forest Reserve
36. Firing Range near Mt. View
37. Combat Training near Mt. View
38. Hilo Research Site (near Kurtistown)
39. Ola`a Mill Camp
40. Big Island Bombing Targets -- Kaloli Point
41. Wahine Maka Nui
42. Kea`au
43. Waiakea Storage Area
44. Big Island Bombing Targets -- Leleiwi
45. Kalanianaole Camp
46. LST Landing Beach
47. Pi`ihonua Ordnance Storage
48. Waianuenue Camp
49. Jungle Warfare Area
50. Kaumana Camp
51. Kanoelehua Camp
52. Panaewa Tract 1
53. Camp Furneau
54. Hilo Storage Site
55. Hilo Prisoner of War Camp
56. General Lyman Field
57. Army Impact Range, Waiakea

Ordnance Found:

Hapuna Beach 1995, 1997, 1998
Hilo Breakwater 2002
Richardson's Beach 2002
Waimea Middle School 2002
Waikoloa Fire 1998
Anekona Estates 1998
Waimea Country 1998
Chock Inn 1998
Pheasant Ridge 1997
Waikoloa Elem. School 1994
O`ili Parcel circa 1993
Ola`a 1955

Injuries & fatalities caused by ordnance:

Pepeekeo 1956 fatality
Parker Ranch 1954 - 2 fatalities
Mamalahoa Hwy. 1945 fatality
Pu`u Pa 1983 injury

Sites NOT for Tourists or Locals!
Military Hazard Areas on Hawai`i Island

Military Clean-Up NOT Build-Up!

contact: Malu `Aina Center For Non-violent Education & Action
P.O. Box AB Kurtistown, Hawai`i 96760. Phone (808) 966-7622. email ja@interpac.net
http:// www.malu-aina.org http://maluaina.pitas.com

Malu 'Aina 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%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%7Cc82b552ed229487a7d1d0

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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%2FHI%23b%3D21.4515527969168 08%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&data=05%7C01%7CATLR-PTA-EIS%40g70.design%
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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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'Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=eK9bjWLHPh6wtzfIVvl'

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on available times and duration for testing and training;

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Tc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&reserved=0 >

From: jim albertini <jimalbertini@gmail.com>
Sent: Saturday, June 4, 2022 3:17 PM
To: G70 - ATLR PTA EIS
Subject: additional testimony on Pohakuloa draft EIS concerning State leased lands

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<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%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Ic2MthOkvREskvaEV%2FAjXa36YDPJdPxG9j0yN0oYoe4%3D&reserved=0>

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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.

https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FHI%23b%3D21.45155279691680 8%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=eK9bjWLHPh6wtzfIVvlTc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&reserved=0
<https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprojects.propublica.org%2Fbombs%2Fstate%2FHI%23b%3D21.45155279691680 8%2C-169.7362891796875%2C25.481480947433596%2C-160.2880469921875%26c%3Dshrink&data=05%7C01%7CATLR-PTA-EIS%40g70.design%7Cc82b552ed229487a7d1d08da46911113%7C69e712341e9d4d86abde1c80f4dbfcd4%7C1%7C1%7C637899886123823415%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=eK9bjWLHPh6wtzfIVvlTc%2FKsht5t%2ByDEZDBgYgVVwRQ%3D&reserved=0>

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Phone 808-966-7622 Email 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%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Ev3E%2FcnUYWJWoG67V5qm37aFZIrD%2Fm6DDSg4SDN8T6k%3D&reserved=0

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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.

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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 likey 2000 spotting rounds fired. In addition, the could be a lot more DU at PTA than simply Davy Crockett spotting rounds. It is widely known that DU ws 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 - ATLR PTA EIS
Subject: Additional testimony on draft Pohakuloa EIS on state leased lands

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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 communitv

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!

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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 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 - ATLR 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

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1-9

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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 - ATLR 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 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 Visit us on the web at www.malu-aina.org

From: Jim Albertini <ja@malu-aina.org>
Sent: Wednesday, April 13, 2022 8:26 PM
To: G70 - ATLR 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

--
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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 - ATLR 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-II.pdf

comments due June 7, 2022
to ATLR-PTA-EIS@G70.DESIGN or https://atlrptaeis.commentinput.com/?id=iSY57
comments from 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 facilties, 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, Kapūkakī (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 beneficiares 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., 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.

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 Waikiʻi 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. solider 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
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
…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#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."

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), Mâkua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mâkua 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 HAWAI'I", 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, overaires, 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
(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 'atmoshpere 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 shoudl [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 fine [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 ordinance 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 6th 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 the238-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
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 Tl activated NaI detectors were used to gather gamma spectra, looking for 766 and 1001 keV photons emitted by 234mPa 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. Tthe 1001 keV gamma has a branching ratio (abundance per decay) of just 0.8% (0.008)[NIM in PhysicsResearch, 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**2. At 3 meters height, the area of a sphere would be 1.13x10**6 cm**2 (1.13 million square centimeters), so the solid angle of one NaI detector would be 2.2*10**(-4) . At 4 meters altitude the solid angle would be reduced to 1.25*10**(-4).
Count rates required for detection: The report states that the detector system travelled at 2-3 m/sec, with countsbeing 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**(-4), 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**6 or 5.5*10**7 Pa234 dps. Since there is transient equilibrium with 238U, 234Th and 234Pa- and 234U, 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]*

<u>Concerns were raised about a civilian report.</u>

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 x10-7, 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 degress 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 form 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 1/10,000th 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

Lorrin 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

PM STRAUSS & ASSOCIATES
Energy and Environmental Consulting

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**

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.

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http://www.youtube.com/watch?v=khyZI3RK2lE

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, July 23, 2008

Phone with Greg Komb, Radiation Health and Safety Specialist, U.S. Army, July 28, 2008

Final Environmental Impact Statement (EIS) Army Transformation of the 2nd Brigade, 25th Infantry Division (Light), to a Stryker Brigade Combat Team (SBCT) May 2004.

Correspondence and Public Information Releases by the Waiki'i Homeowners Association

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

Presentation Depleted Uranium Update Installation Management Command – Pacific COL Howard Killian, Deputy Region Director January 2008

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 - ATLR PTA EIS
Subject: Sierra Club
Attachments: ISSUE MIL US HI Pohakuloa 2022 5-22 fire.docx

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 prefrabricated 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@hawaiitribune-herald.com.

Individuals

Contact information was redacted for privacy.

Individuals

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Kimi Abbott-Jackson

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.
Aloha Kimi Abbott

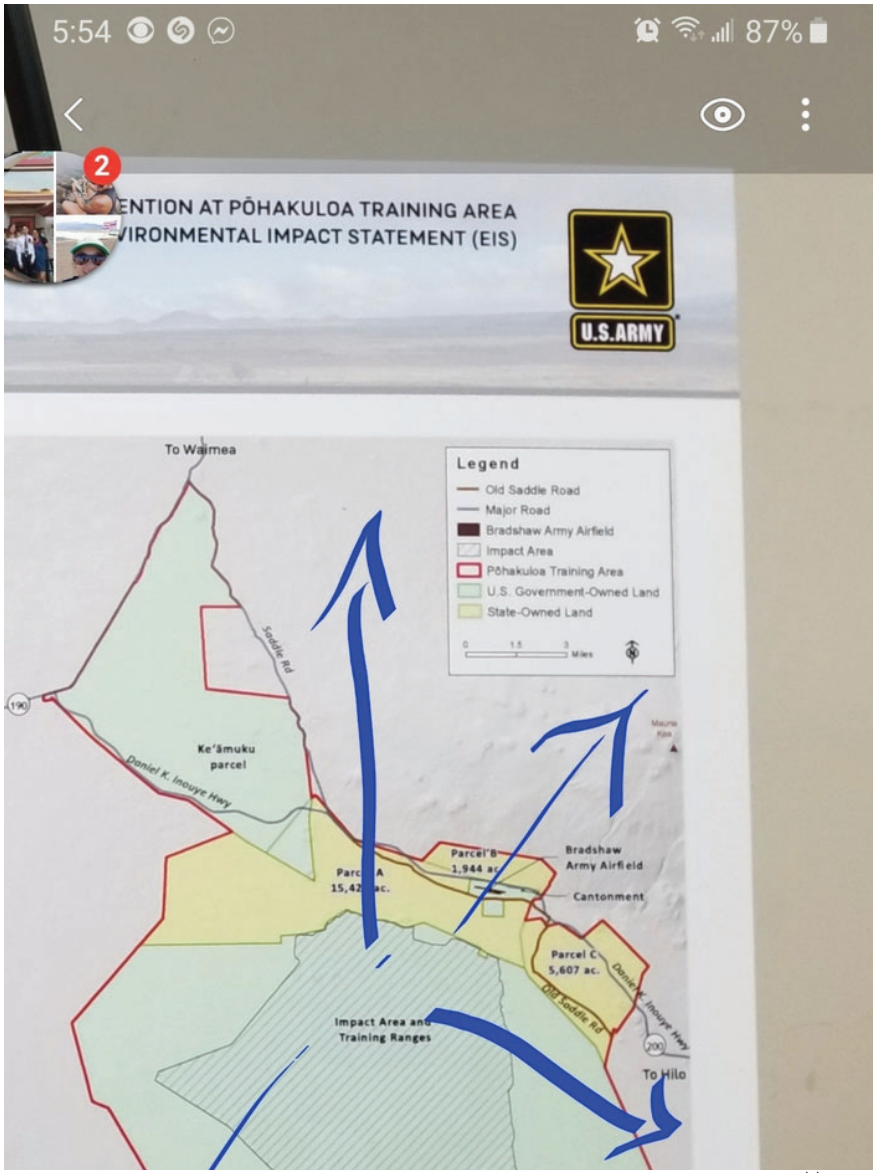
From: Kimi Abbott-Jackson [redacted]
Sent: Tuesday, April 26, 2022 8:26 PM
To: G70 - ATLR PTA EIS
Subject: Oppose Renewal

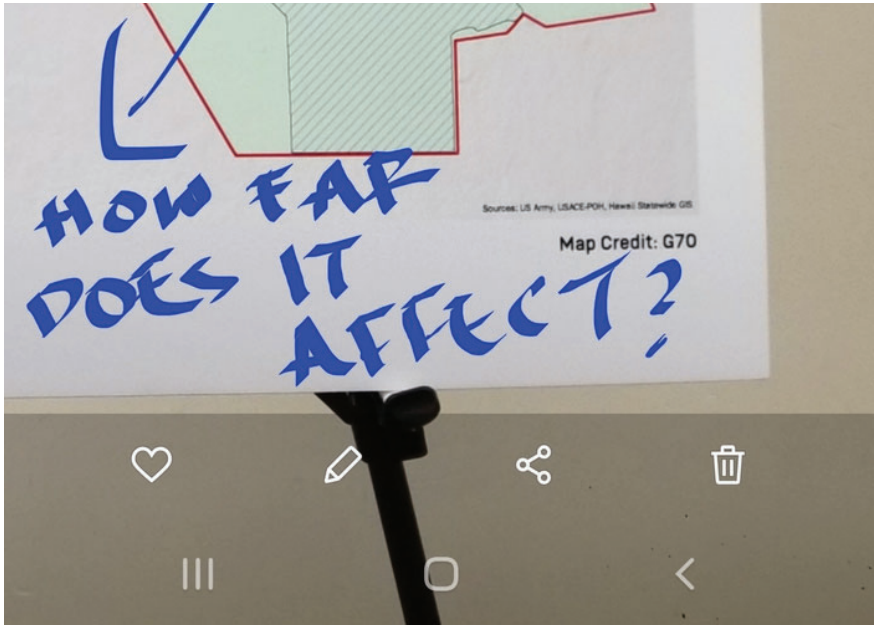
Please do not renew the militaries lease on Pohakuloa. I do not agree that the military should continue to bomb on an active volcano.Year after year they continue to desecrate the island of Hawaii. This island has been used as a training area for too long. Even in Waikoloa Village we have been unable to build because of the unexploded ordinances. It is time to stop.
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 flys 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.





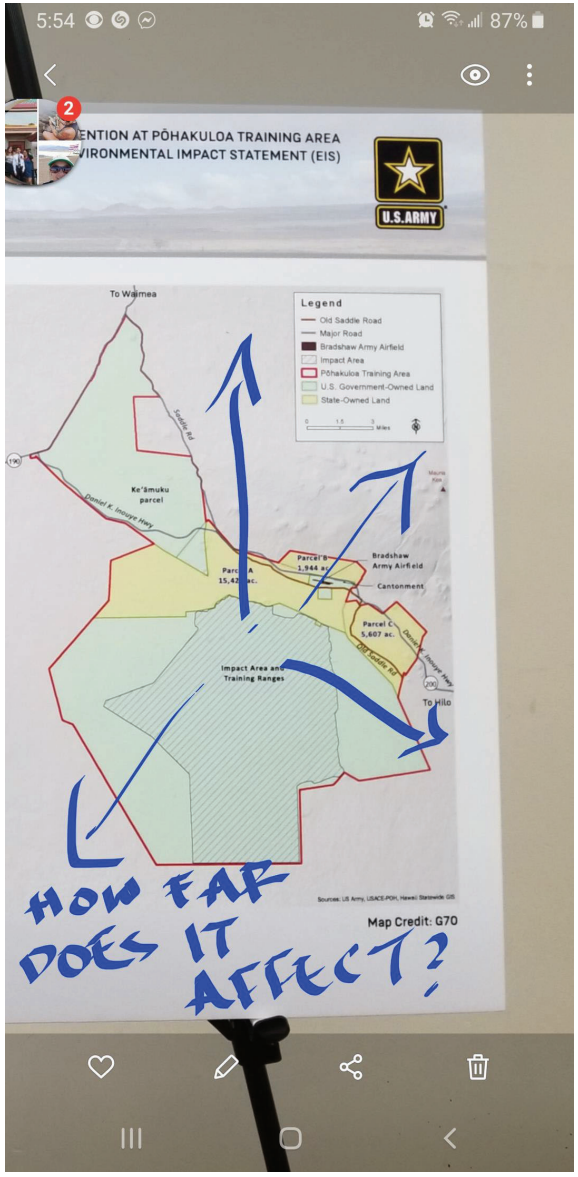
From: C Abe[redacted]
Sent: Sunday, May 29, 2022 6:26 PM
To: G70 - ATLR PTA EIS; usarmy.hawaii.comrel@mail.mil
Subject: EIS
Attachments: Screenshot_20220529-175505_Gallery.jpg

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 flys 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?

Mahalo,
Chelsy Abe



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 - ATLR 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.

Google

"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 Traiining 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.

Work cited

https://www.bos.com/inspired/40-quotes-on-adapting-to-change/, (Web)

https://www.geeksforgeeks.org/impact-of-technology-on-society/, (Web)

https://www.nps.gov/subjects/nagpra/on-federal-or-tribal-lands.htm, (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.

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 moʻī, 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 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.

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 - ATLR 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 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.

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 K�naka �Liwi 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. �Alal�, �Ua�u, Palila, �Elepaio, �I�iwi, and N�n�. Some of these species were found at PTA up until the early 2010s.

"A 7th species the �ak��ak� 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."

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 ‘āina, native birdsong calling across Mauna Kea, and a healthy, happy lāhui across the pae ‘āina. 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 Kuali'i 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 Schofiield 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 Soilders 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 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.

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 detriments 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 - ATLR 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 detriments 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 Kahaulelio 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 - ATLR PTA EIS
Subject: April 25

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

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 supprt 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.

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 ʻōpeʻapeʻa (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 favortism, 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 Pōhakuloa and its history of toxicity such as depleted uranium poses a threat to pubic 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.

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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 favortism, 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.

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From: pete doktor [redacted]
Sent: Tuesday, June 7, 2022 8:18 AM
To: G70 - ATLR 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

2168A Maha Pl
Honolulu, Hawai`i 96819
June 1, 2022

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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 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. 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. 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 word, 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 - ATLR PTA EIS
Subject: Flores-Case ʻOhana - ATLR PTA EIS Comments
Attachments: FCO Comments PTA DEIS.pdf

Follow Up Flag: Follow up
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Aloha,
Attached are Flores-Case ʻOhana - ATLR 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 ʻāina.
Awaken in *aloha* and harmony with the land.

June 1, 2022

FR: E. Kalani Flores, Representative of the Flores-Case ʻOhana
[redacted]

RE: Comments for Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement (April 2022)

SUMMARY OF COMMENTS

The Flores-Case ʻOhana 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 <u>not</u> 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

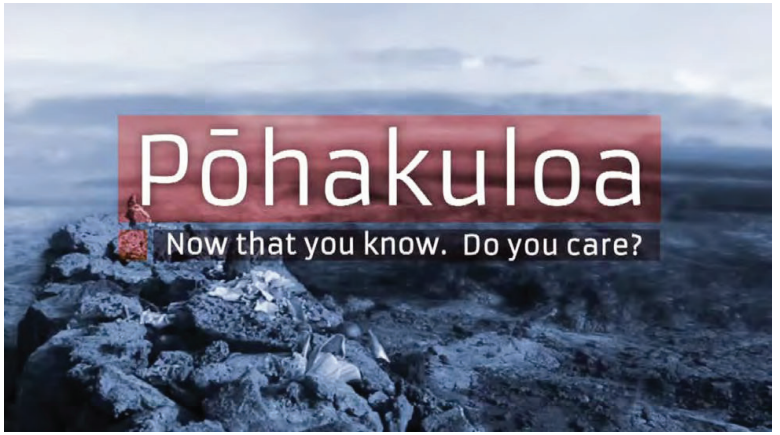
Members of the Flores-Case ʻOhana have engaged in Kanaka Maoli (Native Hawaiian) traditional and customary practices within PTA and the surrounding areas stretching from Mauna Loa to the summit of Mauna a Wākea and further to the east at Ahuaʻumi. These practices included, but were not limited to, making pilgrimages, conducting ceremonies, collecting *wai/hau/kinolau* of Poliahu and Waiau as well as Kahoupookāne, erecting *ahu/kiʻi/hale*, placing of *hoʻokupu*, offering *pule/oli/mele/hula*, receiving *ʻike kupuna*, connecting with *akua/kupua/kupuna*, *kilo hōkū*, depositing *ʻiewe*, gathering *pōhaku*, collecting *lāʻau* for ceremonies/medicine/lei-making, engaging in activities of *aloha ʻāina* and *malama ʻāina*, etc.

Members of the Flores-Case ʻOhana 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 NativeHawaiians 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.[1]

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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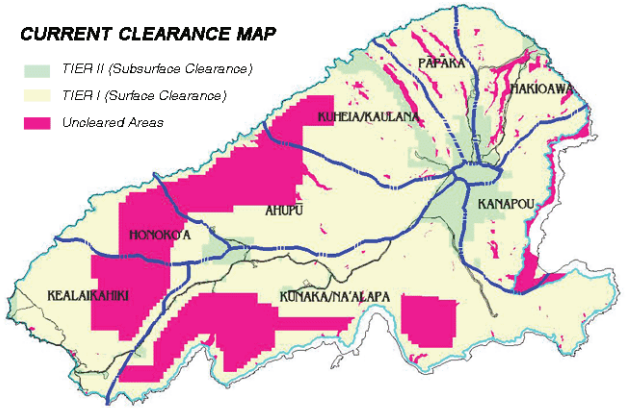
[1]Webb, Whitney. ***On Earth Day, Remembering the US Military's Toxic Legacy.*** April 22, 2019.

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 Kahoʻolawe 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 *ʻāina* 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 *ʻāina* 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.[2] 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 Papahanaumoku (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.

[2] 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 <u>all</u> State-leased lands that are being considered as alternatives in this DEIS. However, this has <u>not</u> 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.[3] 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*)[4], 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

[3] *Archaeological Literature Review for Army Training Land Retention at Pōhakuloa Training Area Project, Ka'ohe 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)

[4] *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**."

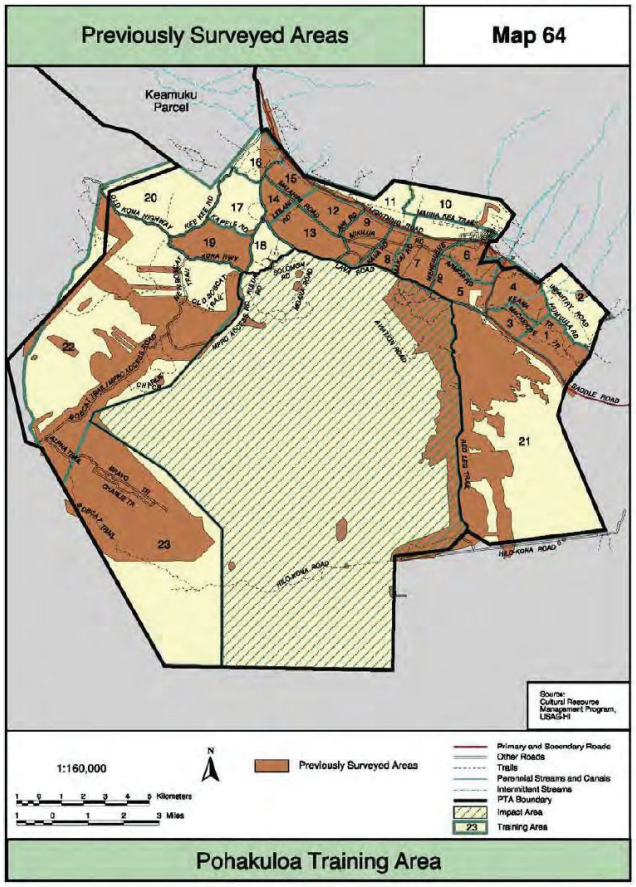


Figure 3.10-3 Previously Surveyed Areas, PTA

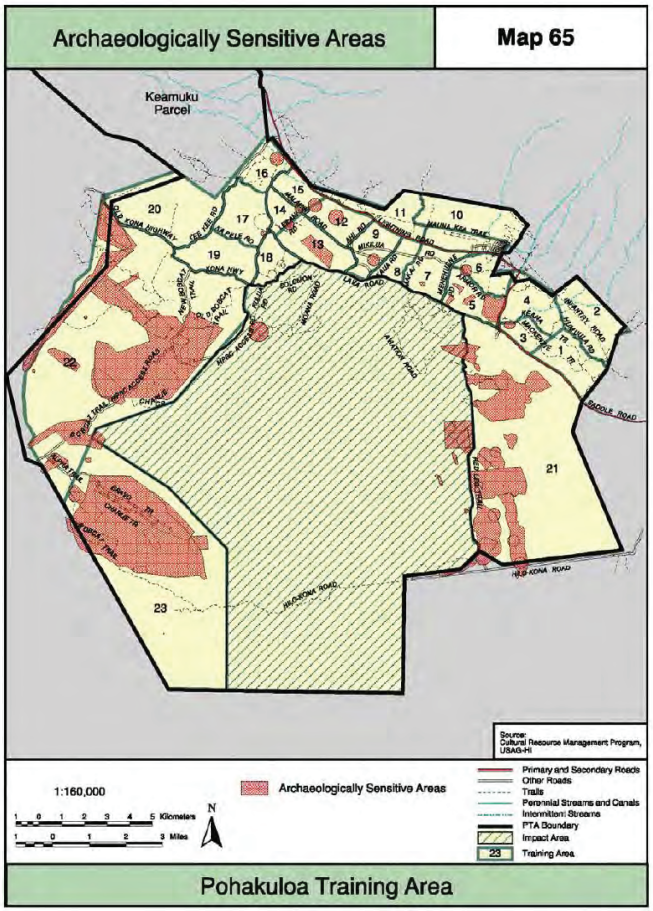


Figure 3.10-4 Archaeologically Sensitive Areas, PTA

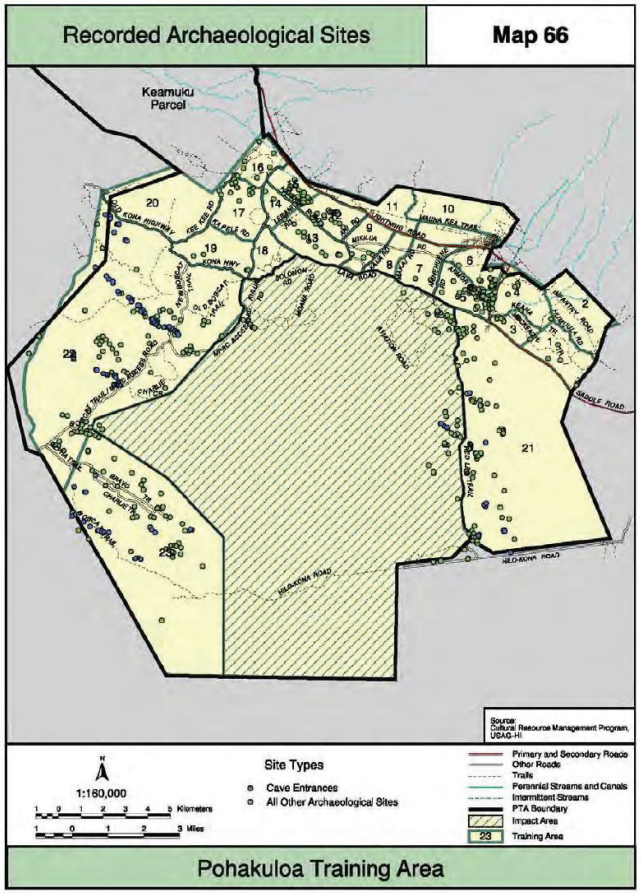


Figure 3.10-5 Recorded Archaeological Sites, PTA (including caves)

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 <u>not</u> 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 Pōkaʻī Bay and Kaʻena 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 <u>not</u> 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**
> <u>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.</u> 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 regurgutated 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), Waiau (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*.[5] 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

[5] 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, Waiau, 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'ohe 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'ohe 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.[6]

[6] 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 Hawaiʻi assuming ownership of the Crown and Government lands of the Hawaiian Kingdom is inaccurate. These were clearly "stolen lands." Likewise, the Republic of Hawaiʻi 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 Hawaiʻi 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 ʻOhana, he isn't associated with the University of Hawaiʻi 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 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?

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 Mākua 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

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
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DoDI 4710.03, October 25, 2011

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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[1] and 2000bb-1[2] 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")

[1] Also known as "The National Environmental Policy Act of 1969, as amended"
[2] 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 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:

Office of Native American Affairs
Advisory Council on Historic Preservation
401 F Street, NW
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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[1]. 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."[2]

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

[1] 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).

[2] 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

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.

- **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.[3]

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.

[3] 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).[4] 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

[4] 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* [5] 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.

[5] 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[6] 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

[6] 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[7] 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

[7] 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."*[8] 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**

[8] Available at https://www.nps.gov/subjects/nationalregister/upload/NRB38-Completeweb.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.[9]

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

[9] 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 objects 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 you 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.

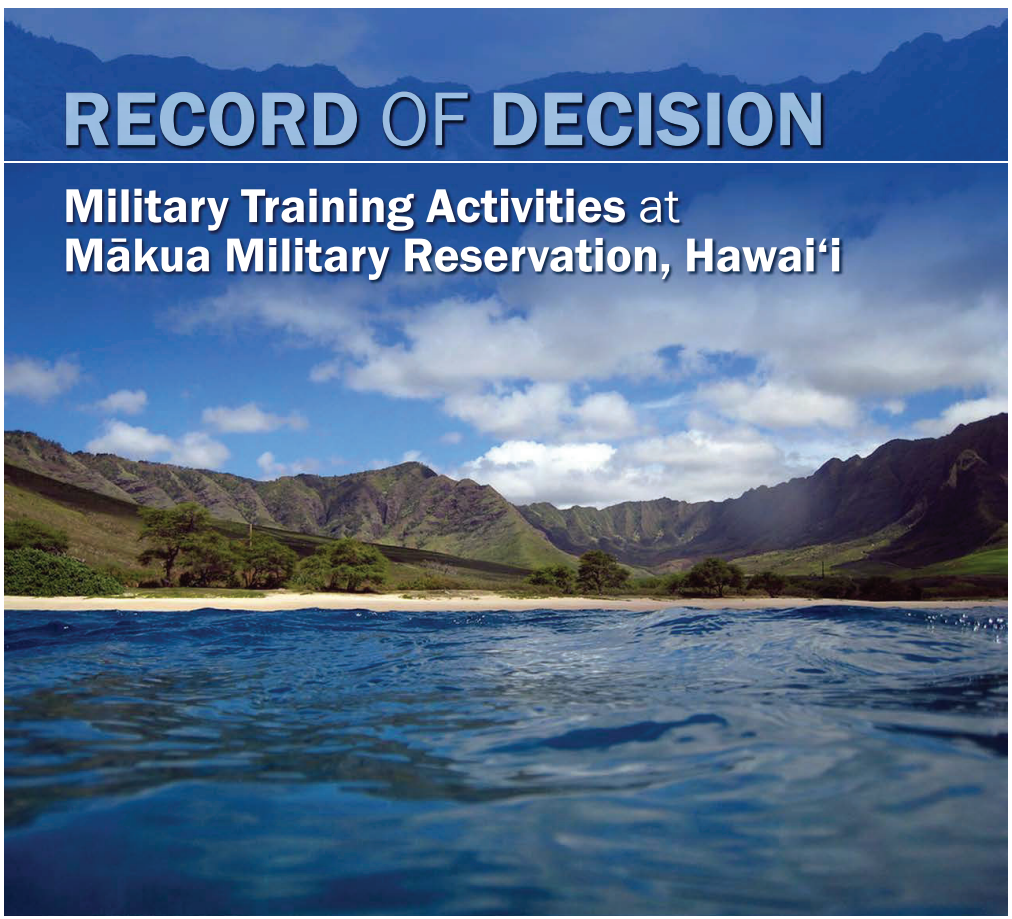
- Be prepared on the issues and be open to Native Hawaiian organization perspectives.

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 Mākua Military Reservation, Hawai'i



Prepared for:
U.S. Army Garrison, Hawai'i

Prepared by:
U.S. Army Environmental Command

JULY 2009

Booz | Allen | Hamilton

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.

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 Alternative	Alternative 1 MMR (Reduced Capacity Use with Some Weapons Restrictions)	Alternative 2 MMR (Full Capacity Use with Some Weapons Restrictions)	Alternative 3 MMR (Full Capacity Use with Fewer Weapons Restrictions)	Alternative 4 PTA (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 & Environmental Justice	⊙	⊗	⊗	⊗	⊙+
Public Services and Utilities	⊙	⊙	⊙	⊙	⊙
Wildfires	⊗	⊘	⊗	⊗	⊗

Table 5. Summary of Potential Impacts

Impact Issues	No Action Alternative	Alternative 1 MMR (Reduced Capacity Use with Some Weapons Restrictions)	Alternative 2 MMR (Full Capacity Use with Some Weapons Restrictions)	Alternative 3 MMR (Full Capacity Use with Fewer Weapons Restrictions)	Alternative 4 PTA (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

Impact Issues	No Action Alternative	Alternative 1 MMR (Reduced Capacity Use With Some Weapons Restrictions)	Alternative 2 MMR (Full Capacity Use With Some Weapons Restrictions)	Alternative 3 MMR (Full Capacity Use With Fewer Weapons Restrictions)	Alternative 4 PTA (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	⊙	⊙	⊙	⊙	⊙

Table 6. Summary of Potential Cumulative Impacts

Impact Issues	No Action Alternative	Alternative 1 MMR (Reduced Capacity Use With Some Weapons Restrictions)	Alternative 2 MMR (Full Capacity Use With Some Weapons Restrictions)	Alternative 3 MMR (Full Capacity Use With Fewer Weapons Restrictions)	Alternative 4 PTA (Full Capacity Use with Fewer Weapons Restrictions)
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 25th 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 suverys 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	Projected 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	Projected Fiscal Year Start	Contractor	Findings
PTA	57411	West PTA Maneuver Training Area Land Acquisition (Keʻāmuku)	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, ʻopihi 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.

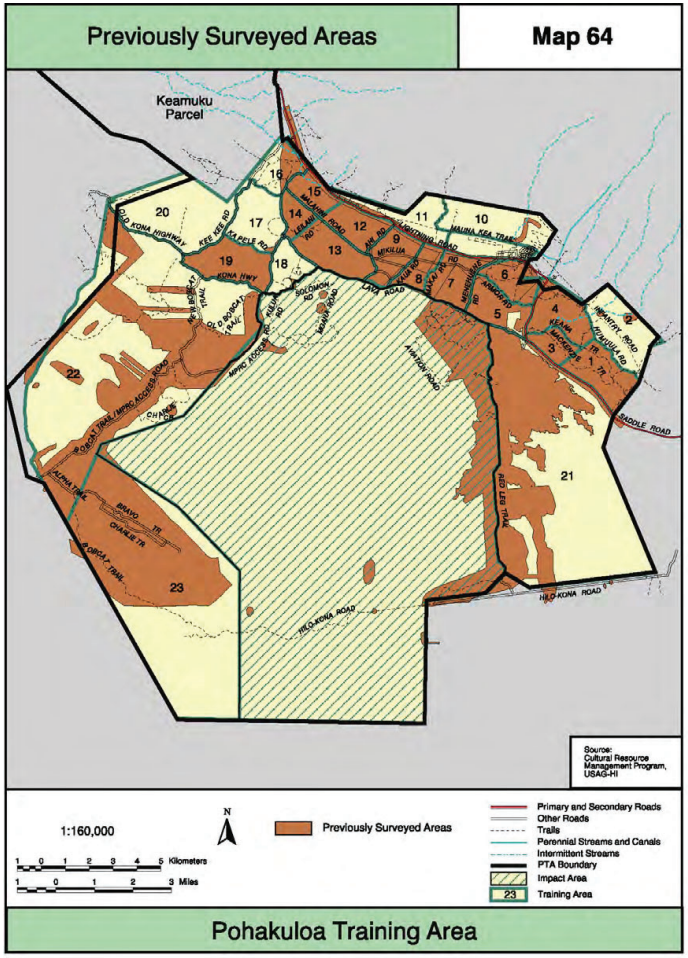


Figure 3.10-3 Previously Surveyed Areas, PTA

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).

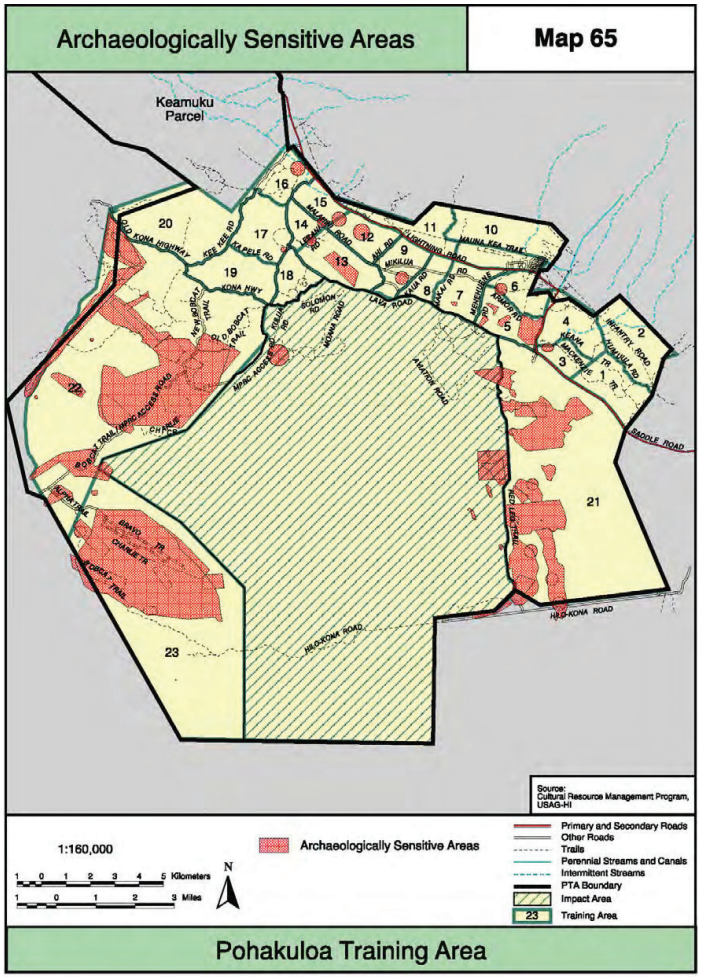


Figure 3.10-4 Archaeologically Sensitive Areas, PTA

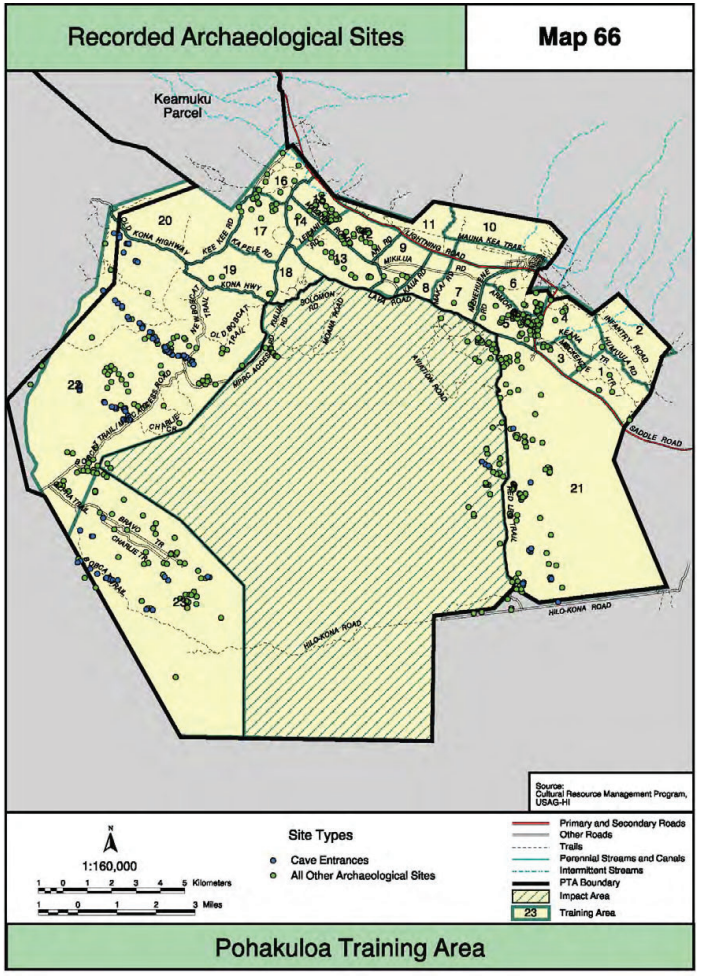


Figure 3.10-5 Recorded Archaeological Sites, PTA (including caves)

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

Site Number	Site Type	Probable Function	Probable Age
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 HAWAIʻI ISLAND, HAWAIʻI

Contract No. DACA83-00-C-0029

Prepared for

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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.

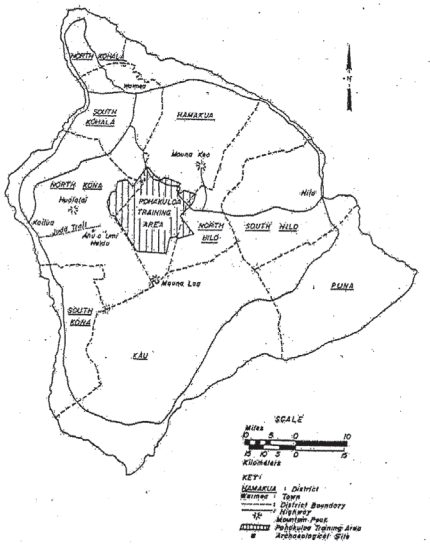


Figure 1. U.S. Army Pōhakuloa Training Area, Hawai`i Island, Hawai`i (Hammatt a and Shideler 1991).

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.

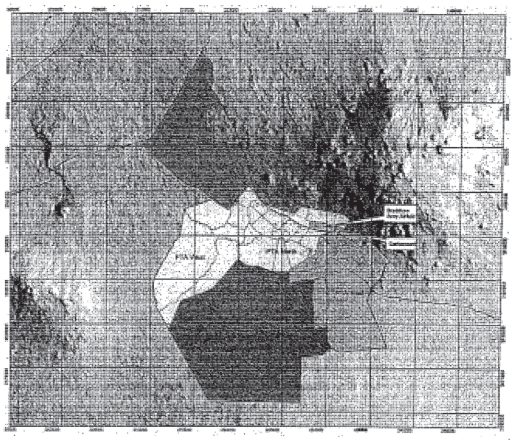


Figure 2. The 'Impact Area' at PTA (25th ID(L) & UASRHAW Integrated Wildland Fire Management Plan 2003).

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 15th century.

PTA covers portions of four traditional Hawaiian districts - the Hamakua, Hilo, Kona and Kohala districts (Fig. 1). Ka`ohe *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`ohe, 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 <u>not</u> 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).

<u>2.1 Identification of Traditional Cultural Property in Hawai`i</u>

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*[1] 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.

[1] 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. Kanahele 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 ATI'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[2] 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

[2] 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.

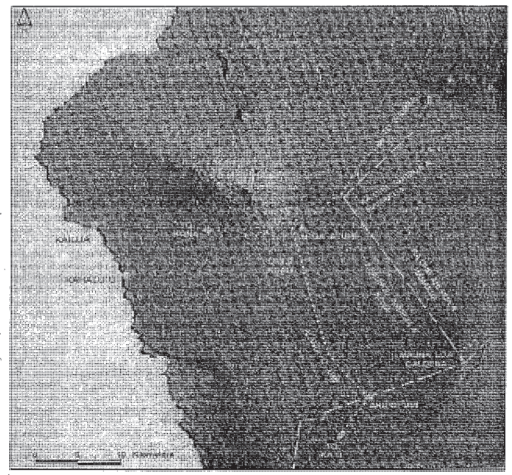


Figure 3. *Ahu a `Umi* at the Intersection of the Two Major Trails in Kona (Cordy 2000).

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.

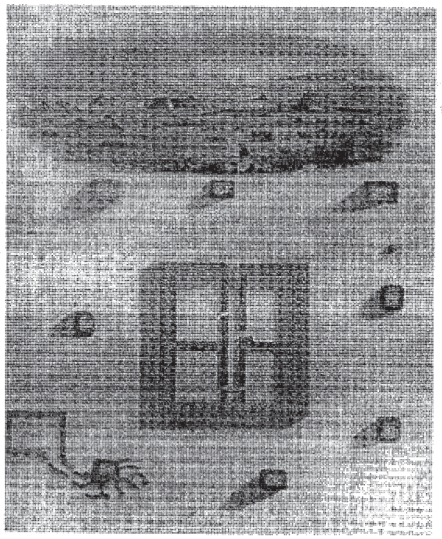


Figure 4. *Ahu a `Umi* in and Haleopapa, 1841, Sketch by T.R. Peale in Wilkes Expedition 1845 Vol.4 (Wilkes Expedition 1845 Vol. 4; opposite of page 100; Sketch by T.R. Peale).

Kamakau (1992:1-21) also describes the story of *`Umi a Līloa*. 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 Waiau (also known as Lake Waiau) 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 Kauikeaouli (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).

Waiau (also known as Lake Waiau), 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 Waiau 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

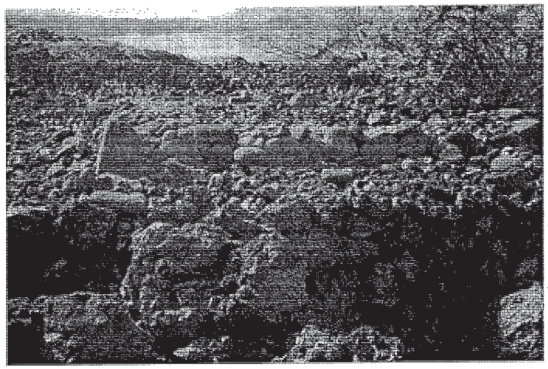
A total of 38 archaeological investigations have been completed at PTA, resulting in identification of approximately 383 archaeological sites (Roberts et al. 2004). These

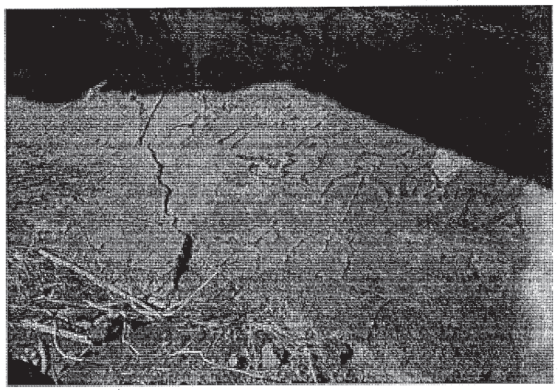
include: lava tubes (subterranean), bird nesting sites (excavated pits), quarry sites (volcanic chill glass), trails, markers, ceremonial sites, and historic features related to ranching and military use of the area. One of the earliest researchers to identify archaeological sites in the PTA area was 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 ¾ miles south of the Pohakuloa Ranger Station and about ½ 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 ½ feet high and 6 ½ 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 15th 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,	*Born of Kea was the mountain,*
'Opu'u a'e ka mauna a Kea.	*The mountain of Kea budded forth.*
'O Wakea ke kane, 'o Papa,	*Wakea was the husband, Papa*
'o Walinu'u ka wahine.	*Walinu'u was the wife.*
Hanau Ho'ohoku he wahine,	*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

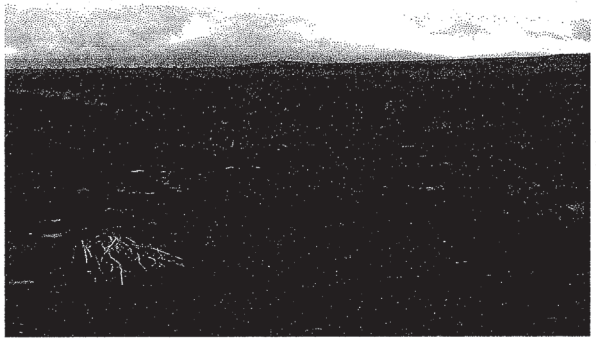
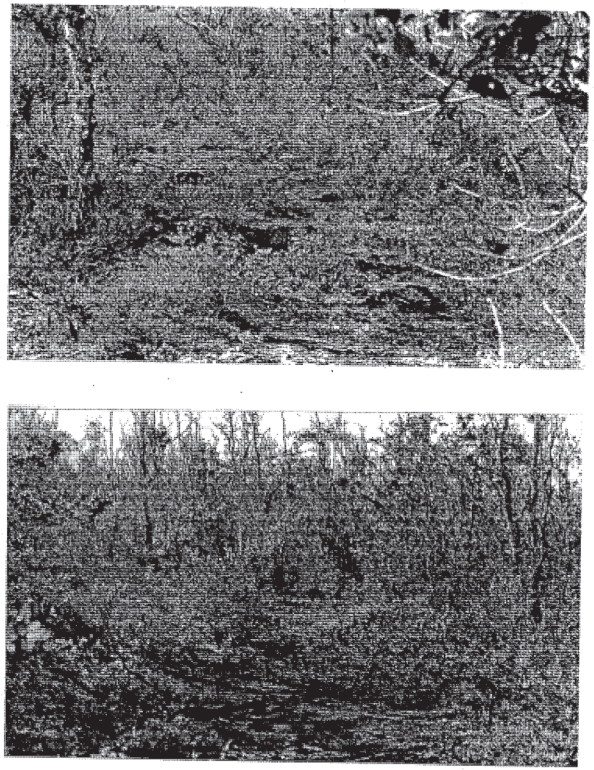


Figure 7. Portion of Judd Trail from *Ahu a `Umi* Vicinity (Kumu Pono Associates).

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*.

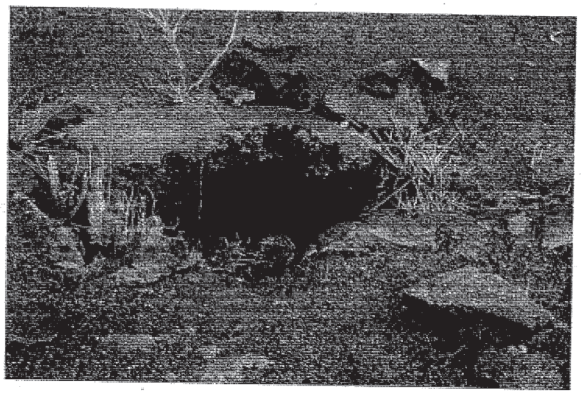


Figure 10. Modified Bird Trap near *Ahu a `Umi* (Kumu Pono Associates).

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 *`Akīaloa* (yellow feathers), *Mamo* (yellow feathers), *Hawaiian `O`o* (yellow feathers), *`I`iwi* (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`iwi 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[3], 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.

[3] 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`ānui, 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`ohe 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 Hululu*.

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 Kaumalumalu 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 Kīholo 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 Waiau, 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
Waiau = 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 outsider, 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`ohe 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 20th 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.

REFERENCES CITED

Athens, J. Stephen and Michael W. Kaschko
1989 Prehistoric Upland Bird Hunters: Archaeological Inventory Survey and Testing for the MPRC Project Area and the Bobcat Trail Road, Pōhakuloa Training Area, Island of Hawaii. Report prepared by International Archaeological Research Institute, Inc. for U.S. Army Engineer District, Pacific Ocean Division, Hawaii.

Basso, Keith H.
1996 *Wisdom Sits in Places*. Keith H. Basso, University of New Mexico Press, Albuquerque.

Cordy, Ross
2000 *Exalted sites the Chief: the ancient history of Hawai'i Island*. Mutual Publishing, Honolulu.

Elbert, Samuel H.
1959 *Selections from Fornander's Hawaiian Antiquities and Folklore*. S. Elbert (Ed). The University of Hawaii Press.

Ethnic Studies Program
1985 Social History of Kona: Vols. I and II. Ethnic Studies Oral History Project, University of Hawaii, Honolulu. June 1985.

Fornander, Abraham
1878 *An Account of the Polynesian Race, its Origins and Migrations and the Ancient History of the Polynesian People to the Times of Kamehameha I*, vol. 1. Trubner, London.

Garcia and Associates
1998 Historic Preservation Plan for Pōhakuloa Training Area, Island of Hawaii, Hawaii. Report Prepared for the U.S. Army Corps of Engineer District, Honolulu.

Hansen, Violet
1964 Photographs of Shelter Cave in description of Historic Property# 500-Ha-G29-1**. Record on file at Bernice P. Bishop Museum, Honolulu.

Hammatt, Hallett H. and David W. Shideler
1991 Archaeological Assessment and Sensitivity map of the Pōhakuloa Training Area (PTA), Hawai'i Island, State of Hawaii. Report prepared for the U.S. Army.

Haun, Alan
1986 Archaeological Survey and Testing at the Bobcat Trail Habitation Cave Site (50-10-30-5004), Pōhakuloa Training Area, Island of Hawaii, Hawaii. Report prepared for U.S. Army Engineer District, Honolulu.

Hawaii Audubon Society
1993 *Hawaii's Birds*. Hawaii Audubon Society, Honolulu.

Hommon, Robert J. and Hamilton H. Ahlo, Jr.
1983 A Research Design for Archaeological Studies at the Pōhakuloa Training Area, Island of Hawai'i. Report prepared by Science Management, Inc., Honolulu, for the U.S. Army Engineer District, Honolulu.

Kamakau, Samuel M.
1992 *Ruling Chiefs of Hawaii* (Revised Edition). The Kamehameha Schools Press, Honolulu.

Kelly, M.
1983 *Na Mala O Kona*: Gardens of Kona. A History of Land Use in Kona, Hawaii. Departmental Report Series 83-2. Dept. of Anthro., B.P. Bishop Museum. Prepared for the Department of Transportation, State of Hawaii.

1971 *Kekaha: 'Aina Malo'o*. A Survey of the Background and History of Kaloko and Kukio, North Kona, Hawaii. Departmental Report Series 71-2. Dept. of Anthro., B.P. Bishop Museum.

King, Thomas F.
2003 "Identification and Management of Traditional Cultural Places". Unpublished notes from Workshop presented at the University of Hawaii, September 26, 2003.

Kumu Pono Associates
1999 Mauna Kea Science Reserve and Hale Pohaku Complex Development Plan Update: Oral History and Consultation Study, and Archival Literature Research. Report prepared for Group 70 International, Honolulu.

1997 *Mauna Kea Kuahiwi Ku Ha'O I Ka Maile:* A Report on Archival and Historical Documentary Research. Report prepared for Native Lands Institute, Hilo, Hawaii.

Langlas, Charles, Thomas R. Wolforth and James Head
1998 Archaeological, Historical, and Traditional Cultural Property Assessment for the Hawai'i Defense Access Road A-AD-6(1) and Saddle Road (SR200) Project. Report prepared by Paul H. Rosendahl, Inc., for Okahara and Associates, Inc.

McCoy, Patrick C.
1982 Report 2. Archaeological Reconnaissance Survey. In Cultural Resources Reconnaissance of the Mauna Kea Summit Region. Bishop Museum Department of Anthropology, Honolulu. Report prepared for Group 70, Honolulu.

Moniz Nakamura, Jadelyn J., Kathleen Sherry and Laila Tamimi
1997 Foraging for Food? Prehistoric Pit Features at Pōhakuloa, Hawai`i Island. In *Rapa Nui Journal* 12(4):110-117.

National Park Service
2002 Defining Landscape Terminology in *Guidelines for Treatment of Historic Landscape Initiative*. National Park Service, http://www.cr.nps.gov/hps/hli/hliterm.htm.

Parker, P.L. and T.E. King
1990 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38, National Park Service, U.S. Department of the Interior. U.S. Government Printing Office, Washington, D.C.

Pohakuloa Training Area: Understanding its Natural and Cultural Resources
c.1997 Handbook prepared by the U.S. Army Garrison, Hawaii.

Prasad, Usha K.
2004 Pre-Construction Historic Preservation Studies for Line "F" Of Repair Sewer Project, Phase II, Moanalua, Oahu Island, Hawaii. Report prepared for U.S. Army Engineering District, Ft. Shafter, Hawaii.

2001 Planning Level Oral History Survey Makua and Kahanahaiki Valleys for Traditional Cultural Properties at the U.S. Army Makua Military Reservation Waianae, Oahu Island, Hawaii. Report prepared for U.S. Army Engineering District, Ft. Shafter, Hawaii.

Pukui, M.K. and A.L. Korn
1973 *The Echo of Our Song*. Chants and Poems of the Hawaiians. University of Hawaii Press, Honolulu.

Pukui, Mary Kawena, Samuel H. Elbert, and Esther T. Mookini
1974 *Place Names of Hawaii*. Honolulu: University of Hawaii Press.

1960 *Pocket Place Names of Hawaii*. Honolulu: University of Hawaii Press.

Reinman, Fred and Allan J. Schilz
1999 Aerial and Ground Archaeological Inventory Survey for Compilation of Environmental Impact Statement, Multi-Purpose Range Complex, Pōhakuloa Training Area, Island of Hawai`i. Report prepared by Ogden Environmental and Energy Services Co., Inc., for U.S. Army Corps of Engineers, Honolulu.

1992 Archaeological Data Recovery at the Multi-Purpose Range Complex, Pōhakuloa Training Area, Island of Hawai`i, Hawaii. Report prepared by Ogden Environmental and Energy Services Co., Inc., Honolulu, for U.S. Army Engineer District, Honolulu.

Roberts, Alice K.S., Jennifer Robins and Amy Buffum
2004 Archaeological Surveys of Proposed Training Areas for the Stryker Brigade Combat Team, U.S. Army Pōhakuloa Training Area, Island of Hawaii, Hawaii. Report prepared by Garcia and Associates, for U.S. Army Engineer District, Honolulu.

Rowntree, Lester B.
1996 *Concepts in Human Geography*. Carville Earle, Kent Mathewson and Martin S. Kenzer, Eds. Rowman & Littlefield Publishers, Inc., Lanham, Maryland.

Streck, Charles F. Jr.
1992 Prehistoric Settlement in the Upland Portions of the Island of Hawaii. *New Zealand Journal of Archaeology* 14:99-111.

Tetra Tech, Inc.
2004 Final Environmental Impact Statement, Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team in Hawai`i: Volume 1. Prepared for the Dept. of the Army, Washington D.C., and the U.S. Army Corps of Engineers, Ft. Shafter, Hawai`i.

Tomonari-Tuggle, M.J. and C. Kanani Paraso.
2002 Cultural Assessment for the Palia Mitigation Project. Ka`ohe and Kalopa Ahupua`a, Hamakua District, Island of Hawai`i. International Archaeological Research Institute, Inc., Honolulu.

Tuggle, H.D. and Tomonari-Tuggle, M.
2001 Draft Final Report: Identification of Native Hawaiian Traditional Cultural Properties, Navy Region Hawaii. International Archaeological Research Institute, Inc., Honolulu.

Twenty Fifth (25th) ID(L) & UASRHAW
2003 Standing Operating Procedures for Integrated Wildland Fire Management Plan 2003.

Watanabe, Farley K.
1987 Final Report for Archaeological Aerial and Limited Ground Reconnaissance of Various Parcels situated at Hawaii Island Selected as Potential Military Training Areas. U.S. Army Engineer District, Honolulu.

Welch, David J.
1993 Archaeological Survey and Testing for the Saddle Road Improvement Project, Pōhakuloa Area, Island of Hawai'i, Hawaii.

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 Kanahele, 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

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. Kaniala 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 ʻOkoʻa"* published an article titled *"Na Kaao 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 Hawaiʻi in 1851. While introducing the article, readers are told that Remy dwelt in Hawaiʻi, 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 Hawaiʻi and were translated into Hawaiian by young Alexander at Punahou (*Ke Au ʻOkoʻa, Mei* 8, 1865).

"Na Kaao a Kekahi Elemakule Hawaii" was collected by Remy in March 1853, when he visited Hoʻöpüloa, 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[1], a man of chiefly descent, born before the time that Alapaʻi-nui died, in 1752 (*Ke Au ʻOkoʻa, 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 ʻOkoʻa, Mei* 8, 1865).

Among the traditions which Kanuha told Remy, was an account of the ascent of ʻUmi to the position of the king of the island of Hawaiʻi. In the account Kanuha describes the history behind the construction of the famed *heiau* (temple) Ahu-a-ʻUmi, 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 ʻUmi went to war with Keliʻiokaloa, a chief of Kona. Historical accounts by native writers and Fornander record that Keliʻiokaloa was the son of ʻUmi, 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 Hawaiʻi. The following narratives, with excerpts of the original Hawaiian, and translations of the accounts (translated by Maly) are taken from

[1] Kanuha is found in several historical accounts recorded by Kamakau (1961) and Fornander (1973). One of the historical events in which Kanuha participated with Kameʻeiamoku *mā* in the capture of the vessel Fair American, in 1790, at Kaʻüpülehu (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 Keliiokaloa, ruled and dwelt at Kailua... In the time that he dwelt in Kailua, Keliiokaloa 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 Keliiokaloa, 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 ahu 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. Keliiokaloa 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 Pōhakuloa 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 [`Umi] 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 been 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'ulei 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`ulei 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 Kamalumalu 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`iwi*, 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`iwi* 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."

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 themself 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 burried.

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 2018 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 ʻāina". 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-II.pdf

comments due June 7, 2022
to ATLR-PTA-EIS@G70.DESIGN or https://atlrptaeis.commentinput.com/?id=iSY57
comments from 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 facilties, 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, Kapūkakī (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 beneficiares 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., 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.

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. solider 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
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
…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#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."

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), Mâkua v. Gates, Civ. No. 08-00327 SOM/LEK, 2009 WL 196206 (D. Haw. Jan. 23, 2009), and Mâkua v. Gates, Civ. No. 00-00813 SOM, 2008 WL 696093 (D. Haw. Mar. 11, 2008).

###

From: Cory (Martha) Harder[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 HAWAI'I", 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, overaires, 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 'atmoshpere 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 shoudl [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 fine [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 ordinance 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 6th 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 the238-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
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 Tl activated NaI detectors were used to gather gamma spectra, looking for 766 and 1001 keV photons emitted by 234mPa 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. Tthe 1001 keV gamma has a branching ratio (abundance per decay) of just 0.8% (0.008)[NIM in PhysicsResearch, 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**2. At 3 meters height, the area of a sphere would be 1.13x10**6 cm**2 (1.13 million square centimeters), so the solid angle of one NaI detector would be 2.2*10**(-4) . At 4 meters altitude the solid angle would be reduced to 1.25*10**(-4).
Count rates required for detection: The report states that the detector system travelled at 2-3 m/sec, with countsbeing 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**(-4), 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**6 or 5.5*10**7 Pa234 dps. Since there is transient equilibrium with 238U, 234Th and 234Pa- and 234U, 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]*

<u>Concerns were raised about a civilian report.</u>

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 x10-7, 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 degress 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 form 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 1/10,000th 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

Lorrin Pang former Army doctor, consultant to the World Health Organization, head of Maui Department of Health (but speaking on DU as a private citizen)

15

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'ol@we? 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 Freely
"Bureau of conveyances"

5-17-22

STATE of Hawaii (owns)

NO LAND!! = A corporation

subsidy of United STATES

Corporation Owes NO LAND

IN Hawaii = territory =

Hawaii Monarch Constitution

" all land Keeped in perpetually (Forever)

for heirs & succesors.

Fraud & theft to claim to OWN

another Persons Property.

to: mr michael Donnely

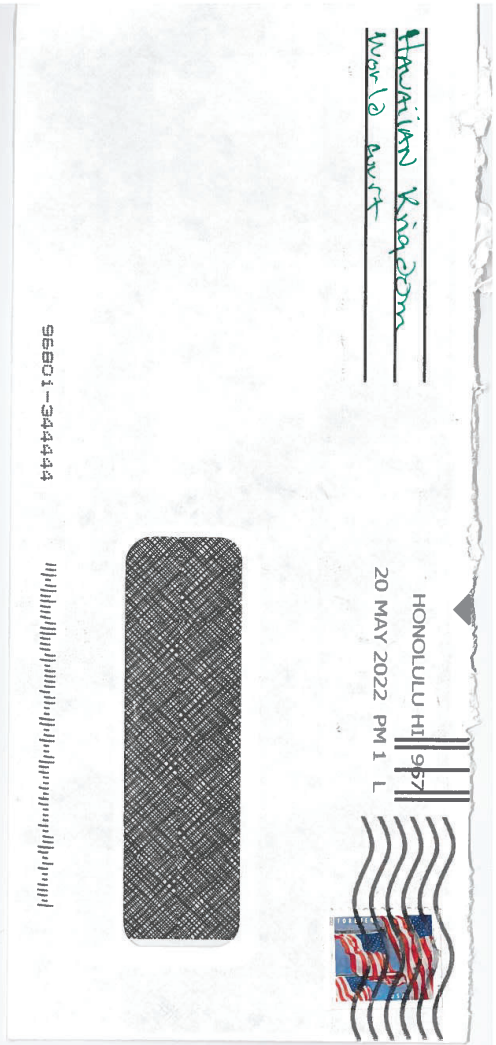
All will be held accountable:
all DEFECTIVE contracts after 1959 EVIDENCE FOR world courts:
U.S CODE violations: INTERNATIONAL LAW.

PROVIDE YOUR DEED - (ceded or annexed by STOLEN LAND cannot)
Genealogical LAND CLAIM -
STATE & FED Govt owns no land - BC
(STATE of HI FOREIGN 4Si citizen VOTERS) DO not OWN LAND -
STATE Owned Land TRAMPLE BY UN AUTHORIZED BODIES, Govt corporations LLCs
Public Notice Star Advertiser
Repedely Publicizes FALSE & INACCURATE
Information - Propoganda : 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 OWNES NO LAND in
Hawaii - THERE is NO Bonifide
Land deed : ALL LAND in TERRITORY ONLY leases of LESS THAN LEASE
ALLODIAL TITLE REGISTERED with DOES soil
MATHEW Hoapili - Hawaiian Knqdom
minester. Probate trust perpetual
Land title. Bonefide. and recorded
IN THE BUREAU of Conveyances
and title gaurenteed : All Rights
& Authority belong to Heir &
Succesor with Vessel & seal of
Bonifide land trust. Pure Jurisdiction
All other Land claims by STATE + contracts are Agents &
OFFICERS of a corporation are
Defective. NOT pure OR Bonifide
All Authority are needed by
Bonifide sovereign Right & Jurisdiction
of mineral rights (12 miles ocean, air, land).
PAY For managed use of LAND (LCA Fee) NOT A- BY SR.

All contracts after JAN 17-1893
are defective & fraudulant = Propoganda Treason Acts of
IN THE HI Arch TERRitory JURISdiction
(Treason - WAR crime) will be addressed in International (Law) world OF NATIONS
courts : All crimes by STATE & FEDERAL Agents of the FEDral
govt & STATE - Land ommisioners
will be held accountable. for these
(crimes) & SYSTEMATIC corruption & (mineral rights)
Corporations cannot own land IN
"ITZone" Hawaii's Jurisdiction : Allodial title
STATE of HI corporation DISTRICT of
Columbia - are in violation of all
U.S. FEDERAL codes : 4-5 code art 28,
sect 3002 - Line 15 ext.
Treaty of Peace & friendship
All ITZ commerce laws VIOLATED
All FOREIGN Illegal 4-5 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 Pohakeloa : contract DEFECTIVE
Bonifide → Indegenous NATIONAL All Rights reserved.
perpetual Land title trust & HEIR & Succ
genealogical Land tres. only.



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 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

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 - ATLR 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 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

--------- 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]

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 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 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

Aloha 'Aina! – Stop Bombing Pohakluloa!

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 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 Visit us on the web at www.malu-aina.org

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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.
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 - ATLR PTA EIS
Cc: Honolulu Civil Beat; senator@schumer.senate.gov; info@gohawaii.com; info@hvcb.org
Subject: Pohakuloa - EIS

Dear Gentle people

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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 with 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
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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 excutive 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 oversite 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 - ATLR 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 (ʻiʻiwi, ʻalalā, ʻuaʻu, ʻelepaio, 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 ʻāina 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. Kahoʻolawe's groundwater was already destroyed by Military impact; Oʻahu'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 Hawaiʻi'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 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 - ATLR PTA EIS
Subject: Pohakuloa Comments
Attachments: PTA.docx

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.
    - "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 Kilhea 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'omalu 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 kaohe 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 subsquiscent -- sorry. I can't read -- site visit by TCACRN staff in 2003 documented EV 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 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 disproportionally 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.
** 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 https://www.nrc.gov/docs/ML0929/ML092950352.pdf 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. ----------
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.
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.
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 identifed 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.
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." ----------
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 http://hawaiifreepress.com/Portals/0/Article%20Attachments/Depleted%20Uranium%20waikii_ranch%202008.pdf that contains a statement about alpha particles in the report about DU to the Waikii Homeowners' Assoc.

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

From: Michael Jones [redacted]
Sent: Wednesday, May 18, 2022 7:42 AM
To: G70 - ATLR 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

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. **

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
https://www.nrc.gov/docs/ML0929/ML092950352.pdf
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.
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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.

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.

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 identifed 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.

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."

---

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 http://hawaiifreepress.com/Portals/0/Article%20Attachments/Depleted%20Uranium%20waikii_ranch%202008.pdf that contains a statement about alpha particles in the report about DU to the Waikii Homeowners' Assoc.

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

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 - ATLR PTA EIS
Subject: comments on PTA draft EIS

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

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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 7 June 2022 by Michael JonesThese 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 . 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 - ATLR 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 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. 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.

Michael Jones

31 Nay 2022 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
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 Crocket 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 Crocket tests.
Michael Jones

31 May 2022

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

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.

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Michael Jones

FIGURE 2-2: 2007 SCOPING SURVEY SOIL SAMPLING LOCATIONS AND DAVY CROCKETT AREAS

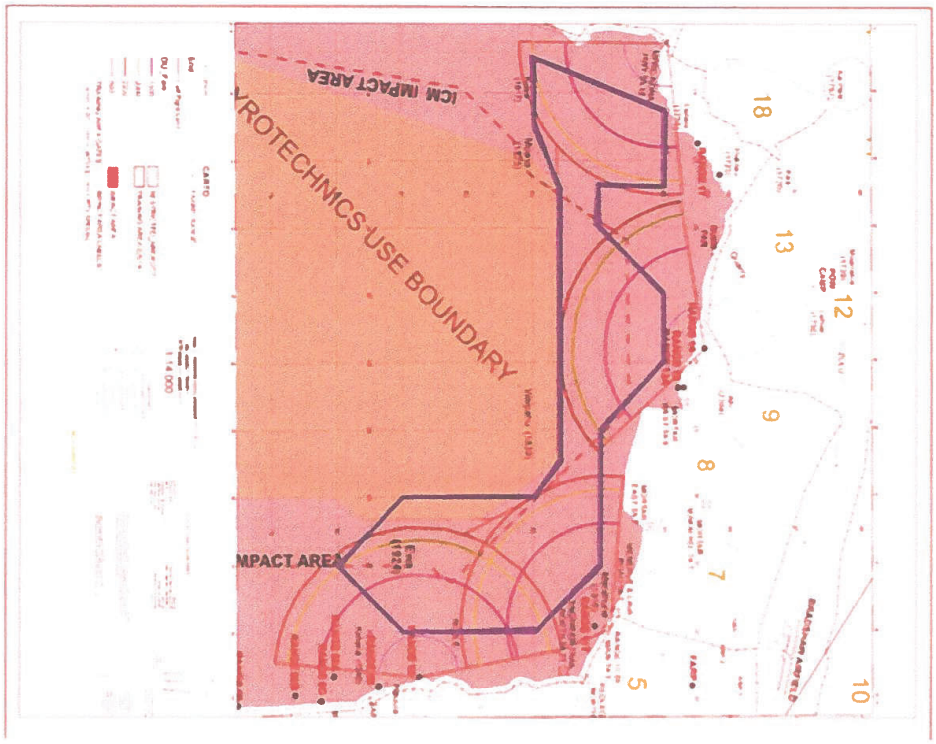

FIGURE 3-1: PTA AREA OF INTEREST

CABRERA SERVICES, INC.

W52P1J-07-D-0041

3-2

I-399

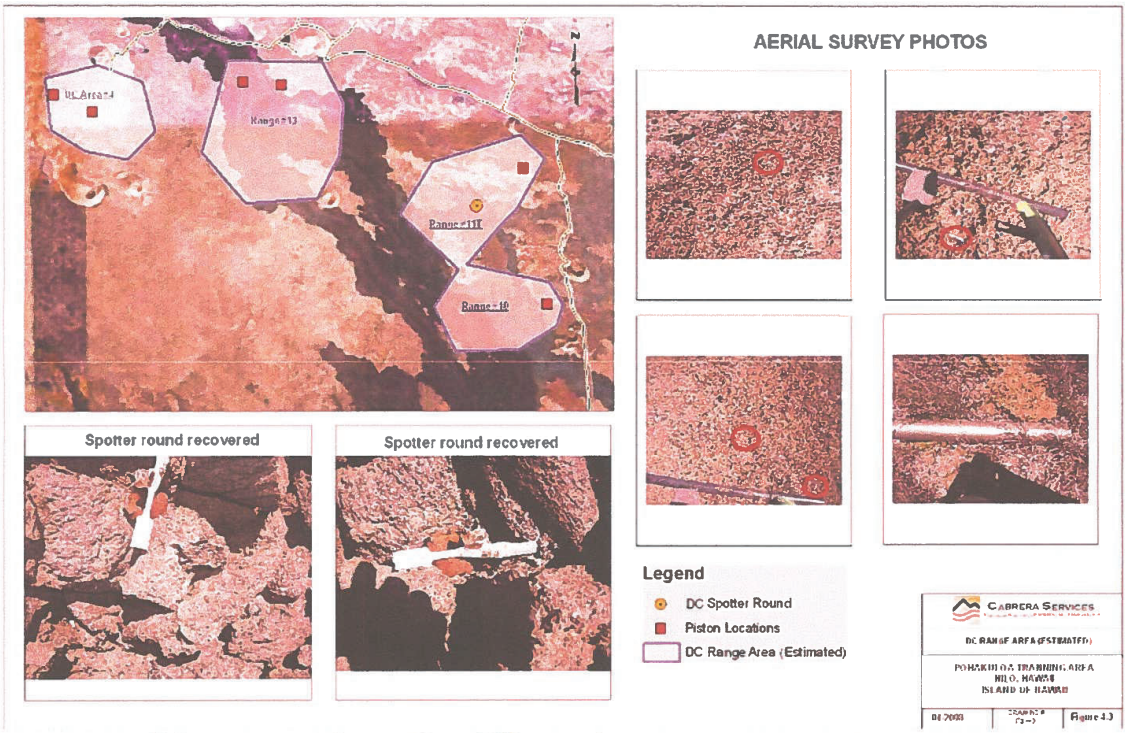

FIGURE 4-3: LOCATIONS OF PISTONS SUGGESTING PAST DAVY CROCKETT RANGE AT PTA

I-400

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. 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 'öhi'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 Pöhakuloa 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. Känaka 'Oiwi deserve better. Our küpuna 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 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.
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 keeped in perpetually (foreever) for heirs & succesors. 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 Annext 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 Pohakaloa: Contract Defective . Bonifide Indegenous National (All Rights reserved) Perpetual Land title trust & Heir & Succ Genealogical land ties only.

PROVIDE UR bonifide LAND deed. P.1
Bonifide minister to Minerals Rights claim Filed "Bureau of conveyances"

5-17-22

STATE of Hawaii (owns)

NO LAND!! = A corporation

subsidy of United STATES

Corporation Owes NO LAND

IN Hawaii = TERRITORY =

Hawaii Monarch Constitution

" all land Keeped in perpetually (Forever)

for heirs & succesors.

Fraud N theft to claim to OWN

another Persons Property.

to: MR michael Donnely

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 annexed by STOLEN LAND cannot) Geneological "Land CLAIM"
STATE & FED GOVT owns no land - BC
(STATE of HI FOREIGN US citizen voters) DO not OWN LAND -
STATE Owned Land TRAMPLE BY UN AUTHORITY BODIES. GOVT corporations
Public Notice STAR ADVERTIZER
Repedely Publicizes FALSE & INACCURATE Information - Propoganda & 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. ONLY leases of ~~LESS THAN LEASE~~ ALL LAND in TERRITORY
ALLODIAL TITLE REGISTERED with DES SOIL
MATHEW HOOPILI - HAWAIIAN Kingdom minester. Probate trust perpetual
Land title. Bonefide. and recorded
IN THE BUREAU of Conveyances
and title gaurenteed. All Rights
& Authority belong to Heir & Successor WITH vessel & seal of
Bonifide land TRUST. Pure Jurisdiction
All other Land claims by STATE Agents & + contracts are
OFFICERS of a corporation are
Defective. NOT pure OR Bonifide
All Authority are needed by
Bonifide sovereign Right & Jurisdiction
of mineral rights (12 miles ocean, air, land).
PAY For managed USE of LAND (LCA Fee) NOT A-BY SR.

All contracts after JAN 17-1893
are defective + fraudulant = Propaganda Treason Acts of
IN THE HAWAIIAN TERRITORY JURISDICTION
(Treason - WAR crime) will be addressed in International (Law) world of NATIONS
* courts. All crimes by STATE + FEDERAL Agents of the Federal
govt + STATE - Land ommisioners
will be held accountable. for these
(crimes) & SYSTEMATIC corruption, + (mineral rights)
Corporations cannot own land IN
"ITZone" Hawaii's Jurisdiction: Alodial title.
STATE of HI corporation DISTRICT of
Columbia - are in violation of all
*U.S. FEDERAL codes: 4-5 code art 28,
sect 3002 - Line 15 ext.
Treaty of Peace & friendship
All ITZ commerce laws violated
All foreign Illegal 4-5 CITIZENSHIP NATIONAL (VOTERS)

THE DIRECTOR: Public AFFAIRS STATE of HI
Department of Defense, MAJ (RET)
JEFF Hickman at 808 441-7000

TO: Mr michael Donnelly (PTA)
* Need to clean up Pohakeloa: contract Defective
Bonifide → Indegenous NATIONAL All Rights reserved:
perpetual Land title trust + HEIR + Suc
genealogical Land tres. only.

Hawaiian Kingdom
World court

HONOLULU HI 967
20 MAY 2022 PM 1 L

96801-344444

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 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 - ATLR 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 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 supoprt, 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 HAWAI'I!!

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 - ATLR 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 - ATLR PTA EIS
Cc: [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-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.

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 - ATLR 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]

Nancy Martin

Hi, my name is Nancy Martin. I ive 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'uanahulu--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 (sodendrion 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. Kahoʻolawe's groundwater was already destroyed by Military impact; Oʻahu'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 Hawaiʻi'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 indigenous 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 extrirpated 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 ʻāina has been radically changed by the bombings. STOP THE DESECRATION. -

- Naʻu nō, na ʻIkaʻaka Nāhuewai Kumu ʻŌlelo Hawaiʻi - Hawaiian Language Lecturer Hoʻolaukaʻi Huʻeaʻo - Internship Coordinator Ka Hale Kuamoʻo - Hawaiian Language Center Ka Haka ʻUla o Keʻelikōlani - College of Hawaiian Language Ke Kulanui o Hawaiʻi ma Hilo - University of Hawaiʻi at Hilo ʻO MAULIOLA PŪ ME KĀKOU

From: [redacted]
Sent: Tuesday, April 26, 2022 7:33 PM
To: G70 - ATLR 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 ʻāina has been radically changed by the bombings. STOP THE DESECRATION.

--
Naʻu nō,
na **ʻIkaʻaka Nāhuewai**

Kumu ʻŌlelo Hawaiʻi - Hawaiian Language Lecturer
Hoʻolaukaʻi Huʻeaʻo - Internship Coordinator
Ka Hale Kuamoʻo - Hawaiian Language Center
Ka Haka ʻUla o Keʻelikōlani - College of Hawaiian Language
Ke Kulanui o Hawaiʻi ma Hilo - University of Hawaiʻi at Hilo

ʻO 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 - ATLR 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.

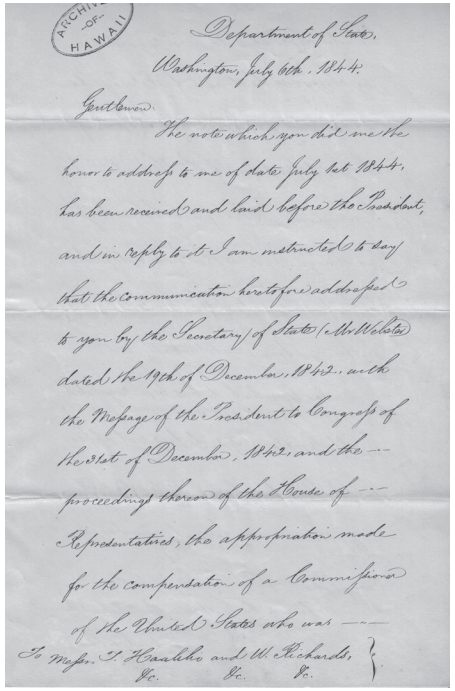
We oppose any and all violations of international laws of occupation by the United States against the Hawaiian Kingdom, a peaceful and neutral country.

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 it's agents.

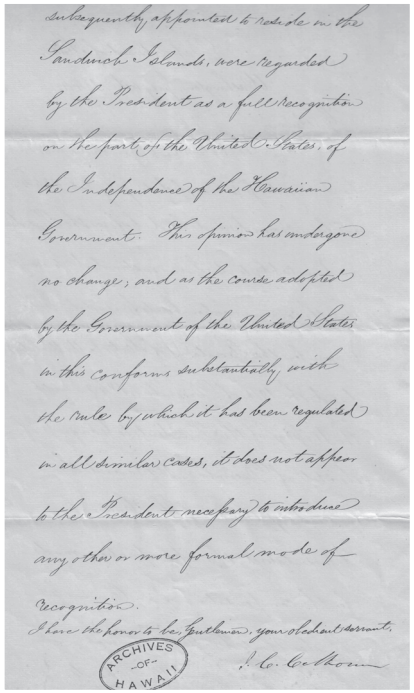

ARCHIVES OF HAWAII

Department of State,
Washington, July 6th, 1844.

Gentlemen:

The note which you did me the honor to address to me of date July 1st 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 (Mr Webster) dated the 19th of December, 1842, with the Message of the President to Congress of the 5th of December, 1842, and the proceedings thereon of the House of Representatives, the appropriation made for the compensation of a Commissioner of the United States who was —

To Messrs. T. Hawaiki and W. Richards, &c. &c. &c.


subsequently appointed to reside in 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. This opinion 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.
ARCHIVES OF HAWAII
J. C. Calhoun

(9) TREATY WITH THE UNITED STATES,

RATIFIED ON THE 19TH 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 20th 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, Kealakekua 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 etablished. 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 thereunto, 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 enclose 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.) R. C. WYLLIE,
(L. S.) CHARLES BUNKER.

(24) TREATY OF RECIPROCITY

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.] HAMILTON FISH.
[SEAL.] ELISHA H. ALLEN.
[SEAL.] 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.

[L. S.] In witness whereof, we have hereunto set Our hand 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

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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.

Forwarding orders.

The money-orders, issued in either country, shall be forwarded by the remitters to the payees, at their own expense.

ARTICLE 6.

Advices.

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.'

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.

Lists to be numbered consecutively.

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.

Duplicate sets.

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.

Errors.

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.

Irregularities.

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.

Failure of lists.

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.

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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.

Forms.

This account shall be in accordance with the forms 'C,' 'D,' 'E' and 'F,' annexed to this Convention.

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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ARTICLE 14.

Exchange with foreign countries.

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.

ARTICLE 15.

Additional rules.

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.

All such additional rules, however, must be promptly communicated to the Post-Office Department of the other country.

ARTICLE 16.

Commencement and duration.

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.

ARTICLE 17.

Exchange of ratifications.

The ratifications of the present Convention shall be exchanged prior to the first day of December, 1883.

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.

Signatures.

[SEAL.] H. A. P. CARTER,
Envoy Extraordinary and Minister Plenipotentiary of Hawaii to the United States.

[SEAL.] WALTER Q. GRESHAM,
Postmaster General of the United States.

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. FRELINGHUYSEN,
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.

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A.

List No. .....

Stamp of San Francisco Office.

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.

A.

Blanks to be filled by the despatching Exchange Office of San Francisco.								For use of Post-Office Department, Honolulu.	
Current No. of international 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.

B.

List No. .....

Office stamp.

A list of money-orders issued in the Kingdom of Hawaii and payable in the United States. Despatched this ..... day of 188
Date of arrival at San Francisco .....

Stamp of San Francisco Office.

Blanks to be filled up by the despatching Exchange Office, Honolulu.															Space for use of San Francisco office.
Current No. of international order.	No. of original money-order.	Date of original order.	Office of Issue.	Full name of Remitter.	Address of Remitter.			Full name of payee.	Address of Payee			Amount of order.		Office of Payment.	
					Place of Residence.	County.			Place of Residence.	County.	State.	$	c.		

C.

Account of the exchange of Money-Orders between the Kingdom of Hawaii and the United States, during the quarter ended....., 188

Orders issued by the Hawaiian Office.				Orders issued by the United States Office.			
No. of List.	Date of List.	Total amount of each List.		No. of List.	Date of List	Total amount of each List.	
		$	c.			$	c.

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D.

Table showing the particulars of such orders as have been repaid to the remitters in the country of issue.

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.....				

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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.....				

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F.

Balance.

To credit of Hawaiian Office.			$	c.	To credit of United States Office.			$
Amount of international orders issued in the United States.					Amount of international orders issued in Hawaii.			
Three-fourths of one per cent. on amount of such issue.					Three-fourths of one per cent. on amount of such issue.			
Amount of void orders of Hawaiian issue as per table.					Amount of void orders of United States issue as per table.			
Amount of international orders repaid in Hawaii as per table.					Amount of international orders repaid in the United States as per table.			
Sums remitted by the office of Hawaii.....					Sums remitted by the office of the United States.			
Dates.	Amount.	$ c.			Dates.	Amount.	$ c.	
Balance remaining due to the United States.....					Balance remaining due to the Hawaiian Kingdom.....			

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.

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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

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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.

Forwarding orders.

The money-orders, issued in either country, shall be forwarded by the remitters to the payees, at their own expense.

ARTICLE 6.

Advices.

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.'

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.

Lists to be numbered consecutively.

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.

Duplicate sets.

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.

Errors.

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.

Irregularities.

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.

Failure of lists.

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.

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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.

Forms. This account shall be in accordance with the forms 'C,' 'D,' 'E' and 'F,' annexed to this Convention.

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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ARTICLE 14.

Exchange with foreign countries. 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.

ARTICLE 15.

Additional rules. 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.

All such additional rules, however, must be promptly communicated to the Post-Office Department of the other country.

ARTICLE 16.

Commencement and duration. 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.

ARTICLE 17.

Exchange of ratifications. The ratifications of the present Convention shall be exchanged prior to the first day of December, 1883.

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.

Signatures.

[SEAL.] H. A. P. CARTER,
Envoy Extraordinary and Minister Plenipotentiary of Hawaii to the United States.

[SEAL.] WALTER Q. GRESHAM,
Postmaster General of the United States.

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. FRELINGHUYSEN,
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.

HeinOnline -- 23 Stat. 739 1881-1885

A.

List No. .....

Stamp of San Francisco Office.

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.

A.

Blanks to be filled by the despatching Exchange Office of San Francisco.									For use of Post-Office Department, Honolulu.	
Current No. of international 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.

HeinOnline -- 23 Stat. 742 1881-1885

B.

List No. .....

Office stamp.

A list of money-orders issued in the Kingdom of Hawaii and payable in the United States. Despatched this ..... day of 188
Date of arrival at San Francisco .....

Stamp of San Francisco Office.

Blanks to be filled up by the despatching Exchange Office, Honolulu.															Space for use of San Francisco office.
Current No. of international order.	No. of original money-order.	Date of original order.	Office of Issue.	Full name of Remitter.	Address of Remitter.			Full name of payee.	Address of Payee			Amount of order.		Office of Payment.	
					Place of Residence.	County.			Place of Residence.	County.	State.	$	c.		

HeinOnline -- 23 Stat. 743 1881-1885

C.

Account of the exchange of Money-Orders between the Kingdom of Hawaii and the United States, during the quarter ended....., 188

Orders issued by the Hawaiian Office.				Orders issued by the United States Office.			
No. of List.	Date of List.	Total amount of each List.		No. of List.	Date of List	Total amount of each List.	
		$	c.			$	c.

HeinOnline -- 23 Stat. 744 1881-1885

D.

Table showing the particulars of such orders as have been repaid to the remitters in the country of issue.

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.....				

HeinOnline -- 23 Stat. 745 1881-1885

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.			$	c.	To credit of United States Office.			$	c.
Amount of international orders issued in the United States.					Amount of international orders issued in Hawaii.				
Three-fourths of one per cent. on amount of such issue.					Three-fourths of one per cent. on amount of such issue.				
Amount of void orders of Hawaiian issue as per table.					Amount of void orders of United States issue as per table.				
Amount of international orders repaid in Hawaii as per table.					Amount of international orders repaid in the United States as per table.				
Sums remitted by the office of Hawaii.....					Sums remitted by the office of the United States.				
Dates.	Amount.	$ c.			Dates.	Amount.	$ c.		
Balance remaining due to the United States.....					Balance remaining due to the Hawaiian Kingdom.....				

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 call. 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.

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
[redacted]

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*), māmane (*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 ʻŌiwi 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 ʻŌiwi 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, ʻamakihi, 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 ʻuaʻu 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 Popoʻo Gulch, which feeds into ʻAuwaiakeakua 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

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.

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 Pōhakuloa, 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
[redacted]

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*), māmane (*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 ʻŌiwi 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 ʻŌiwi 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, ʻamakihi, 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 ʻuaʻu 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 Popoʻo Gulch, which feeds into ʻAuwaiakeakua 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.

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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 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. hat 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.

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 - ATLR PTA EIS
Subject: Comment on EIS regarding request for lease renewal

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Stephen Paulmier

[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 - ATLR 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 - ATLR 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 - ATLR 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

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 personal 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 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'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 is 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 Keʻāmuku parcel. The dominant soil area on State-owned land is the Keʻekeʻe 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 Keʻāmuku 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 ʻaina 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 choses. 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 disinformaton 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 an d cn 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 it 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 - ATLR 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 - ATLR 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>

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.

Gregg & Ronelle Shankle
[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 - ATLR 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 Amy 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 | Honokaʻa, Hāmākua District, County of Hawaiʻi

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 Hawaiʻi. 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 Hawaiʻi. 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 Hawaiʻi, 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 Hawaiʻi, 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.[1] 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 Hawaiʻi 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 ʻĀina Aloha Economic Futures Declaration.[2] The reasons for this type of erasure are many, always coming back to the ways that colonialism fails to recognize the

[1] **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.

[2] **ʻAina 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.[3]

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.

[3] **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 legallly 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 - ATLR 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]

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 ʻāina 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 PohakuloaTraining 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[1]. 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[2].

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

[1]Foley Hein, J., & Jacewicz, N. (2021). Implementing NEPA in the Age of Climate Change. *Michigan Journal of Environmental & Administrative Law*, (10.1), 1.
[2]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[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[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.

Sincerely,

Megan Thayne

[1]Foley Hein, J., & Jacewicz, N. (2021). Implementing NEPA in the Age of Climate Change. *Michigan Journal of Environmental & Administrative Law*, (10.1), 1.
[2]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 occuring 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 Kahoʻolawe 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 Kahoʻolawe, 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 Kaʻula 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. l -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]
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 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 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). 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 Pahoa 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.

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 degredation 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 - ATLR 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.

**Transcribed from recorded message.*

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.

**Transcribed from recorded message.*

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
Ahia, Noelani
Ahonui
Akana, Bri
Akiona, Kylie
Akuna, Sami L.A.
Alban, Ian Jonathan
Alegado, Rosanna ʻAnolani
Amos, Tsuyuno
Amy
Anderson, Donovin
Anderson, Ryan
Andre
Angione, Lea
Anonymous Submission
Ari
Ariana
Askew, Mahiemainalani
Asta, Matt
Astrid
Atkins, Trevor
Au, Julie
Awai, Cailee
Aynur
Azama, Bronson
Ball, Ada
Barrett, Eden
Barrett, Thomas
Bartoletti, Darcy
Beauregard, Marc
Begley, Jesse
Bettencourt, Lurline
Bezilla, Grace
Billingsley, Nataka
Blankenfeld, Ka'iulani
Bobilin, Jonah
Braun, Al
Brittany
Brown, Shantee
Bugbee, Ian
Burch, Karly
Butler, Alyssa
Butterworth, Kiersten
Caitlin
Callison-Burch, Vanessa
Campbell, Pono
Cariaga, Leimomilani
Carlos
Carvalho, Kiana
Case, B. Pua
Cave, Jamie
Chojnacki, Rachel
Clarke, Kaala
Clawson, Thys

Cloutier, Kylie
Cobar, Joanne
Colon, Keisha
Colosimo, Emily
Conner, Margaret
Coyote, Tara
Crystal
Daielle
Dalbon, Gerard
Davis, Donna
Davis, Samuel Nohea
Del Real, Isabella Huerta
Devi, Shanti
DeYoung, Frank
Dichner, Catherine
Domen, Adin Nahoa
Dorian
Dullanty, Malialani
Duncan, Hallelujah
Elicker, Jordan
Ellsworth, Mike
Enomoto, Sheridan Noelani
Enrique
F, Kristen
Fellows, Sid
Ferrer, Aes
Flores, Kapulei
Flores Yoro, Summer
Foster-Blomfield, Kaiwahine
Fraga, Kehaulani
Freitas, Cindy
Fujita, Blayne
Fukumitsu, Navahine
Fuller, Matthew
Gaceta, Cody
Gallagher, Jessica
Garcia, Micah
Gedge-Kaeo, Kanoe
George, Garrett K.
Giesick, Faith
Gionson, Esai Kawa'O'Makali'i Roman
Gomez, Shannon
Gonzalez, Paola
Gouveia-Ortiz, Celina Marie Kahala
Grace, Jacquelyn
Grace, Jacquelyn Noelani
Greene, Patricia
Guidry, Andrea
Haia, Iwalani
Haley
Han, Sunny
Hanawahine, Kianna
Hannalore
Hanson, Laurel
Hao, Anna
Haugh, Kawena
Hieshima, Makala
Holani, Charlene
Holladay, Patricia
Hoopii, Tori
Hoopii Jr, Richard
Hoover, Joshua
Huihui, Crystal
Imtiaz, Hina
Isaak, Kapuakea
Jakob
Jasmine
Javar, Debra M
Jayda
Jenkins, T
Jeszabel
Johansson, Paula
Johnstone, Karen
Jolyn
Jones, Brett
Jones, Jennifer
Julia
Julie
Jung, Ellyn
Jussaume, Ilea
K, Marisha
K, Olivia
K., Sunshine
Kaahanui, Vasthi
Kahele, Krystal
Kaiawe, Tia
Kaila
Kailiwai-Ray, Debralee
Kaleialohaokuupuuwai
Kamalani
Kamuela
Kanealii
Kanui, Makaiwa
Kastein, Kalika
Kate
Kaupe, Makana
Kawelo, Jacob
Kawelo, Kupono

Kazlauskas, Katherine

Keakealani, Roberta Kuʻulei

Kealoha, Chris

Kelai, Kara

Keliinoi, Mona

Kelling, Kalehuakea

Keohokapu, Jonah

Kiana

Kirby, Candice

Kramer, Kris

Kupahu, Micah

Kushi, Makana

Kuster, Lorien

La Torre, Trevor

Langinbelik, Aji

Langinbelik, Sariah

Lee, Desiree

LeMans, Hannah

Leucht, Emily

Lila

Lilinoe

Linder, Kali

Lipat, Dr. Chris

Louis, Renee Pualani

Lydia

Macmllan, Ashley

Macusi, Kamea

Maielua, Blossom Pualani Lincoln

Maikui, Eva

Makaila, Lillie

Makalua-Yee, Michelle

Makinano, Nicholas

Marks, Jordan

Martin, Nancy

Martina

Martins, Momilani

Mas, Moira

Masse, Brittany

Mathews, Alyssa

Mathis, David Jesse

Matthew

McCarley, Rebecca

McGuire, Ashlie

McKeague, Noeula

McLaughlin, Briana

Medeiros, Alfred Keaka Hiona

Medeiros, Brennen

Melissa

Melody, Christine

Mendes, Hannah

Mic, Sarah

Michaloski, Joe

Mihajic, Isabela

Miller, George

Miller, Holly

Mix, Emma

Mohala

Monasi, Mariana

Moniz, Christian

Montas, Noelani

Moore, Bryan

Nakalatia, Josephine

Nakamura, Malia

Nakayama, Naholowaa

Neeley, Gina

Neil

Nichols, Ursula KimLin

Noble, Ben

Noelani

Nonohe

Norris, Lehua

Oberholzer Dent, John

Oshiro, Tracie

Osick, Martina

Oto-Pale, Emma Ulalia

P, Tatiana

Paikai, Ala'i

Paiva, Kaleʻa

Parsons, Amy

Passantino, Trase

Patel, Sweta

Pestana, Kainoa

Petrovic, Rain

Pie, Solely

Pleasant-Rede, Nictoria

Plumridge, Mir

Plunkett, Ryan

Pupuhi, Kekoanui

Quenga, Kaina

R., Mailelauli'i

Ramirez, Maricarmen

Ramones, Ikaika

Rapoza, Sean

Ray, Matthew

Raynor, Niccolas

Reddish, Blair

Reeves-Bachman, Kainani

Resuma, Camela

Resurrection, Joanna
Reynolds, Marni Suu
Reynolds, Mia
Rivera, Madeline
Rizzo, Anna Hali'a
Robertson, Todd
Rojas, Tara
Rose, Abigai
Ruth, Hannah
Samantha
Sanchez, Bella
Santos, N
Sayre, Debora
Sean
Sekona
Selina
Shari
Shaw, Noel
Sheala
Shearer, Jacob
Sheffield, Ana
Shiozaki, Allison Nemenyi
Silinski, Shanyn
Simbre, Courtney
Simmons, Seq'hiya
Sleightholm, Jennifer
Smart, C
Smith, Brady
Smith, Elle
Smith, Karina
Smith, Maureen
Smith, Melissa
Soares, Robert
Sobocinski, Jess
Sonoda-Palr, Healani
Souza, Chanel
Spencer, Kekaha
Starr, Sarah
Stauber, Emmaleah
Stoner, Wailani
Suthard, Alli
Sylva, Brayden
Szczepanski, Jozef
Tachera, Naomi
Tai, Sarah
Tam, Mary
Thomas, Carn
Thompson, Amberlene
Tomlinson, Melissa aka kini
Tré
Turalde, Leomana
Tyler
Valenzuela, Shana
Vecchi, Cas
Veras, Kelli
Vicente, Noelani
Vincent, Jontei
Wai
Waianuhea, Lorraine
Waite, Bhaj
Walund, Sage
Waracka, Amber
Watts, Angel
Welch, Kalana
Whaken, Ariana
Whigham, Ammon
White, Angela
Wiedenbein, Tom
Williams, Jamie
Wong, Trinity
Wright, Colonel Ann
Zigler, Jennifer
Zulueta, Jacinto Kaleo

Second Draft EIS Comments

Federal Agencies

State of Hawai‘i Agencies

County of Hawai‘i Agencies

Elected Officials

Organizations

Individuals

Form Letter1

Form Letter 2

Federal Agencies

Federal Agencies

U.S. Department of the Interior, Office of Environmental Policy and Compliance US-1

U.S. Environmental Protection Agency, Pacific Islands Office Region 9 ..... US-5

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

June 7, 2027

IN REPLY REFER TO:
ER 24/0156

U.S. Army Garrison-Hawai'i
Directorate of Public Works
Environmental Division
948 Santos Dumont Ave
Building 105, 3rd Floor
Wheeler Army Airfield, HI 96857

Subject: U.S. Department of the Interior Comments on the *Army Training Land Retention at Pōhakuloa Training Area, Second Draft Environmental Impact Statement, Pōhakuloa Training Area, Island Of Hawai'i, Hawai'i*

Dear ATLR PTA EIS Team:

The U.S. Department of the Interior (Department) has reviewed the March 2024 *Army Training Land Retention at Pōhakuloa Training Area, Second Draft Environmental Impact Statement, Pōhakuloa Training Area, Island Of Hawai'i, Hawai'i* (DEIS). The Department offers General and Specific comments on the DEIS, which include contributions from the U.S. Fish and Wildlife Service (Service) under the authorities of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq*.). The comments are based on review of the DEIS and other information available to the Service.

General Comments

The Army proposes to retain up to approximately 22,750 acres of the 23,000 acres of State-owned land at Pohakuloa Training Area (PTA) in support of continued military training to meet its ongoing training requirements. The proposed action 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 retained by the Army. The DEIS presents and analyzes impacts of three action alternatives: Alternative 1 (Maximum Retention) 22,750 acres of State-owned land retained and 250 acres not retained; Alternative 2 (Modified Retention) 19,700 acres of State-owned land retained and 3,300 acres not retained; Alternative 3 (Minimum Retention and Access) 10,100 acres of State-owned land retained and 12,900 acres not retained; and a No Action Alternative, no State-owned land retained.

The DEIS also presents and analyzes impacts of lease compliance actions, described as those actions conducted following expiration of the current lease and in accordance with the lease or otherwise negotiated with the State, to the extent feasible, within State-owned land not retained.

The lease compliance actions are not part of the proposed action but would be triggered by expiration of the current lease for the State-owned land not retained under the various alternatives. As such, these lease compliance actions are considered connected actions under NEPA (40 C.F.R. 1508.25(a)(1)).

ESA Compliance
Impacts of the Army's ongoing activities on threatened and endangered species and designated critical habitat are addressed by existing consultations in accordance with section 7 of the ESA (Enclosure 1). The existing consultations also describe agreed-upon conservation measures for threatened and endangered species and designated critical habitat that the Army is required to implement in association with its ongoing activities.

The Department recommends the Army consider re-initiation of consultation in accordance with section 7 of the ESA regarding any changes to the Army's ongoing activities (e.g. military training and operations, conservation measures, etc.) and associated impacts to threatened and endangered species and their habitats as a result of the outcome of the proposed land retention action. We also acknowledge that the Army is currently preparing a draft Programmatic Biological Assessment which will address ongoing Army activities on U.S. Government- and State-owned land at PTA.

Land Not Retained
For any State-owned land not retained, the Department recommends that the Army coordinates cleanup and restoration activities with the Service to ensure protection of threatened and endangered species and the habitat which supports them, as well as perform cleanup and restoration activities to a standard which allows for access to conduct management activities for the conservation and recovery of threatened and endangered species in areas that support listed species.

It may not be accurate to assume the State would continue current levels of species and habitat protections within State-owned lands not retained. First, based on the Army's ongoing training and operations, the Army may be required to continue to implement species and habitat protections on the land not retained. Second, existing State land management mandates and resources may not ensure continuation of the same levels of species and habitat protections in these areas.

Specific Comments

Section 3.3: Biological Resources, Wildland Fire Management (Page 3-34)
Wildland fire is a major threat to State-owned lands leased by the Army and other surrounding lands including Forest Reserves and most importantly Palila (*Loxioides bailleui)* Critical Habitat (CH). The 2021 Keamuku Fire burned into Palila CH including areas sometimes occupied by Palila. The entire population of Palila are restricted to the west slope of Mauna Kea and are extremely vulnerable to an extinction event such as a wildland fire, as happened in 2021. The Service is willing to work collaboratively with the Army and provide technical assistance in support of wildland fire management.

Section 3.3: Biological Resources, Leilani Fire (Page 3-34)
The Department recommends that the Army include all technical reports, after action reports, investigations into the cause and any corrective actions that are being applied as a result of the Leilani Fire.

Section 3.3: Biological Resources, Ungulate and Small Mammal Control (Page 3-37)
Although not on State-owned land, the Cantonment Area is a likely source population for feral cats whose range includes wildland areas on Government- and State-owned lands where listed seabirds, nene (*Branta sandvicensis*), and native forests birds occur. The Department recommends feral cat control, efforts to contain garbage, and efforts to educate personnel not to feed feral cats in areas where food and water are readily accessible, such as the Cantonment Area.

Section 3.3: Biological Resources, Game Management Program (Page 3-37)
During the 2023 Annual Integrated Natural Resources Management Plan Metrics Meeting, it was reported that the Game Management Program has not been fully operational in a number of years. Most units have not been open reliably, and there are few mammal hunting days available (not every weekend or holiday as described). Unmanaged ungulate populations present a threat to the surrounding forested lands including Mauna Kea Forest Reserve and Palila Critical Habitat. The large numbers of ungulates visible in areas along the Daniel K. Inouye Highway (DKI Highway) on State-leased lands and have led to extreme browsing of native trees and shrubs. Additionally, ungulates are often seen crossing DKI Highway and may present a safety risk to motorists. The Department recommends increasing public mammal hunting access to the maximum extent to assist with managing ungulate populations. We also recommend the Army works with the State of Hawaii to implement an ungulate control program.

Section 3.3.5: Methodology and Significance Criteria (Page 3-54)
In the discussion of Land Not Retained, the DEIS includes the following statement: "The Army would need to re-initiate consultation with USFWS regarding the BO conservation measures for this area." The Department recommends including this statement in the assumptions for environmental analysis for State-owned land not retained. The criteria presented here are not mentioned in DEIS Section **3.3.6: Environmental Analysis**. We also recommend providing a description or justification in the discussion of (negligible), minor, moderate, and significant impacts.

The Department believes that significant adverse impacts to Federal or State protected species could occur in instances when less than 20 percent of the species population occurrence found on installation experience a reduction of populations (numbers of individuals) or the distribution of protected species populations. By definition endangered species are at risk of extinction. A majority, if not all threatened and endangered species at PTA exhibit declining trends due to ongoing threats and stressors. For species with uneven spatial distributions, significant adverse impacts to protected species may also occur at levels less than 20 percent. For protected species with a large percentage of their total statewide population found within the PTA action area, significant adverse impacts would occur in the event of a loss of individuals or reduction in distribution.

Section 3.3.6.1: Alternative 1: Maximum Retention, Land Retained (Page 3-54)
Protected species include all Federal and State threatened and endangered species and those listed under the Migratory Bird Treaty Act, not only "the Hawaiian hoary bat and Hawaiian goose, as well as rare invertebrate species (confused helicoverpan noctuid moth, Kona yellow-faced bee, and yellow-footed yellow-faced bee)" as stated. The Department recommends removing this sentence to make references to protected species all inclusive. This comment applies to the analysis under the three action alternatives.

Section 3.3.6.1: Alternative 1: Maximum Retention, Land Not Retained (Page 3-56)
The DEIS considers impacts to vegetation for Land Not Retained, but not in Land Retained. The Department recommends impacts to vegetation be considered for both land retention categories. This comment applies to the analysis under the three action alternatives.

Conclusion

The Department recognizes the importance of PTA in meeting the Army's mission of readiness in support of our national defense. We appreciate the opportunity to provide comments on the DEIS. If you have questions regarding Fish and Wildlife Service resources, please contact James Kwon, Fish and Wildlife Biologist (phone: 808-583-4420, email: james_kwon@fws.gov). For all other questions, please contact me at Janet_Whitlock@ios.doi.gov.

Sincerely,

JANET WHITLOCK
Digitally signed by JANET WHITLOCK
Date: 2024.06.07 08:14:29 -10'00'

Janet Whitlock
Regional Environmental Officer

Electronic distribution: atlr-pta-eis@g70.design, usarmy.hawaii.nepa@army.mil

Enclosure

cc: Shawn Alam, Department of the Interior: shawn_alam@ios.doi.gov
James Kwon, U.S. Fish and Wildlife Service: james_kwon@fws.gov
Aaron Nadig, U.S. Fish and Wildlife Service: aaron_nadig@fws.gov

REGION 9
SAN FRANCISCO, CA 94105

June 5, 2024

Michael Donnelly
ATLR PTA EIS Comments
PO Box 3444
Honolulu, Hawaii 96801-3444

Subject: Second Draft Environmental Impact Statement for the Army Training Land Retention at Pōhakuloa Training Area, Hawaii (EIS No. 20240069)

Dear Michael 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 Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA. It requires EPA to review and comment on the environmental impact of any proposed federal action subject to NEPA's environmental impact statement requirements and to make its comments public.

EPA commented on the Pōhakuloa Training Area (PTA) DEIS on June 2, 2022. In that DEIS, the Army proposed to retain up to approximately 23,000 acres of State-owned land at 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.

This "Second Draft EIS" presents a refined Proposed Action from that published in the PTA DEIS that seeks to retain approximately 250 fewer acres of State-owned land administered by the Department of Hawaiian Home Lands. The Second DEIS evaluates 3 alternatives in addition to the No Action Alternative and has identified *Alternative 2 – Modified Retention*, as the preferred alternative. Under Alternative 2, the Army would retain approximately 19,700 acres (86 percent) of the State-owned land at PTA, including all U.S. Government-owned facilities, utilities, and infrastructure within the State-owned land retained.

Our comments on the original DEIS noted that the DEIS did not evaluate or specify how impacts would differ among the potential land retention estates (title, lease, easement, and license) and we suggested some resource areas where such a distinction might prove useful for informing the negotiations with the State of Hawaii that will occur after the NEPA/HEPA process is complete. We appreciate that the Second DEIS analyzes impacts of not just a fee simple retention method, but also a lease retention method, consistent with our recommendation.

Review Summary

The Second DEIS is primarily a disclosure document for a real estate action to be negotiated with the State of HI. As such, EPA did not identify significant public health, welfare, or environmental quality concerns to be addressed in the Final EIS. For your consideration, we have additional recommendations to enhance disclosure and further distinguish impacts among the two land retention methods with regard to munitions and other contamination. See attached detailed comments.

The EPA appreciates the opportunity to review this second DEIS for the Army Training Land Retention at Pōhakuloa Training Area. Should you have any questions regarding this letter, please contact me at (213) 244-1834 or contact Karen Vitulano, the lead reviewer for this project, at (415) 947-4178 or vitulano.karen@epa.gov.

Sincerely,

FRANCISCO DONEZ

Digitally signed by FRANCISCO DONEZ
Date: 2024.06.05 14:38:58 -07'00'

Francisco Dóñez
Acting Manager
Environmental Review Section 2

Enclosure: EPA's Detailed Comments

cc: Sven Lindstrom, Hazard Evaluation and Emergency Response Office, Hawaii Dept. of Health
Russell Tsuji, Hawaii Department of Land and Natural Resources

Munitions constituents

We appreciate that the second DEIS attempts to distinguish how impacts might differ for retention under fee simple title versus a new lease, consistent with our recommendation. As the document acknowledges, the difference between these land retentions is that under a new lease or easement, the Army would adhere to lease/easement conditions, assumed Army obligations due to the Court-Ordered Management Plan, and applicable State processes/administrative requirements.

It is difficult to know what a future lease might include, but the EIS process can identify whether existing practices are protective and what additional practices are available that might provide additional protection. As such, it is important to identify these practices. The Second DEIS states that the Pōhakuloa Training Area Range Operations Standard Operating Procedures and the USAG-PTA External Standard Operating Procedures contain requirements for range operations, maintenance, and clearing (p. 3-98). These SOPs were not included in the DEIS or appendices, so it is not clear what practices are used on the active ranges to prevent accumulation of munitions constituents. The Second DEIS discusses actions that occur when suspected unexploded ordinance (UXO) is found, including potential blow-in-place detonation, and discloses the munitions constituents left behind that are a potential threat to soil and groundwater, but how often this kind of range clearance occurs is not presented. Our understanding is that the costs of finding and removing or detonating UXO are high, that it occurs as funding is available and not necessarily on a regular basis, and that per DODI 3200.16 (April 21, 2015), the extent of operational range clearance will be balanced with mission risk and cost considerations. If this is the case for PTA, a lease condition that requires a more robust range clearance schedule could result in differing effects on resources affected by munitions constituents.

> ***Recommendation:*** In the Final EIS, provide a more detailed discussion of the specific measures that are included in the SOPs relevant to range clearance actions and frequency, for the protection of soil and groundwater quality, and whether compliance with SOPs is tracked. We recommend including the SOPs in the appendices or on the project website. If a range operation clearance plan exists, include this also.

Munitions and hazardous substances cleanup

The DEIS states that there is the potential for munitions and explosives of concern to be found anywhere on the State-owned land, and that the land not retained under the preferred alternative 2 (3,300 acres) is rarely used for military training but does include 3 firing points (p. 3-110). There is some uncertainty regarding cleanup of this land not retained. The DEIS indicates that the Army would conduct various lease compliance actions, such as removing any weapons and spent shells within the State-owned land not retained, *to the extent feasible* (p. 3-110, emphasis ours). Additionally, the Army would determine how and when cleanup and restoration activities would occur, *to the extent practicable*. It appears that a clear commitment to cleanup activities is not presented.

> ***Recommendation:*** Discuss how feasibility and practicability will be assessed regarding cleanup and restoration activities so the likelihood of these measures being implemented is disclosed,

consistent with Council on Environmental Quality Guidance.[1] We recommend an evaluation and cleanup commitment, prioritizing State land not retained, so that this land is available for use by Hawaiians in a reasonable timeframe.

There are 11 sites on or adjacent to the State-owned retained land that have potential to have hazardous substances or petroleum products (p. 4-12). For these areas, we recommend, at a minimum, controlling stormwater run-on and runoff to reduce potential for off-site migration.

Off-site migration of munitions constituents

The Second DEIS states that release mechanisms for potential contamination from training activities may include off-range flow of surface water, erosion, and deposition (via surface water) of soil, and infiltration into groundwater, if SOPs and BMPs are not followed (p. 3-91). Again, these SOP practices that prevent migration are not identified. The impact assessment relies on statements that contaminant infiltration into groundwater is unlikely due to the low rainfall in the area and the considerable depth to groundwater, and that the pathway for leaching to groundwater is considered incomplete; however, we were unable to determine whether these assumptions had been confirmed through sampling and analysis, perhaps through a past Operational Range Assessment. While depth to groundwater may be considerable, the PTA area exhibits high soil permeability (p. 3-102). Perchlorate compounds are commonly released from the use of pyrotechnics (p. 3-99) within the approved portions of State-owned land (p. 3-98), and we note that perchlorate is very soluble and exhibits little to no soil adsorption.

Recommendation: In the Final EIS, discuss off-site migration of munitions constituents and identify the SOPs that are preventing the release mechanisms identified above. Indicate whether any studies or operational range assessments have occurred that included sampling and analysis of surface water during flows, or of groundwater, including the localized perched aquifer and more regional high-level aquifer present at PTA, to confirm assumptions made regarding contaminant transport. Address soluble munition constituents such as perchlorate. We recommend consideration of groundwater sampling and analysis at range boundaries to confirm assumptions that pollutant migration is not occurring, or if it is, to better understand the baseline conditions should a new lease be executed.

Cultural Resources and Environmental Justice

We appreciate the revisions to the Second DEIS to better characterize the continued effects on Native Hawaiian communities in the broader context of historic inequities, cultural land values, and access to traditionally important sacred sites, consistent with our comments. Table 3-27, which documents the community outreach that occurred, is a good addition, as is the summary of information obtained from interviewees on p. 3-77. We appreciate that the Army is considering a formal cultural access request process so Native Hawaiians and cultural practitioners can preserve cultural practices, beliefs, and resources, and could also provide unlimited cultural access to specific locations.

[1] Question 19b, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations

We have one minor comment regarding Section 3.11.5 – Methodology and Significance Criteria for the environmental justice analysis. The criteria considered to assess potential significant impacts on environmental justice include *disproportionately high* negative effects on minority populations and/or low-income populations (p. 3-198). Under Executive Order 14096 – Revitalizing Our Nation's Commitment to Environmental Justice for All, environmental justice is now evaluated based simply on disproportionate and adverse impacts affecting communities with environmental justice concerns.[2] We note that *disproportionately high* was not used elsewhere, so this may have been included in error.

> ***Recommendation:*** In the FEIS, correct the terminology regarding methodology and significance criteria for the environmental justice analysis on p. 3-198 to reflect disproportionate and adverse impacts, and consider any adjustments to the EO 14096 listing in Table 3-23.

Climate change

We appreciate the additions to the second DEIS that addressed our comments on greenhouse gas emissions and climate change, including drought, wildfire risk, and localized air quality effects.

[2] The Fact Sheet that accompanied the EO 14096 indicates that "The Executive Order uses the term "disproportionate and adverse" as a simpler, modernized version of the phrase "disproportionately high and adverse" used in Executive Order 12898. Those phrases have the same meaning but removing the word "high" eliminates potential misunderstanding that agencies should only be considering large disproportionate effects."

ENCLOSURE 1 - LIST OF RECENT 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).

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-4
Department of Land
and Natural Resources..... HI-13
Department of Land
and Natural Resources, Land Division..... HI-15
Department of Land
and Natural Resources,
Land Division – Hawai‘i District..... HI-29
Department of Land
and Natural Resources,
Office of Conservation and Coastal Lands .. HI-31
Department of Land
and Natural Resources,
Division of Forestry and Wildlife..... HI-36
Department of Land
and Natural Resources,
State Historic Preservation Division..... HI-44
Department of Land
and Natural Resources,
Engineering Division..... HI-47
Office of Hawaiian Affairs HI-48
Office of Planning
and Sustainable Development..... HI-56

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KALI WATSON
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Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i
P O BOX 1879
HONOLULU, HAWAII 96805

June 7, 2024

Ref: PO-24-073

Matthew B. Foster, Conservation Branch Chief
USAG-HI, Directorate of Public Works - Environmental Division
948 Santos Dumont Ave., Building 105, 3rd Floor
Wheeler Army Airfield, HI 96857-5013

Aloha:

RE: Department of Hawaiian Home Lands (DHHL) Comments on the Second Draft Environmental Impact Statement (SDEIS) 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

DHHL hereby submits the following comments regarding the Second Draft Environmental Impact Statement that was published in the Environmental Notice Bulletin on April 23, 2022.

History of Land Ownership

DHHL appreciates that the SDEIS clearly shows that TMKs (3) 3-8-001:013 & (3) 3-8-001:022 (approx. 250 acres) are a part of the Hawaiian Home Lands. DHHL also appreciates that the SDEIS mentions that for all proposed alternatives the approximately 250 acres of DHHL-administered land will not be included in the proposed lands retained for the PTA. As such, the applicant should prepare a plan based on direct consultation with DHHL for the de-occupation and return of these lands to DHHL so they may be utilized in the implementation of the Hawaiian Homes Commission Act and for the benefit of native Hawaiians.

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 SDEIS 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 and states that the one-year long monitoring program was discontinued as it was concluded that the presence of uranium and other harmful substances was of no significance. The SDEIS goes on to show that no additional surveying or monitoring of this

type has been completed since 2007. DHHL is very concerned at the applicant's decision to avoid an updated air monitoring program. DHHL does not agree with this decision and as stated in previous comment letters, we feel strongly that 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.

In Appendix C of the SDEIS includes a comment matrix with the comments submitted in previous DHHL correspondence regarding this project. That comment matrix includes a response to our previous comment that no water table testing is needed as there are no groundwater wells within the State-owned land or impact area and that PTA has no groundwater extraction wells. We believe that there is still a clear need for water table testing as there is potential for cumulative impact to the water table. This could even be just from the natural water cycle which includes percolation of rainwater that could carry contaminants into the aquifer.

In 3-3, the SDEIS states:

> *Following lease expiration and in accordance with the lease, or as otherwise negotiated with the State, the Army would conduct lease compliance actions and cleanup and restoration activities that could result in new short-term, negligible, adverse impacts on recreation from restricted public access.*

DHHL expects to be included in negotiation for "clean-up and restoration" in order to minimize potential impacts and requests that the applicant make contact with DHHL to begin these discussions.

As the SDEIS states the approximately 250 acres of DHHL-administered land would not be retained for the PTA, the aforementioned plan for de-occupation and return of these lands to DHHL should include appropriate surveying, testing, and remediation of any hazardous or toxic materials at cost to the applicant prior to DHHL resuming site control. Any costs affiliated with these efforts should not be the responsibility of DHHL and should be thoughtfully and carefully completed by the applicant prior to site control being returned to DHHL.

Historic and Cultural Resources and Cultural Practices

In ES-11, the SDEIS states:

> *The Army would consider the following mitigation measures to further reduce potential adverse impacts on cultural practices: (1) through consultation with Native Hawaiians and cultural practitioners, the Army would formalize a cultural access request process to enable Native Hawaiians and cultural practitioners opportunities to promote and preserve cultural practices, beliefs, and resources; and (2) the Army would explore options to provide unlimited cultural access to specific locations to be*

determined in consultation with Native Hawaiians and cultural practitioners (Alternatives 1, 2, and 3).

DHHL supports the above-mentioned mitigation measures. Furthermore, DHHL requests that the consultation mentioned above be a robust and meaningful consultation process that includes lineal and cultural descendants, native practitioners and the Hawaiian Homes Commission and its native Hawaiian beneficiaries. DHHL can offer guidance in appropriate outreach and engagement with the Hawaiian Homes Commission and DHHL beneficiaries and encourages the applicant to make contact with DHHL to begin these discussions as well.

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.

Sincerely,

Kali Watson, Chairperson
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)

JOSH GREEN, M.D.
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KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAI'I

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STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
210480 SL

June 7, 2024

Michael Donnelly
ATLR PTA EIS Comments
PO Box 3444
Honolulu, Hawaii 96801-3444
Sent via e-mail to: michael.o.donnelly.civ@army.mil

Facility/Site: Pohakuloa Training Center

Subject: Comments on Responses to Comments on the 2022 Draft Environmental Impact Statement (DEIS) and Additional Comments on Second DEIS for the Pohakuloa Training Area, dated March 2024

Dear Mr. Donnely,

The Hawaii Department of Health (HDOH) Hazard Evaluation and Emergency Response (HEER) Office has reviewed the responses to our June 3, 2022 comments on the April 2022 Draft Environmental Impact Statement (DEIS) for the Pohakuloa Training Area (PTA), which were included in the appendix of the Second DEIS for PTA, dated March 2024. Enclosed are our backcheck comments to your responses and additional comments on the Second DEIS.

If you have any questions or should you need a hardcopy of this letter, please feel free to contact me at 808-586-4249 or by email at sven.lindstrom@doh.hawaii.gov.

Sincerely,

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

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

Enclosure Comment Matrix Table

#	Commenter	Submitted by	Comment	Response	Backcheck
Backcheck to 2022 Draft EIS Responses to Comments					
1	Sven Lindstrom	State, DOH, HEER Office	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 finalU XO cleanup prior to the return of the land to the State.	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. 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. 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).	Comment Not Resolved. There is no need for the Army to wait for the end of the lease period to address known and potential contamination under DERP/DSMOA/CERCLA. Sites identified in the first and second Draft EIS documents and in the ECOP that are on state land and no longer within currently active range locations should begin the cleanup process as soon as possible. These sites should be added to the current DSMOA Cooperative Agreement and documents should be submitted to the HEER Office for review and approval. Please address this comment in the final EIS. Where state lands may be retained, please recommend that investigation and cleanup of these areas be a requirement of the lease extension. Since both versions of the Draft EIS note that munitions and explosives of concern (MEC) hazards may be present anywhere within the State-owned land, please recommend that all State-owned land be investigated for MEC in cooperation with the HEER Office as soon as feasible.

#	Commenter	Submitted by	Comment	Response	Backcheck
2	Sven Lindstrom	State, DOH, HEER Office	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.	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: https://home.army.mil/hawaii/index.php/ptaeis/public-info. Comment noted. The Army will work with HDOH, HEER to address potential future remediation activities in accordance with CERCLA. 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. 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.	Comment Not Resolved. A copy of the ECOP has not been provided to the HEER Office. Please make a copy of the ECOP available to the public and to the HEER Office for review and comment, along with other relevant site documents. The HEER Office should have been involved in the design of the investigations conducted during the ECOP to ensure they comply with HDOH guidance. The areas with identified contamination from the ECOP investigations require further investigation under CERCLA in coordination with the HEER Office. As stated above, there is no requirement for the Army to wait until the end of the lease period to begin investigating these sites under DERP/DSMOA/CERCLA. Given the length of time these investigations generally require, it is best to begin as soon as possible. Please include as a recommendation in the Draft EIS that if these investigations are not completed, any new lease extension should require the investigation and cleanup of these areas prior to the end of the new lease period. It is the understanding of the HEER Office that the Military Munitions Rule only applies to active range areas and does not cover the entire PTA property. Potentially contaminated areas described in the Draft EIS documents include historic firing points and ranges that are no longer being used and therefore should no longer be excluded from investigation and cleanup under the Military Munitions Rule.

#	Commenter	Submitted by	Comment	Response	Backcheck
3	Sven Lindstrom	State, DOH, HEER Office	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.	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. 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. 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). 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.	Comment Not Resolved. See above. Although currently the Army has protocols to conduct cleanup activities following munitions training activities, those protocols do not address historic contamination from past activities. Based on statements within the Draft EIS, it is reasonable to assume that stringent cleanup requirements were not always implemented at PTA and also that specific lease requirements regarding limits on the use of munitions may have been only loosely enforced. Please include a recommendation to begin investigations and cleanups in all areas of the property that are not currently active ranges covered by the Military Munitions Rule. In particular, all efforts should be made to thoroughly investigate and cleanup those areas of the property that are proposed to be returned to the state under the preferred alternative and recommendations should be made that any lease extension include a requirement for the timely investigation and cleanup of the remaining state-owned land as soon as possible. Also, please revise the text of the document to clearly state that while currently there are protocols in place that require the cleanup of training areas, this was not always a requirement at PTA and consequently, many areas may have contamination that has never been addressed.

#	Commenter	Submitted by	Comment	Response	Backcheck
4	Sven Lindstrom	State, DOH, HEER Office	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.	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. 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. 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). 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.	Comment Not Resolved. See above. There is no need to wait for the lease to end to initiate investigation and cleanup activities. Historic firing points no longer part of the active range are not covered by the Military Munitions Rule. Please recommend that these former firing points be investigated and cleaned up as soon as feasible, preferably before the current lease expires.
5	Sven Lindstrom	State, DOH, HEER Office	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 Crocket 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.	The Army will collaborate with DOH, HEER Office in a good faith ffort about how it manages active ranges. 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. As an operational range, PTA is regulated by the Military Munitions Rule. After the lease expires, State-ownedland not retained would no longer be under the Military Munitions Rule.	Comment Not Resolved. See above. There is no need to wait for the lease to end to initiate investigation and cleanup activities. Historic firing points no longer part of the active range are not covered by the Military Munitions Rule. Please recommend that these former firing points be investigated and cleaned up as soon as feasible, preferably before the current lease expires. With regard to active ranges with firing points on both state and federal property, HDOH would appreciate a collaboration with the Army to better understand how the Army is managing potential environmental contamination from its training activities. Please include that as a recommendation in the EIS as well.

#	Commenter	Submitted by	Comment	Response	Backcheck
6	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.	Comment Resolved.
7	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.	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. 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. 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.	Comment Partially Resolved. On the subject of managing MEC, Section 3..4.11 discusses the handling of munitions brought to the property and management protocols at active ranges, but does not address MEC hazards from historical activities. It bears noting that in December 2022, during the Mauna Loa volcanic eruption, an unexploded ordnance (UXO) item was reportedly discovered near an area of PTA that was opened to the public for viewing the lava flow. It is not clear that PTA has any program in place for the management of historic MEC that the DEIS states may be present "anywhere" on the property. Please include recommendations for management of historic MEC across the site and/or provide a description of what management protocols are currently in place to address this hazard
New Comment on 2024 Second Draft EIS					
8	Sven Lindstrom	State, DOH, HEER Office	Section 1.1.3 has the first mention of the Environmental Condition of Property (ECOP). Please include a reference to this document and include a link to access this document in the Supplemental Documents provided online.		
9	Sven Lindstrom	State, DOH, HEER Office	Section 2.1 on page 2-2 states "Lease compliance actions for a new lease or easement are unknown but are assumed to be similar to the current lease (see Section 2.3 for additional details) and may be subject to future negotiation." Why would you make this assumption given that most current state and federal environmental regulations did not exist at the time that the first lease agreement was drafted? Any new lease agreement should address management of potential contamination of the property and requirements to cleanup areas already contaminated.		

#	Commenter	Submitted by	Comment	Response	Backcheck
10	Sven Lindstrom	State, DOH, HEER Office	Section 3.5.4.3, please discuss potential alternatives to the current burn pan that are less likely to result in contamination of the surrounding environment. Also, with regard to sampling conducted during the ECOP investigation, please clarify that the sampling procedures and analytical data were not presented to the HDOH for review and approval and that additional investigation in accordance with CERCLA is required at sites where screening level exceedances were detected before conclusions can be made about the level of risk at the site. That is to say, the ECOP is not the proper point in the CERCLA process to evaluate risk and potential pathways, that should be conducted in the Remedial Investigation/Feasibility Study (RI/FS) phase in cooperation with state regulators. Please make this clarification both here and globally across the document, where appropriate.		
11	Sven Lindstrom	State, DOH, HEER Office	Section 3.5.4.11, bottom of page 3-98 states: "When suspected UXO is found in a training area, the explosive ordnance disposal team investigates it to identify the item and decide whether it can be removed or must be destroyed in place." Please discuss how many and what types of UXO have been identified outside of the currently active impact area to date. It is important to understand the degree to which UXO may be present across the state-owned property in areas not designated as impact areas.		
12	Sven Lindstrom	State, DOH, HEER Office	Section 3.5.4.11 on page 3-99 identifies three former ranges within the state-owned land and states "No land use restrictions have been imposed on any of these sites." Please explain why not. These areas are no longer active ranges and are not covered under the Military Munitions Rule, so they should be investigated and cleaned up under DERP/DSMOA/CERCLA. Until they are cleaned up, interim risk management controls would seem warranted. Also, this section references surface cleanup activities and sampling at some of these sites. Please provide all documentation of these investigations and cleanup activities to the HEER Office for our files. Finally, it was previously stated that the 1964 lease agreement only allowed for small arms use in the state owned land, therefore, please explain how these firing ranges were allowed to be located within the state lands.		

#	Commenter	Submitted by	Comment	Response	Backcheck
13	Sven Lindstrom	State, DOH, HEER Office	Section 3.5.4.13 states that the Army is in the process of finalizing a Preliminary Assessment and Site Inspection (PA/SI) report for PFAS at PTA. Please provide a draft of this document for review to the HEER Office prior to finalizing it. Also, please note that the HEER Office should have been provided with a draft SI Work Plan to review, prior to sampling, to ensure sampling procedures and data objectives comply with state sampling and PFAS guidance. A recent AFFF release at PTA has indicated that additional historic, unreported AFFF releases may have occurred that require further investigation. Additionally, there are other sources of PFAS other than AFFF, including but not limited to landfills and water treatment facilities that must be evaluated in the PA/SI. If these potential sources are not adequately addressed in the PA/SI, then HDOH will no accept the PA/SI. You state that "no PFAS-containing materials are known or suspected to have been used on the State-owned land", however, please note that the absence of records (i.e., "data gaps") is not sufficient to conclude that PFAS was not used since PFAS-containing products such as AFFF were not historically regulated. The presence of suspect areas, such as burn pans, that may indicate the use of AFFF, requires additional investigation. Please state in the EIS that additional investigation for PFAS contamination on the state-owned land may be required.		

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAIʻI | KA MOKUʻĀINA ʻO HAWAIʻI
DEPARTMENT OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
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STATE PARKS

June 21, 2024

Mr. Jeffrey Overton
G70/ATLR PTA EIS Comments
111 S. King Street, Suite 170
Honolulu, Hawaiʻi 96813

Via Email: ATLR-PTA-EIS@g70.design

Subject: Consolidated Comments on the Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area, Island of Hawaiʻi, 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

Aloha Mr. Overton,

On behalf of the Department of Land and Natural Resources (DLNR), I am submitting our consolidated comments on the Second Draft Environmental Impact Statement (2nd DEIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA). Our divisions have thoroughly reviewed the DEIS and have significant concerns and recommendations that are crucial for the comprehensive review and assessment of impacts to the proposed retention areas. Detailed comments from each division are attached for your reference.

1. Land Division: The Land Division expresses significant concerns regarding the adequacy of the 2nd DEIS. The Land Division emphasizes that the 2nd DEIS lacks sufficient technical data, detailed environmental surveys, and proper mitigation measures. The Land Division notes that even if the deficiencies were corrected, the revised document would be much different from the 2nd DEIS and would need to be republished.

2. Hawaiʻi District Land Office: The Hawaiʻi District Land Office reviewed the DEIS and has no objections to its findings, acknowledging the necessity of the land for the Army's operational needs but emphasizing the importance of thorough environmental and cultural assessments.

3. Office of Conservation and Coastal Lands (OCCL): OCCL notes that military use is not an allowable use in any Conservation District subzone under the Hawaiʻi Administrative Rules (HAR) Chapter 13-5. The DEIS incorrectly states that uses not listed require a discretionary permit from the Board of Land and Natural Resources (BLNR). OCCL's letter provides two viable options for uses that are not identified; 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 as long as the proposed use complies with the law.

4. Division of Forestry and Wildlife (DOFAW): DOFAW prefers Alternatives 2 and 3, which allow for better public and resource management access. DOFAW notes the need for increased public hunting, enhanced fire suppression capabilities, and protection of threatened and endangered species. DOFAW also requests access to rock and cinder quarries, water wells, and roads within PTA for various conservation projects. DOFAW also notes that all lands excluded from the lease renewal must be swept for unexploded ordnance and other hazardous materials before returning to DLNR.

5. State Historic Preservation Division (SHPD): SHPD highlights the critical need for a comprehensive Archaeological Inventory Survey (AIS) for the entire State-owned portion of PTA before the finalization of the EIS. SHPD also recommends completing a Traditional Cultural Properties study and a *Ka Pa'akai* analysis. These recommended actions are essential to identifying and evaluating the full range of cultural resources and practices affected by the proposed land use.

6. Engineering Division: The Engineering Division has no additional comments to what is provided herein.

We appreciate the opportunity to submit our late comments. Although we retracted DLNR's previous comment letter, it was to provide the U.S. Army and G70, a comprehensive review and comments from the relevant Divisions. The attached letters from each division provide detailed comments and recommendations.

Mahalo,

Ryan K. P. Kanaka'ole
First Deputy, Department of Land and Natural Resources

Attached Comment Letters:

1. Land Division
2. Hawai'i District Land Office
3. OCCL
4. DOFAW
5. SHPD
6. Engineering Division

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June 18, 2024

Mr. Jeffrey Overton
G70
111 S. King Street, Suite 170
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Sent via E-mail: ATLR-PTA-EIS@g70.design

Dear Mr. Overton:

SUBJECT: Comments on the Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area, Island of Hawaiʻi
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 the subject document. The following comments have been forwarded by the Land Division.

After review of the document, the Land Division still has concerns regarding the information presented in the document as well as the conclusions drawn regarding impacts as many are still based on assumptions rather than technical data prepared for this specific action and thus finds this document does not meet the requirements of Hawaiʻi Revised Statutes (HRS) Chapter 343 and Hawaiʻi Administrative Rules (HAR) Chapter 11-200.1.

At this time, the Land Division suspects that even if all the deficiencies noted below were corrected, the revised document would be much different from this second version and the Draft EIS would need to be republished. Please be aware, should the Applicant choose to move forward with a Final EIS and not correct the deficiencies, the Department will have no other choice, but to recommend denial of the acceptance of the Final EIS before the Board of Land and Natural Resources.

The deficiencies are as follows:

- Pursuant to HAR §11-200.1-24(g)(6), the Draft EIS shall contain "*summary technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public...*"

  In addition, 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)."

In our original comment letter on the first Draft EIS, we stated that at minimum, any study, plan, or document referenced that was used to lay the basis of the existing environmental setting for the proposed action or as evidence to support appropriate management practices/mitigation measures currently in place should be included in the appendices. Rather than providing the requested documents, the Army has provided URL links "*to the extent feasible*" and has included them in Chapter 6, Reference List. However, we note that the majority of the available documents are State produced public documents that do not provide the earlier requested information and the documents that would actually be helpful to reference have no URL links. In addition, in the main document the Army appears to have provided what they consider to be summaries of the documents, which may or may not be missing valuable data to help the Department determine the impacts of the proposed action.

There are also instances in the Second Draft EIS where a study is mentioned and the only information provided was the conclusion of the study, without the necessary background data to verify its applicability to this proposed action. Specifically, the Second Draft EIS notes that "*multiple studies, including a monarch flycatcher study done on Schofield Barracks and Makua Military Reservation, have noted that birds and other wildlife have been documented as becoming habituated to aircraft overflights and other noise (e.g. artillery training) after continuous or frequent exposure."* However, neither the referenced study nor any relevant data was provided to ensure the Army's claim that "*most wildlife in the vicinity are expected to be habituated to noise associated with training activities"* is accurate and that a study specific to the project area and its native wildlife is not warranted.

In our previous comments, we also stated that studies over 10 years old should be reviewed and updated. A current comprehensive biological survey for the region of influence (ROI) would give the Department a clear indication of the resources in the area and the impacts that continued training would have on those resources.

For example, the terrestrial arthropod study was done over 26 years ago. Species may no longer be present at PTA due to changes in habitat or new species may even be present, but none of this information can be ascertained as no current survey has been done. It should be noted that similar studies for other projects have indicated changes to habitat conditions in as little as 10 years.

In addition, a current survey would fill in the data gaps that are currently present throughout Section 3.3. In our comment letter on the first Draft EIS, we requested more information on Band-rumped storm petrel. However, the only additional information provided in the Second Draft EIS was that "*in 2020 the Army initiated informal consultation with USFWS for small mammal predator control during breeding season at a band-rumped storm petrel colony."* There is no discussion of the general location of the colony nor its size, or the potential for other colonies to be located within the ROI. It was also disclosed in the Second Draft EIS that the Hawaiian petrel was observed at PTA. However, it is unclear if they use PTA as a breeding site or if it is part of a fly over path. We note that we later found some of this information within the

response to the DOFAW comment letter and in Appendix K, however, there is no confirmation whether or not colonies exist on the State-owned land as there are no surveys to reference. Further, it appears training activities may affect the colonies. In addition, as the colony is located in the southeastern portion, it may also be affected by the No Action Alternative since access to the southern portions of Federally owned lands may be significantly reduced. However, none of this has been addressed in the Second Draft EIS.

There also other data gaps within Chapter 3 of the Second Draft EIS. One data gap that should be addressed is ground water sampling. The Army finds that the proposed action would have no impact to the ground water resources in the area based on lack of rainwater and surface water in the area. However, there is no technical water quality data to confirm whether there are any impacts to the underlying aquifer. Given that PTA consists mostly of porous lava rock and the fact that ground water is both a highly protected natural and cultural resource, ground water sampling should be conducted to ensure this valuable resource is protected.. Further it appears that runoff events do occur at the site. Page 3-101 includes a statement that alludes to this fact and thus is contradictory to the conclusions that the Army draws regarding potential impacts to water resources. Moreso, it would appear that the Army is capable of conducting such testing as it is mentioned in section 3.9.4.1 that the PTA-2 borehole was surface completed for potential future use as a monitoring well.

In addition, there appears to be data gaps regarding military munitions and munitions and explosives of concern (MECs). The Second Draft EIS notes on page 3-99 that "*Soil sampling has not been performed on all the TAs, FPs, and ranges to determine the presence or absence of MCs."* It is unclear how the Army can conclude that there would be "*continued long-term **minor**, adverse impacts*" on the environment associated with military munitions and MECs.

Most concerning is that the inventory of archeological sites still appears to be incomplete. While we acknowledge that Section 3.4, as well as the associated Archaeological Literature Review, has been updated to provide explanation on why some areas could not be surveyed (i.e. the areas that are inaccessible due to recent lava flows which create hazardous conditions), the reasoning provided as to why the other portions of the State leased lands have not been surveyed is unacceptable. Not utilizing an area for training or because it is part of a fenced area for protection of natural resources does not preclude the Army from doing proper due diligence especially as a new State land lease is being considered.

In addition, it is unclear from the document, what the ROI is for archeological resources. The Second Draft EIS itself, as well as numerous commentors acknowledge the presence of historic and cultural properties, including 'iwi kupuna, within the impact zone. While the impact zone is located on Federally owned land, it should still be included as it is part of the "region" and therefore, surveyed. Furthermore, the Second Draft EIS has stated in the No Action Alternative scenario, the use of the impact zone would be reduced or not used at all. Therefore, it is important to understand the extent to which archaeological and cultural resources located within the impact zone will be impacted should a new State-land lease be pursued which would allow for the continuation of the Army's training at PTA. While

we understand that there is a 2018 Programmatic Agreement (PA) between the Army, the State Historic Preservation Division and the Advisory Council on Historic Preservation for adverse effects to historic and cultural resources that may result from ongoing routine military training actions and related activities at PTA, that agreement has not been provided for review so it is unclear what is covered by the PA and what is not.

Moreso, the Second Draft EIS (page 3-66) notes that "*The 2018 Section 106 PA for PTA determined that previous military training and related activities have had adverse impact on historic properties at PTA, primarily within the impact area…continuing impacts on historic and cultural resources related to ongoing activities have already been assessed in previous NHPA consultation."* The document fails to elaborate on the outcome of that assessment and any associated mitigation measures that are now in place. Therefore, it would appear that the continuation of Army training at PTA may result in adverse impacts to historic/archaeological resources. Furthermore, it is mentioned that "*the continued presence of training personnel may also continue to impact resources through accidental damage."* It is unclear how the management measures mitigate ongoing impacts, especially as the impact zone has not been surveyed. In addition, the document goes on to state that "*continuing impacts on historic and cultural resources related to ongoing activities have already been assessed in previous NHPA consultations"* yet the results of those consultations have not been included in this document.

The Cultural Impact Assessment (CIA) also appears to be lacking consultation with people from the relevant moku, which in this case would be the moku of Waimea. This was confirmed through consultation with the Executive Director of the State Aha Moku. Through her review of the list of individuals and organizations contacted in Appendix A of the CIA, the Executive Director noted that there were several kūpuna from Waimea that are active practitioners at PTA that should have been included. In addition, the Executive Director herself holds knowledge of the area and would have been a valuable resource for the CIA. We note that we highly encouraged the Army to consult with the Aha Moku, and as of May 23, 2024, it would appear there has been little to no attempt on the Army's side to request consultation. In addition, one commentor on the first Draft EIS provided a copy of a Final Draft Report titled "*Planning Level Oral History Survey of Traditional Cultural Properties on U.S. Army Pōhakuloa Training Area Hawai'i Island, Hawai'i."* We note that valuable information is provided within the document and should have been included in the CIA for this project.

As a side note, we also wish to point out that the historic/archeological and cultural resource studies done for the proposed action provide the basis for any State agency issuing a subsequent permit to conduct their Ka Pa'akai analysis which involves:

1. Identification and scope of "valued cultural, historical, or natural resources" in the project area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area;
2. The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impacted by the proposed action; and

3. The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

Currently, there would be insufficient information for any State agency to do a thorough Ka Pa‘akai 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**."*

  While we appreciate the inclusion of best management practices (BMPs), standard operating procedures (SOPs), and management activities, we note that more information regarding the specificities of such needs to be included and elaborated upon. Often, it is unclear whether assessments have been completed or are in the process of being completed. It is also unclear what the time frame is for most of the monitoring activities that are mentioned. There are also measures that call for studies to be conducted but it is unclear if those studies were ever completed and if so, where are the data from those studies. There are also very generic statement such as "*digging fighting positions follow specific rules"* but those specific rules are never discussed.

  We also note that there are instances in which there may be appropriate mitigation, yet the document has not articulated it well or has overlooked potential mitigation measures. For example, in Section 3.2.6, it states that there would be "*continued long-term, significant, adverse impacts on land tenure"* as the land would be temporarily removed from use as a part of the public trust. It would seem that a potential mitigation measure would be for the Army to offer fair and just compensation through any potential lease negotiations with the Board of Land and Natural Resources (Board). In the same broader section, under the no action alternative, it states that "*there would be new long-term, moderate, adverse impacts on encroachment management from the loss of Army control over lands adjacent to U.S. Government-owned land, creating potential safety and security concerns if the public inadvertently enters U.S. Government-owned land.*" There is no potential mitigation proposed, however, it would seem that installing fencing and posting signs on U.S. Government land would be practical and prudent for this alternative.

  Also, regarding mitigation for impacts to the Hawaiian hoary bat, the Second EIS notes that as best management practice (BMP), barbed wire security fences are inspected

quarterly for entangled bats. It would appear that a potential, simple, mitigation measure to reduce impacts would be to consider removing barbed wire from fencing.

Regarding the mitigation measures proposed for impacts to cultural resources, consultation with Native Hawaiians and cultural practitioners should be an actively ongoing management practice and to formalize a cultural access request process does not provide any guarantee that the process would not further frustrate access. Furthermore, "explor[ing] options" to provide unlimited cultural access to specific locations does not require the Army to commit to anything. Moreso, the mitigation proposed does not offer any "timing" nor "provisions…to ensure" that the mitigation measures will be implemented should the project move forward.

Regarding mitigation measures for military munitions and MECs, we would request that the Army clean up the Former Bazooka Range, Former Tank Gunnery Range, Potential Former Burn Pan, and any other areas not currently in use, as well as any scattered shell casings as noted in inspection reports.

- Pursuant to HAR §11-200.1-24(n), "*The draft EIS shall include in a separate and distinct section a description of **all** irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented."* As noted in the Second Draft EIS, the Army appears to take the position that this section is generally limited to only energy or other non-renewable resources. We disagree with that position as it is our understanding that this section applies to **ALL** resources (natural and cultural) and thus this section should be revised to encapsulate all irreversible and irretrievable commitments of resources as a result of the proposed action.

- Pursuant to HAR §11-200.1-24(o), "*The draft EIS shall address all probable adverse environmental effects that cannot be avoided…Also the rationale for proceeding with a proposed action, notwithstanding unavoidable effects, shall be clearly set forth in this section. The draft EIS shall indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. The draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.*" While the Second Draft EIS does include a section discussing unavoidable significant adverse impacts, it does not include the rationale for proceeding with the proposed action nor the other interests and considerations of governmental policies.

We also offer the following general comments regarding the Second Draft EIS as well as comments regarding specific sections of the document:

- The EIS should note that the first Draft EIS did not meet the requirements of HRS Chapter 343 and HAR Chapter 11-200.1 as a reason for the need to publish a Second Draft EIS.

- We also reviewed the comments on the first Draft EIS and believe that some of the responses did not necessarily address agency, organization, and individual's concerns. Further, information that would have been valuable in the main document

can be found in the responses, but given the voluminous size of the Second Draft EIS, it is cumbersome to identify.

TABLE OF CONTENTS:

- Expanding the Table of contents consistently to 4 or 5 places (to the extent appropriate) would assist a reader in assessing the overall format and analytical framework. Four places is inconsistently used. For example, Section 3.1.3.1 does not appear in the table of contents. Furthermore, Section 3.1.4 Analysis Methodology contains 12 discussion points that could have potentially been assigned subsection numbers. Similarly, Section 3.2.4.1 Land Tenure, has 6 discussion points that could have been assigned subsection numbers. The aforesaid are cited as examples and not intended as definitive or comprehensive.

ACRONYMS AND ABBREVIATIONS:

- Asbestos containing material (ACM) and aqueous film forming foam (AFFF) are not listed in this section. A further review of the document may be warranted to check If there are other omissions.

EXECUTIVE SUMMARY:

- Regarding the documents listed in Table ES-1, there should be some type of access to the NEPA documents regarding the training and infrastructure within the State-owned lands at PTA. Searching the documents via the web did not produce access to any copies of the documents.

- Table ES-2, column one, should be revised as currently what is listed is regulatory citations rather than the permit or approval itself. For example, for the Conservation District, the permit/approval should be a Conservation District Rule Amendment.

  Also, for the HRS Chapter 6E Hawaii Historic Preservation Review, the correct reference should be HRS §6E-42 and HAR Chapter 13-284 as this would be considered an applicant action.

  Please also include the permits that are listed in Section 3.3.61 which are not included in Table ES-2.

  Note that these comments also apply to Table 1-1.

- In Section ES.6, please clarify the term of the lease that the Army would be requesting should the Army pursue the path of a State lease.

- We note that Table ES-3 is hard to understand. We would suggest using the “Harvey Balls” style used by Consumer Reports as a clearer and more familiar expression of qualitative information.

- In Section ES.11, it should be noted that the statement regarding the Army selecting potential mitigation measures and mitigation monitoring plans in the Record of Decision (ROD) does not supersede any discretionary decisions made by the Board of Land and Natural Resources (Board) who may require mitigation measures and monitoring plans that are not identified in the ROD should the State Land lease option be pursued.

- ES.12 – 4th paragraph as well as Section 2.1, page 2-2 last paragraph, includes a statement regarding lease compliant actions that "are assumed to be the same as the current lease." This is an incorrect assumption. Standard conditions for leases, in general, have evolved over the years, and considering that the original lease was issued in 1964, it should be expected that lease conditions would be different and expanded.

  This comment also applies to Section 2.1 as the same statement was made.

CHAPTER 1:

- If Section 1.1.2 is supposed to address the history of the State-Owned land at PTA, it is confusing as to why Section 3.4 provides the historical overview. This is confusing to the reader.

- Section 1.1.3 includes a statement that the retention of the State-owned lands was determined as the preferred alternative due to "low environmental impact." It is unclear how this statement can be made given that ES. 9 and ES. 10 have stated that there are adverse significant impacts to land use, biological resources, historic and cultural resources and cultural practices, and environmental justice.

- Page 1-9, second paragraph from the bottom, the first sentence seems to be contradictive. On one hand it states that there are "numerous" Local Training Areas (LTAs) within the State, but in the same sentence, it appears they are limited to only O'ahu and Hawai'i islands. Please clarify the statement.

- Section 1.3.3 makes a statement that "l*oss of the State-owned land would result in substantial impacts on training because the Army would no longer have access to these critical maneuver areas, facilities, utilities, and infrastructure. Several of the training features and capabilities within the State-owned land are not available elsewhere within PTA or Hawai'i*." It is unclear whether the loss of the training facilities and capabilities could be compensated for at other training facilities.

  This section also states that "*with fewer than five years remaining on the lease of State-owned land, these directives limit the Army's ability to invest in improvements at PTA."* This is contradictory to Table 4-1 which identified short range projects (0-7 years) as a part of the PTA Real Property Master Plan. While the project would occur on the Federally owned land, some of the proposed project may have impacts to State resources such as ground water and thus, should be discussed within this document.

- Section 1.4.2 should include the permits that the Army hold in order to comply with HRS Chapter 195D.

- In Section 1.6, DLNR would appreciate an expanded discussion regarding the Army's efforts for public engagement for the proposed action outside of the required consultation determined by the HEPA and NEPA processes.

CHAPTER 2

- In Section 2.1, the last sentence on page 2-1, only refers to potential NEPA compliance. It should also reference to HEPA compliance as well, especially if such "changes" would occur on the State-owned lands.

- At the end of page 2-2, the document states that "*…after expiration of the current lease, and if deemed necessary, the Army would follow Army regulations to determine how and when cleanup and restoration activities for hazardous substances and hazardous wastes, including munitions and explosives of concern (MEC)…would occur…"* We ask that you provide more details regarding what this process would look like.

- On page 2-3, there is a statement made which reads "*Future cleanup and restoration activities would be completed in accordance with applicable future requirements, which are not known* ***and may include emerging contaminants*** *that become known in the future."* Please revise the language or clarify what you are alluding to.

- In Section 2.1.2, under the discussion of maneuver areas, we ask that you include further details regarding the digging and excavating activities that occur (e.g. how large are the areas, how deep, etc.).

- Section 2.1.3 references a *Pōhalaukuloa Training Area Range Operations Standard Operating Procedures* document. Please include the document in the EIS.

- Regarding the alternatives as presented in Section 2.2, where there is land being proposed to be returned to the State, there should be at minimum, a discussion regarding basic lease compliance actions as well as good faith commitments that the Army would propose regardless of what would be determined through negotiations with the Department. In addition, the No Action Alternative should include a discussion of clean up and restoration activities that could be considered reasonably foreseeable regardless negotiations needed for current lease compliance actions.

- Figure 2-2 should be revised to clearly call out the DHHL lands no longer being retained.

- Alternative 3 states that there may be a potential to "replicate" some of the facilities elsewhere as those facilities no longer be accessible under this alternative. Please elaborate further on what those facilities are and where those facilities could reasonably be sited. Also, it is unclear how exactly the loss, especially if the facilities could be replicated, would affect the combat readiness of USARHAW.

- Under the No Action Alternative, the document states that "*Several of the training and support facilities and features within the State-owned land cannot be replicated within the U.S. Government-owned portions of PTA due to operational, safety, and*

environmental constraints…and are not available elsewhere in Hawai'i." Please clarify if those training and support facilities and features could be replicated elsewhere in the continental U.S. Also, please elaborate on what kind of effort it would take to restation the USARHAW or 3rd Marine Regiment and what impacts that would have on the State of Hawai'i and the Army's mission.

CHAPTER 3:

- In Section 3.2.4.1, the ceded lands discussion should further elaborate that the Admission Act also included language that that lands no longer needed by the US should be conveyed to the State.

  Also, on page 3-16, the discussion on the Conservation District is inconsistent with other sections discussing the Conservation District. Throughout the document, the Army has acknowledged that military use is not an identified land use and is therefore inconsistent with the Conservation District. However, this section does not make that claim, and rather states that "*Army management programs are consistent with the purposes of HAR Chapter 13-5…"* Please revise accordingly.

- Chapter 3 in general is a bit convoluted as the BMPs, SOPs, and other management activities are discussed before the existing conditions at the project site are even established. It would have been more helpful to know the existing conditions upfront and then understand how the management activities tie into the preservation of the resources.

- In Section 3.2.4.5, please elaborate further on the rules for "digging fighting positions."

  The BMPs, SOPs, and management measures for *Wildlife Friendly Lighting and Dark Skies* does not seem appropriate in this Section as the broader Section 3.2 discusses the topic of Land Use.

- Section 3.2.6.1, the document states that the significant impacts associated with the Conservation District could be "*reduced to less than significant through the State's approval of a petition for a special subzone in the conservation district that would allow military training."* We note that it would be a rule amendment, not just a "petition." Further, approval by the Board as mentioned in this document is purely speculative and therefore may not prove to be a viable solution in the event the Board denies such as rule amendment.

  Under the heading regarding Land Not Retained, it states that "*State control of this land would provide a new opportunity to use the land and any proceeds for the explicit purposes of HRS 171-38."* Specifically, the lands would return to the State under the jurisdiction of the Department of Hawaiian Homelands Lands (DHHL). DHHLs mission is to administer public lands for homesteads. It is unclear the effort it would take to clean up the lands being returned and the true usability of the land to fulfill DHHL's mission is unknown. In addition, majority of the land is designated as critical habitat for the palila which would further add to the hurdles that DHHL would need to work through before being able to plan for uses on the land. This comment also applies to the other alternatives and their analysis. While the lands not retained would return the

public trust, again the cleanup efforts, unknown lease compliance conditions, etc. make it hard to determine if there is a beneficial impact other than that the lands return to the public trust where they may sit unused for decades.

Regarding potential mitigation measures, it is unclear why installation of wire fencing and signage on State-owned land retained is even being proposed. There is nothing in the existing conditions section that alludes to any accidental trespassing issues that would trigger such a response. This comment applies to Alternatives 2 and 3 as well.

- Section 3.3.4.1 refers to an existing Biological Opinion (BO), however, it is unclear what is covered in this BO and this BO should have been added to the appendices for reference purposes.

  There is also a reference to a 2003 and 2008 BO which included incidental take statements for the Hawaiian hoary bat and the Hawaiian goose. Please include those documents to appendices and include the take limits for these two species in your discussion.

  The document states that the 2013 BO determined that military activities did not affect the Hawaiian hawk and that subsequently the Hawaiian hawk was removed from the Federal List of Endangered and Threatened Wildlife in 2020. Please include a discussion on how the U.S. Fish and Wildlife Service came to the conclusion of no impacts to the Hawaiian hawk. Also, it should be noted that the Hawaiian hawk is still listed as being an endangered species at the State level.

  There is mention of a band-rumped storm petrel colony however there is no discussion of the general location of this colony in relation to the State-owned lands nor if there are any other colonies throughout PTA. Please include this information.

  Please include the referenced Pacific Island Fish and Wildlife Office federally listed plant and wildlife species list.

  Please confirm the status of the conservation measures listed in Table 3-1 and include any completed studies/surveys.

- In Section 3.3.4.2 under the Wildlife Fire Management heading, please provide a map showing the high-risk areas on the State-owned lands in relation to biological and historic and cultural sensitive areas.

  Under the Leilani Fire heading, please elaborate further regarding your statement that "*Further action to ensure all wildland fire and range SOPs are in force has been undertaken."*

  Please include more information regarding the Hawaiian goose monitoring protocol.

  Under the Game Management Program heading, please include how often the field studies are conducted.

Under the Invasive Species Management heading, please provide more information regarding the PTA Invasive Pest Prevention SOPs.

- Section 3.3.4.3 under the Native Plants heading, the discussion should be updated to reflect the correct number of native plants located on State-owned lands. If we are reading the tables correctly, it would appear that there is a total of 32 native species of which 20 are Federally and State-listed.

- In Section 3.3.4.4 under the Protected Invertebrates heading, we note that DOFAWs comment regarding the anthracinan yellow-faced bee was not addressed. The data regarding the Blackburn's sphinx moth population in the ROI is unclear and there is no discussion on the presence of supporting habitat. Further the Second Draft EIS states that "*There may be continued long-term, negligible, adverse impacts on the anthracinan yellow-faced bee and Blackburn's sphinx moth; these impacts would be considered negligible because these protected invertebrates have not been documented on State-owned land*." This statement comes across as purely speculative considering that there have been no biological studies commissioned for the State-owned lands that would either confirm or deny the presence of these species.

  Under the Native Birds heading, there is language regarding the differences between indigenous and endemic. This language should also be applied to the Native Plant section.

  Under the Protected Birds heading please provide more information regarding what actions PTA implements to avoid and minimize project impacts to Hawaiian geese. We also request more information as to how the Hawaiian goose, band-rumped storm petrel, and Hawaiian petrel use PTA (e.g. breeding grounds, fly over, etc.)

  Table 3-10 under BMPs to prevent negative impacts on natural resources from construction activities, it states that "*Any birds discovered in underground lava tubes…"* It is unclear in what instance this would occur as under the USAG-PTA External Standard Operating Procedures it states that "*caves, lava tubes, and overhangs are off limits."* Please clarify the discrepancy.

- In Section 3.3.5, an assumption is made that for land not retained "*the State would increase access on land managed for public hunting."* Was the Division of Forestry and Wildlife (DOFAW) consulted prior to making such an assumption?

- In Section 3.3.6.1, how was the conclusion of negligible adverse impacts to the anthracinan yellow-faced bee and Blackburn's sphinx moth reached without ever having conducted proper surveys?

  It is also unclear what the impacts of the action are on the Hawaiian hoary bat. Impacts to its habitat are mentioned, but not the species itself.

  Note that these comments apply to the other alternatives.

On page 3-55 there is a list of permits that the Army would apply for to comply with HAR Chapter 13-107, HAR Chapter 13-124, and HRS 195D that are not included in Table ES-2. Please review accordingly.

- In Section 3.4.6.1, under the Land Not Retained heading, it states that "*new short-term, negligible, adverse impacts on historic and cultural resources"* would result from lease compliance actions and cleanup and restoration activities. Please elaborate on what these impacts would be and why.

- Section 3.5.4 references an *External Standard Operating Procedures.* Please include a copy of that document along with the 2017 Environmental Condition of Property (ECOP) in the appendices.
- In Section 3.5.4.2 it mentions that there are temporary storage facilities for hazardous wastes on the State-owned lands. Please elaborate on what types of hazardous wastes are stored and the BMPs for storage and transportation to the Cantonment.

- Section 3.5.4.12 discusses depleted uranium. In conversation with the State Department of Health, Hazard Evaluation and Emergency Response Office, the hazard appears to be more about the heavy metal residue and having direct exposure to the heavy metals (e.g. Activities that cause soil disturbance which could blow dirt in someone's face where it could then enter their system and be digested). Please clarify if any soil disturbance activities occur in the area and what the BMPs are to limit exposure.

- In Section 3.9.4.3 please clarify how stormwater is contained to the installation.

- In Section 3.15.4 under the Potable Water heading, please provide a discussion about the proposed production water well at the Cantonment that is mentioned in Table 4-1.

CHAPTER 4

- In Section 4.4.2, please elaborate on the short-term impacts on the Hawaiian goose, Hawaiian hoary bat, and seabirds as determined in the Cantonment Facilities improvement Program Environmental Assessment.

CHAPTER 5

- In Section 5.3.2, please describe other pathways that the Army may pursue should a Conservation District Rule Amendment not be approved by the Board.

Should you have any questions or concerns regarding this correspondence, please contact Lauren Yasaka of the Land Division at (808) 587-0431.

Sincerely,

Russell Tsuji

Russell Y. Tsuji, Administrator
Land Division

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

April 18, 2024

MEMORANDUM

TO: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_Engineering Division (DLNR.ENGR@hawaii.gov)
_X_Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
_X_Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

FROM: Russell Y. Tsuji, Land Administrator *Russell Tsuji*
SUBJECT: Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at **Pohakuloa Training Area**
LOCATION: Island of Hawaii; TMKs: (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007
APPLICANT: Department of the Army

Transmitted for your review and comments is information on the above-referenced subject matter. Please note the Second DEIS will be published at the respective Federal and State agencies on the dates listed in the attached letter. Please submit comments by **June 5, 2024.**

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.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
( ) We have no additional comments.
(✓) Comments are included/attached.

Signed: *Gordon Heit*
Print Name: Gordon Heit
Division: Land Division
Date: May 31, 2024

Attachments
cc: Central Files

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DAWN N. S. CHANG
CHAIRPERSON
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LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 961-9590
FAX: (808) 961-9599

May 31, 2024

MEMORANDUM

TO: Russell Y. Tsuji, Administrator

FROM: Gordon C. Heit, Hawaii District Land Agent

SUBJECT: Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at Pohakuloa Training Area

LOCATION: Pohakuloa Training Area (PTA), Island of Hawaii, TMK: (3) 4-4-015:008, 4-4-016:005, 7-1-004:007

APPLICANT: U.S. Army Corps of Engineers, Honolulu District

Pursuant to your request for comments on the above matter, we offer the following:

PTA covers approximately 132,000 acres between Mauna Loa, Mauna Kea, and Hualālai mountains on the island of Hawai'i. The Army leases approximately 23,000 acres of land within PTA from the State (GL S-3849). The lease began August 17, 1964 and is set to expire August 16, 2029. The State-owned land entirely surrounds the 758-acre parcel that houses the Cantonment and Bradshaw Army Airfield and provides access among the Cantonment and Bradshaw Army Airfield and two other parcels. The Army proposes to retain up to approximately 22,750 acres of the 23,000 acres of State-owned land at PTA in support of continued military exercises and is requesting issuance of a new lease to ensure uninterrupted training.

Following the issuance of a new lease for the State-owned land, the Army would continue to conduct ongoing activities. The Army also would continue to permit and coordinate ongoing activities by other PTA users, including Department of Defense agencies, international partners, local agencies, and the community

The Hawaii District Land Office has reviewed the Second Draft Environmental Impact Statement (DEIS) and has no objection to its findings.

Please contact me should you have any questions.

JOSH GREEN, M.D.
GOVERNOR | KE KIAʻĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIAʻĀINA

KA MOKUʻĀINA ʻO HAWAIʻI
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

Correspondence: HA 24-156

June 19, 2024

Jeff Overton
G70
111 S. King Street, Suite 170
Honolulu, HI 96813
ATLR-PTA-EIS@g70.design

SUBJECT: Comments on the Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area, Kaʻohe, Hāmākua, Hawaiʻi; Tax Map Keys: (3) 4-4-015:008, (3) 4-4-16:005, (3) 7-1-004:007

Dear Jeff Overton:

The Office of Conservation and Coastal Lands (OCCL) has reviewed the second draft Environmental Impact Statement (EIS) regarding the subject matter. 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 of the Conservation District.

According to the information presented, the Pōhakuloa Training Area (PTA) is 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 for up to 5,000 soldiers. The EIS notes that no other training area in Hawaiʻi can accommodate collective live-fire training at larger than 200 soldiers. 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 Hawaiʻi units can use weapon systems at maximum capabilities and complete all their training requirements without leaving Hawaiʻi.

The EIS further states loss of the State-owned land at PTA would result in substantial impacts to training at PTA and Hawaiʻi because several of the training features and capabilities within the State-owned land are not available elsewhere within PTA or Hawaiʻi, and several of the training and support facilities and features within the State-owned land cannot be rebuilt within the U.S. government-owned portions of PTA due to operational, safety, and environmental constraints. Three alternatives for land retention via lease and fee simple title along with a no action alternative were evaluated in the EIS. The OCCL notes the EIS repetitiously states how the State land is needed but does not mention how the land will be taken care of.

While the OCCL was disappointed no restorative actions were included in the EIS, we do note that in accordance with the lease and under the provisions of existing law, the Army retains responsibility for cleanup and restoration activities under the Comprehensive Environmental Response, Compensation, and Liability Act process, which is outside this EIS.

The OCCL has reviewed the responses to our previous comments to the first EIS. The OCCL notes under Section 5.3 Consistency with other Federal, State, and County Land Use Plans, Policies, and Controls; Conservation District Rules, Hawai'i Administrative Rules Chapter 13-5, the EIS continues to incorrectly state: "Uses that are not listed require a discretionary permit from the BLNR."

Proposed land uses in the Conservation District must be an identified land use under the Hawai'i Administrative Rules (HAR) 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 as long as the proposed use complies with the law.

The EIS correctly notes military use is not included as an allowable use for any conservation district subzone. However, Section 3.2.5 Methodology and Significance Criteria ***incorrectly*** states: "The State would accept a petition for, and authorize, a special subzone in the conservation district under HAR Section 13-5-16 to allow military and conservation uses of the State-owned land retained by the Army."

The process to create a Special Subzone involves a rule amendment to HAR Chapter 13-5. In reviewing HAR §13-5-5 Amendments notes:

> *"(a) Whenever any landowner or government agency whose property is directly affected by this chapter makes an application to change the boundaries or identified land uses of any subzone, rezone a subzone, establish a new subzone with certain identified land uses or when a person seeks to otherwise amend this chapter, or where the board proposes to make a change or changes itself, the change or changes shall be put in the form of a proposed amendment of this chapter by the applicant, complete with necessary maps, four copies of which shall be filed with the board.*
> *(b) Procedures for amending this chapter are prescribed in section 183C-4, HRS, as amended and chapter 13-1, subchapter 3."*

It is unclear if a petition for a rule amendment to HAR, Chapter 13-5 entitled Conservation District, is an option for a leaseholder. Therefore, it appears to be speculative to say that the State would accept a petition and authorize a special subzone for military use when: it is unclear if a petition to amend the existing Conservation District subzone is appropriate; it is unclear what the outcome of any proposed rule amendment process will determine; and the decision to allow, modify, or deny the proposed rule amendment is at the Board of Land and Natural Resources discretion.

Further per HRS §183C-1:

> *"The legislature finds that lands within the state land use conservation district contains important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. The intent of regulating land uses in the conservation district is for the purpose of conserving, protecting, and preserving 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."*

In addition, HRS §205-2 (e):

> *Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept. Conservation districts shall also include areas for geothermal resources exploration and geothermal resources development, as defined under section 182-1.*

It would be difficult to create a Special Subzone for land uses that appear to be inconsistent with the intent of the Conservation District and State land use policy of HRS 205. Further as concluded by the Circuit Court, DLNR must improve their trust obligations to the public and future generations to mālama ʻāina. Conducting warfare activities with military munitions that include small-caliber, large-caliber, pyrotechnics, obscurants, recoilless rifle projectiles, rifle grenades, rockets, mortars, and artillery upon public lands contradicts mālama ʻaina.

The conclusion that "significant impacts could be reduced to less than significant through the State's approval of a petition for a special subzone in the conservation district that would allow military training," is faulty as impacts to the land and resources will occur no matter what the land is designated. Changing administrative rules does nothing to mitigate impact to the land and the natural and cultural resources from military training.

Further warfare training does not appear to be consistent with the objectives and policies of the Hawaiʻi State Plan [HRS Chapter 226] regarding the physical environment: land-based, scenic, natural beauty, and historic resources; nor the objectives and policies for socio-cultural advancement-culture. HRS §226-4 State goals says in part, "it **shall** be the goal of the State to achieve: … (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people."

Other previous comments by OCCL were regarding military training that involves maneuvers, ammunition, artillery and mortar systems, depleted uranium, explosives, firing points,

hazardous materials and waste, live fire, unexploded ordnance, and weapons system and waste or disposal facilities. The response was military personnel training at PTA follow several requirements for range operations, maintenance, and clearing including the Pōhakuloa Training Area Range Operations Standard Operating Procedures (2022), the U.S. Army Garrison, Pōhakuloa (USAG-PTA) External Standard Operating Procedures (2018) and the Military Munition Rule.

Further references in the EIS refer to Appendix E that lists the NEPA documents completed, as well as best management practices (BMPs), standard operating procedures (SOPs), management measures, and mitigation measures used by the Army at PTA. Within the Appendix it is stated that construction and use of the training facilities and infrastructure predates the lease, NEPA regulations or the NEPA documents have been lost over time. However, most of the documents listed are dated after the year 2000 and should be accessible. The Pōhakuloa Training Area Range Operations Standing Operating Procedures (2022) appears to be what is currently in place. Applicable and relevant observed SOPs should be expected and readily available for different activities, companies to battalions, and visitors to PTA. Please include unclassified SOPs, BMPS, management and mitigation documents that pertain to the State land leased area such as the SOPs mentioned above in the EIS.

From Section 5.4 Unavoidable Significant Adverse Impacts:

“Cultural Practices: For Alternatives 1, 2, and 3 under both lease and fee simple title methods of land retention, there would be continued long-term, significant, adverse impacts on cultural practices that could not be reduced to less than significant due to current access limitations. These cultural access limitations impede Native Hawaiians’ and cultural practitioners’ ability to conduct cultural practices in accordance with their beliefs. Because there would continue to be some level of limited access, proposed mitigations would not reduce the impact to less than significant.”
“Environmental Justice: For Alternatives 1, 2, and 3 under a lease and fee simple title method of land retention, there would be continued disproportionate, long-term, significant, adverse impacts on communities with environmental justice concerns. Native Hawaiians hold the concept of ‘āina (land) in high regard with a sense of mālama ‘āina (caring for the land) through the belief that they are genealogically connected to the land as discussed in the CIA. Continued retention or alienation of ceded lands from the public trust intended for the benefit of Native Hawaiians would be a loss to some extent of this sense of connection. Non-Native Hawaiian control of the ‘āina impedes Native Hawaiians’ ability to perpetuate and practice this belief system, including their responsibility to engage, connect, and care for the ‘āina. Continued, disproportionate, long-term, significant, adverse impacts on communities of environmental concern would also occur from limited cultural access that impedes Native Hawaiians’ and cultural practitioners’ ability to conduct cultural practices in accordance with their belief. Impacts on communities with environmental justice concerns from the continued presence of military training areas and continued DoD land tenure under a new lease would sustain existing feelings of emotional and psychological stress noted by community members during scoping, as well as an ongoing perception that their traditional and culturally important land is under an unjust military occupation.”

Given the noted conclusion under "Unavoidable Significant Adverse Impacts" regarding Cultural Practices and Environmental Justice, a much more robust dialogue with the people of Hawaii is expected. Perhaps other alternatives, off site mitigation, compromises could be identified. Community building, conviviality, improved relationships, and understanding are usually the results of community engagement. Community discussions and consultation should be enhanced given the legacy of military training in Hawai'i.

The OCCL has the same concerns as previously stated in the first draft EIS. The proposed use is inconsistent with the Conservation District and State land use policy. The OCCL notes it appears **Table ES-3 Potential Environmental Impacts** concludes that the no action alternative would provide the best benefits to the land, the cultural resources and the traditional practices, and the people (environmental justice) of Hawai'i.

The incompatibility of military training with the cultural and traditional practices of the Hawaiian people, mālama 'āina, and potentially with Hawai'i State law are unresolved issues and should be stated in the EIS with improved information regarding resolution prior to commencement or what overriding reasons there are for proceeding without resolution.

Additional comments:

Please consider removing barb wire from the Conservation District where it may affect indigenous wildlife such as 'Ōpe'ape'a.

Cooper Airfield that appears to breach the Kaena/MacKenzie Trail shows up on Google Earth Pro since 2010. Should this be a security issue, consider contacting Google Earth Pro to remove the aerial view.

Should there be any questions regarding this correspondence, contact Tiger Mills of the OCCL at (808) 587-0382 or at kimberly.mills@hawaii.gov.

Sincerely,

K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

JOSH GREEN, M.D.
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SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 20, 2024

Mr. Jeffrey Overton
G70/ATLR PTA EIS Comments
111S. King Street, Suite 170
Honolulu, HI, 96813
Sent via Email: ATLR-PTA-EIS@g70.design

Subject: Hawaii Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) Comments on the Second Draft Environmental Impact Statement for Army Training Land Retention at Pohakuloa Training Area, Island of Hawaii.

The following reflects input from Administrative and Hawaii Branch staff on the PTA Second Draft EIS Alternatives. Alternative 2 or Alternative 3 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 for cultural use, 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, cultural use, 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 and contain some of the highest concentration of T&E species in the area, along with the highest quality forest and shrubland. Training action poses threats to these resources as demonstrated by the 17,712 acre Leilani Fire of August of 2022 which originated within PTA. Lidar shapefiles for native forest cover were used as an overlay to estimate native forest burned and it is estimated at 2500 acres impacted in the Pu`uanahulu GMA. Those 2,500 acres of burned ohia/native forest represented what was some of the best remaining forest and likely represented about 50% or more of what was left in Pu`uanahulu of that habitat type. The Anahulu I conservation unit was originally planned to fence and protect 280 acres containing six endangered species and at least six locally

rare species (or species of concern). This unit has been reduced by half to 140 acres due to damage from the Leilani fire.

All lands that are to be excluded from the lease renewal must be swept for UXO and other hazardous materials and these hazards removed prior to returning the lands to DLNR in accordance with the lease.

Access

1. DOFAW requests access to rock and cinder 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. PTA and its contractors should not use any roads, including the old Saddle Road, within the Mauna Kea Forest Reserve, South of DKI.
5. DOFAW would like public and management access to Pu'u Anahulu GMA from DKI through the Army's fee simple land (Keamuku) in two locations (see attached map).
6. The public, DLNR, and the Hawaii Police Department should be provided access to the military shooting range for firearms training.
7. Units 20 and 22 of the State-owned lease lands abut Pu'u Anahulu GMA. DLNR-DOFAW has the Anahulu I fence in progress along this boundary (REPI-funded fencing, the fence will attach to the PTA fence on the boundary). DOFAW is required to get 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 from Highway 190 through the Pu'u Anahulu GMA, without needing to get permits for access or contact range control. Permits are annual and require a criminal background check, which is cumbersome.
8. 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 increased mammal and bird hunting on lease land on days when there is no training. We have reached out to USAG-HI Department of Public Works, Environmental Division on several occasions. Staffing was the issue. DLNR DOCARE and DOFAW staff are willing to assist in staffing these hunts. 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 severe damage to native dry forests on State lease land and Palila Critical Habitat. High animal numbers should be significantly reduced immediately, 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 suggests installing 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 Kilohana 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

1. 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.
2. Page 3-45 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.
3. 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 "3.3.4.4 – Wildlife, Native Invertebrates, the following is stated: "a study of terrestrial arthropods at PTA identified more than 485 species of arthropods from 21 sample sites and 28,413 individuals using multiple trap types and opportunistic observations(USAG-HI, 1998)" The 485 plus species should be adequately described and surveyed with adequate avoidance, minimization, and mitigation described for impacts to each native species and/or habitat area.

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 an AIS is done.

Endangered Wildlife

1. The Second Draft EIS refers to *"multiple studies, including a monarch flycatcher study done on Schoffield Barracks and Makua Military Reservation"* that have documented wildlife habituating to noise associated with training activities. Please provide the complete references for these studies and any relevant data that may support these claims.
2. Please provide access to all Biological Opinions (BO) that have been cited, with supporting data, specifically those that pertain to Hawaiian hoary bat (*Lasiurus semotus*), Hawaiian goose (*Branta sandvicensis*), Band-rumped storm petrel(Oceanodroma *castro*) and Hawaiian petrel (*Pterodroma sandwichensis*). This will facilitate a review of the stated impacts from training and the proposed mitigation actions (*e.g.*, quarterly inspections of barbed wire fences for hoary bat take vs. removing all barbed wire fences).
3. What are the locations of the acoustic detections of the Hawaiian Hoary Bat on State owned land(USAG-PTA, 2022a)? How many locations were surveyed?

4. What is the current status of the Band-rumped storm petrel(Oceanodroma *castro*) nests? What are the predicted impacts to the colony via the proposed alternatives?
5. Lights should be shielded and pointed downward to avoid impacts to seabirds.

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

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

April 18, 2024

MEMORANDUM

FROM: **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division (DLNR.ENGR@hawaii.gov)
_X_ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_ Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_ Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
_X_ Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

TO: Russell Y. Tsuji, Land Administrator *Russell Tsuji*
SUBJECT: Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at **Pohakuloa Training Area**
LOCATION: Island of Hawaii; TMKs: (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007
APPLICANT: Department of the Army

Transmitted for your review and comments is information on the above-referenced subject matter. Please note the Second DEIS will be published at the respective Federal and State agencies on the dates listed in the attached letter. Please submit comments by **June 5, 2024.**

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.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
( ) We have no additional comments.
(☑) Comments are included/attached.

Signed: *Kathryn Stanaway*
Print Name: Kathryn E. Stanaway, Acting Wildlife Prog. Mgr
Division: Forestry and Wildlife
Date: Jul 1, 2024

Attachments
cc: Central Files

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

DAWN N.S. CHANG
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RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

July 1, 2024

Log no. 4531

MEMORANDUM

TO: RUSSELL Y. TSUJI, Administrator
Land Division

FROM: KATHRYN E. STANAWAY, Acting Wildlife Program Manager
Division of Forestry and Wildlife

SUBJECT: **Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i, Hawai'i**

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your consultation request regarding the Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at Pōhakuloa Training Area, located on the Island of Hawai'i, Hawai'i, within TMKs (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007. 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 from the State of Hawai'i. The lease expires on August 16, 2029. The Army proposes to retain up to 22,750 acres of State-owned land in support of continued military training. 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.

DOFAW concurs with the measures included in the DEIS intended to avoid operational impacts to State-listed species including the 'ōpe'ape'a or Hawaiian Hoary bat (*Lasiurus cinereus semotus*), nēnē or Hawaiian Goose (*Branta sandvicensis*), pueo or Hawaiian Short-eared Owl (*Asio flammeus sandwichensis*), 'io or Hawaiian Hawk (*Buteo solitarius*), seabirds, nalo meli maoli or Yellow-faced Bee (*Hylaeus spp.*), Blackburn's sphinx moth (*Manduca blackburni*), State-listed plants, and critical habitats for listed species. We appreciate the measures outlined to employ Best Management Practices to contain any soils and sediment with the purpose of preventing damage to near-shore waters and marine ecosystems, to minimize movement of plant and soil material to prevent the spread of invasive species, and to prevent wildfires. On June 20th, 2024, DOFAW provided a comprehensive letter addressing concerns relating to access, hunting, fire suppression, threatened and endangered plant species, invertebrates,

trails, and endangered wildlife. DOFAW provides the following additional comments regarding the potential for the proposed work to affect listed species in the vicinity of the project area.

The use of barbed wire should be avoided as ʻōpeʻapeʻa mortalities have been documented as a result of becoming ensnared by barbed wire fencing during flight. If the use of barbed wire is unavoidable, consultation with DOFAW regarding a Habitat Conservation Plan associated with an Incidental Take License (ITL) for ʻōpeʻapeʻa is recommended.

The State listed nēnē or Hawaiian Goose (*Branta sandvicensis*) could potentially occur in the vicinity of the proposed project site. It is against State law to harm or harass these species. If any are present, all activities within 100 feet (30 meters) should cease and the bird or birds should not be approached. Work may continue after the bird or birds leave the area of their own accord. If a nest is discovered at any point, please contact the Hawaiʻi Island Branch DOFAW Office at (808) 974-4221 and establish a buffer zone around the nest.

The endemic pueo or Hawaiian short-eared owl (*Asio flammeus sandwichensis*) could potentially nest in the project area. Pueo nest on the ground and active nests have been found year-round. Before any potential vegetative alteration, especially ground-based disturbance, we recommend that line transect surveys are conducted during crepuscular hours through the project area. If a pueo nest is discovered, a minimum buffer distance of 100 meters from the nest should be established until chicks are capable of flight.

The State listed ʻio or Hawaiian Hawk (*Buteo solitarius*) may occur in the project vicinity. Prior to undertaking vegetation clearing, DOFAW recommends that surveys of the area be conducted by a qualified biologist following appropriate survey methods (Gorressen et al., 2008) to ensure no ʻio nests are present, which may occur during the breeding season from March to September. The survey should be conducted at least 10 days prior to the start of work. If an ʻio nest is detected, a buffer zone of 100 meters (330 feet) should be established around it where no work shall occur until the chick or chicks have fledged, or the nest is abandoned and DOFAW staff should be immediately notified. If adult individuals are detected in the area, all activities within 30 meters (100 feet) of the bird should cease. Work may continue when the bird has left the area on its own.

The project area is within the range of the State listed Blackburn's Sphinx Moth (*Manduca blackburni*) or BSM. Larvae of BSM feed on many nonnative hostplants, which includes tree tobacco (*Nicotiana glauca*), that grow in disturbed soil. We recommend contacting the Hawaiʻi Island Branch DOFAW office at (808) 974-4221 for further information about where BSM may be present and whether a vegetation survey should be conducted to determine the presence of plants preferred by BSM. DOFAW recommends removing plants less than one meter in height or during the dry season to avoid harm to BSM. If you intend to either remove tree tobacco over one meter in height or to disturb the ground around or within several meters of these plants, they must be

Gorresen, P. M., R. J. Camp, J. L. Klavitter, and T. K. Pratt. 2008. Abundance, distribution and population trend of the Hawaiian Hawk: 1998-2007. Hawaiʻi Cooperative Studies Unit Technical Report HCSU-009. University of Hawaiʻi at Hilo. 53 pp., incl. 8 figures, 3 tables & 1 appendix.

thoroughly inspected by a qualified entomologist for the presence of BSM eggs and larvae.

There have been up to 326 native plant species documented at PTA; there are 20 native plants species that are federally and State-listed at PTA: 19 endangered and 1 threatened species. Of the 20 listed plant species, 6 species have been documented only on PTA, and 11 species (including 3 that have been documented only on PTA) have been documented on the State-owned land at PTA and are clustered in portions of the western and southern TMKs. DOFAW recommends that the Army conduct a present-day botanical survey with a qualified botanist, as well as consult with DOFAW botanists (808) 587-0166 to ensure that activities that could result in take of these species are avoided. We recommend that the survey consists of a complete species list and is conducted during the wettest time of year when plants are more likely to be visible, especially in drier areas. For information on avoidance and minimization measures for plants, please refer to the following link: https://www.fws.gov/media/plant-avoidance-and-minimization-measures-may-2023

DOFAW is concerned about impacts to vulnerable birds from nonnative predators such as cats, rodents, and mongooses. We recommend taking action to minimize predator presence; remove cats, place bait stations for rodents and mongoose, and provide covered trash receptacles. In addition, no feeding of feral cats should occur on the premises.

We appreciate your efforts to work with our office for the conservation of our native species. These comments are general guidelines and should not be considered comprehensive for this site or project. It is the responsibility of the applicant to do their own due diligence to avoid any negative environmental impacts. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Kate Cullison, Protected Species Habitat Conservation Planning Coordinator via email at katherine.cullison@hawaii.gov.

Sincerely,

Kathryn Stanaway

KATHRYN E. STANAWAY
Acting Wildlife Program Manager

JOSH GREEN, M.D.
GOVERNOR | KE KIAʻĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIAʻĀINA

STATE OF HAWAIʻI | KA MOKUʻĀINA ʻO HAWAIʻI
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA ʻOIHANA KUMUWAIWAI ʻĀINA

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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 19, 2024

Doc. No. 2406SL01

Colonel Steven McGunegle
U.S. Army Garrison Hawai‘i Commander
745 Wright Avenue, Wheeler Army Airfield
Schofield Barracks, Hawai‘i 96857-5000
Email: steven.b.mcgunegle.mil@army.mil

Dear Colonel McGunegle:

SUBJECT: **Second Draft Environmental Impact Statement**
Army Training Land Retention at Pōhakuloa Training Area
Ka‘ohe Mauka and Humu‘ula Ahupua‘a, Hāmākua and Hilo District, Island of Hawai‘i
TMK: (3) 3-8-001:013 and 022; (3) 4-4-015:008; (3) 4-4-016:005; (3) 7-1-004:007

The Department of Land and Natural Resources, State Historic Preservation Division (SHPD) appreciates the opportunity to provide written comments on the document, *Army Training Land Retention at Pōhakuloa Training Area, Second Draft Environmental Impact Statement (Volumes I-II), Pōhakuloa Training Area, Island of Hawai‘i, Hawai‘i* (March 2024). This document provides an assessment of the potential environmental impacts associated with the U.S. Army’s proposed retention of up to 22,750 acres of the 23,000 acres of the State-owned portion of the Pōhakuloa Training Area (PTA), exclusive of the 250 acres administered by the State of Hawai‘i Department of Hawaiian Home Lands.

SHPD recommends that the following critical deficiencies be addressed prior to concurrence with the assessments of environmental impacts related to each of the proposed alternatives:

1. As expressed in comments previously provided by SHPD in consultation meetings with the U.S. Army, SHPD requests that archaeological inventory surveys be completed for the entirety of the State-owned portion of PTA in accordance with the Hawaii Revised Statutes (HRS) §6E historic preservation review process as part of the development of a draft Environmental Impact Statement (EIS). The draft as proposed fails to set forth sufficient information to enable SHPD, DLNR, and the public to fully consider the potential impacts of the proposed action and preferred alternative, as required per HRS Chapter 343. SHPD notified the U.S. Army in consultation meetings that the process proposed in the Draft EIS, which would involve conducting cultural inventory surveys following the EIS process, would result in a draft deficient per Chapter 343 standards and Chapter 6E standards. As a result of this lack of sufficient information, SHPD is unable to adequately assess the potential environmental impacts to cultural resources within each of the proposed retention areas.

2. The archaeological survey data provided for State-owned lands is inadequate. Maps showing the spatial extent of completed surveys and the spatial locations of documented cultural resources (at variable scales, ranging from individual resources to cultural landscapes or traditional cultural properties) are not provided. Such spatial information is critical to providing an accurate baseline of survey coverage (and gaps) for assessing impacts.

3. All known resources within the State-owned lands must be included in the EIS (e.g., lava tube containing sacred cultural objects identified in 2022) and SHPD concurrence with the U.S. Army's assessments of the integrity and site significance of these resources.

4. The analysis of the cultural resources within the State-owned lands may only be accurately completed when evaluated within the broader PTA context, including areas reported as not surveyed due to access or security concerns (e.g., impact zone). Alternative survey methods need to be implemented to include these areas (e.g., oral history survey, lidar or drone, etc.).

5. Pursuant to the Programmatic Agreement (2018)1 SHPD requests the second draft EIS be revised to provide documentation of the efforts taken, and the results thereof, by the US Army Garrison-PTA to complete archaeological surveys since the PA was executed in September 2018 and, if none have occurred to provide rationale why none were undertaken in support of the proposed Army Training Land Retention at Pōhakuloa Training Area EIS. The most recent archaeological survey referenced in the draft EIS is Monahan et al. (2013).

6. Also pursuant to the Programmatic Agreement (2018) SHPD requests the second draft EIS be revised to provide documentation of the efforts taken by the US Army Garrison PTA (USAG- PTA) and the results of the evaluations of known archaeological properties for eligibility for listing in the National Register of Historic Places (NRHP). The PA indicates that 69% of the known archaeological historic properties distributed across the accessible land had not been evaluated but would be treated as eligible for the NRHP and adverse effects would be avoided in accordance with AR 200-1 Part 6-4(b)(9). The documentation and evaluation results should include identification of the spatial location of these historic properties, including whether on State-owned or under Federal-control and how each of the proposed alternatives would ensure "adverse effects would be avoided in accordance with AR 200-1 Part 6-4(b)(9)."

7. The second draft EIS includes a Cultural Impact Assessment (CIA). The CIA is insufficient. SHPD notes the completion of CIA surveys by 240 individuals. SHPD recommends closer analysis of the survey responses in the report and the USAG-PTA undertake an effort to individually interview a larger number of knowledgeable persons with strong cultural connections to PTA. Additionally, important information provided in an earlier draft has been removed. While SHPD supports development and implementation, in consultation with Native Hawaiians, of a cultural access plan, additional identification and/or mitigation recommendations are needed (e.g., a conducting a Traditional Cultural Properties (TCP) study; providing references and summaries for all studies conducted within PTA or the vicinity).

8. SHPD recommends both a TCP study and a kapaʻaki analysis be completed as part of the EIS process. Both of these studies involve data gathering methods that have potential to provide critical information regarding cultural resources, cultural landscapes, and traditional cultural practices not fully captured by archaeological surveys, archival/historical research, or by a CIA. Although the U.S. Army initiated several TCP studies in the past, none were finalized. Additionally, a recent TCP nomination for a portion of Maunakea, outside the boundaries of PTA, has demonstrated that the entirety of Maunakea may potentially be evaluated as an eligible TCP and that an assessment of the full range of cultural resources within the State-owned lands and/or of the entirety of PTA is warranted. Additionally, the importance of completing a TCP study that includes PTA is necessary to adequately identify the full range of cultural resources present within the State-owned portion of PTA and to evaluate the environmental impacts related to the land retention alternatives.

1 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 (25 September 2018)

Mahalo for the opportunity to comment. The SHPO looks forward to seeing our comments taken into consideration, with meaningful revisions made to the draft EIS.

Aloha,

Jessica Puff
Architecture Branch Chief
Acting Administrator, State Historic Preservation Division

cc: David Crowley, USAG-HI, David.m.crowley22.civ@army.mil
Ryan Kanakaʻole, DLNR, ryan.kp.kanakaole@hawaii.gov

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

April 18, 2024

MEMORANDUM

FROM: ~~TO:~~ **DLNR Agencies:**
___Div. of Aquatic Resources
___Div. of Boating & Ocean Recreation
_X_ Engineering Division (DLNR.ENGR@hawaii.gov)
_X_ Div. of Forestry & Wildlife (rubyrosa.t.terrago@hawaii.gov)
_X_ Div. of State Parks (curt.a.cottrell@hawaii.gov)
_X_ Commission on Water Resource Management (DLNR.CWRM@hawaii.gov)
_X_ Office of Conservation & Coastal Lands (sharleen.k.kuba@hawaii.gov)
_X_ Land Division – Hawaii District (gordon.c.heit@hawaii.gov)
_X_ Aha Moku Advisory Committee (leimana.k.damate@hawaii.gov)

TO: ~~FROM:~~ Russell Y. Tsuji, Land Administrator *Russell Tsuji*
SUBJECT: Second Draft Environmental Impact Statement (DEIS) for the Army Training Land Retention at **Pohakuloa Training Area**
LOCATION: Island of Hawaii; TMKs: (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007
APPLICANT: Department of the Army

Transmitted for your review and comments is information on the above-referenced subject matter. Please note the Second DEIS will be published at the respective Federal and State agencies on the dates listed in the attached letter. Please submit comments by **June 5, 2024.**

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.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
(✓) We have no additional comments.
( ) Comments are included/attached.

Signed: *[signature]*
Print Name: Carty S. Chang, Chief Engineer
Division: Engineering Division
Date: 05/23/2024

Attachments
cc: Central Files

PHONE (808) 594-1888 FAX (808) 594-1938

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAIʻI 96817

May 24, 2024

Col. Steven McGunegle
U.S. Army Garrison Hawaiʻi Commander
745 Wright Avenue, Wheeler Army Airfield
Schofield Barracks, Hawaiʻi 96857-5000

Dawn Chang
Chairperson, Board of Land and Natural Resources
1151 Punchbowl St.
Honolulu, Hawaiʻi 96813

Re: Second Draft Environmental Impact Statement
Army Training Land Retention at Pōhakuloa Training Area
Kaʻohe Mauka and Humuʻula Ahupuaʻa, Hāmākua and Hilo Moku, Hawaiʻi Mokupuni
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. McGunegle and Chair Chang:

The Office of Hawaiian Affairs (OHA) is in receipt of the April 2024 Second Draft Environmental Impact Statement (DEIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA), Hawaiʻi Island, released for public comment on April 19, 2024. Group 70 International Inc. (hereinafter "G70") has prepared this DEIS on behalf of the applicant, U.S. Army Garrison Hawaiʻi, (hereinafter "Army") pursuant to Hawaiʻi 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 Hawaiʻi Board of Land and Natural Resources (BLNR) for portions of the PTA on 22,750 acres[1] of State-owned lands. Notably, the entirety of the PTA spans a total of 132,000 acres between Mauna Loa, Mauna Kea, and Hualālai.[2]

The preferred alternative[3], labeled as "Alternative 2", is proposing that the Army retain 19,700 acres of state-owned PTA lands to continue military training for another 65 years. For the

[1] Originally, 23,000 acres were listed in the 2022 DEIS; however, 250 acres of Department of Hawaiian Homelands' land has now been removed from this number.
[2] Use of the Federal portion of these lands for military purposes was established via a formal Maneuver Agreement with the Territory of Hawaiʻi in 1956.
[3] In the previous 2022 DEIS, a preferred alternative had not yet been selected.

3,300 acres of State-owned lands that would not be retained, the Army will evaluate cleanup options and restoration activities.

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 requirements and its mission readiness. Current Army training activities include maneuvers and live-fire; however, PTA is also 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 the 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.

Previously, OHA had requested a withdrawal of the 2022 DEIS as it was unclear if the Department of Land and Natural Resources (DLNR) had begun to implement the court ordered management plan from the 2019 Ching v. Case Supreme Court ruling[4]. OHA had rationalized that the State should not re-new another long-term lease or entertain the review of a DEIS seeking lease renewal without ensuring the condition of the State-owned lands first and obtaining agreement from the lessee that corrective actions would take place to mitigate any adverse effects. On the surface, it appeared to some that releasing the DEIS ahead of the implementation of court ordered actions was done to rush the process in a way that would minimize the importance of the court ordered actions during the lease renewal. While the DEIS was not withdrawn as requested, the release of a second DEIS two years later has resulted in the same outcome for all practical purposes as it was assumed that a withdrawal would've resulted in a revised draft EIS anyway. Essentially, a revised EIS only lends to the limited preparedness of the first DEIS and the need to release a second. As noted by the DLNR Land Division in their own comments to the Army, the DEIS was either insufficient or failed to meet basic Hawai'i Administrative Rules (HAR) requirements in 11-200.1-24(g), (i), (j), (k), and (l).

Established by our State's Constitution,[5] the 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 Hawaiian, including all income and proceeds from that pro rata portion of the trust

[4] The 2019 Ching v. Case ruling required the DLNR to create a management plan for PTA by April 20, 2021. The plan was to include 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.
[5] HAW. CONST., art. XII, §5 (1978).

referred to in section 4 of this article for native Hawaiians..."[6]. Affirmation of OHA's public trust duties our 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 limit or eliminate potential irrevocable harm to cultural resources and the public land trust. With this in mind, OHA offers the following comments pertaining to: Court ordered management plan; Lease term options; Cultural Impact Assessment (CIA) recommendations; Concerns from the Office of Conservation and Coastal Lands (OCCL); Concerns from the Department of Health (DOH); and, Overall presentation of EIS revisions.

Court ordered management plan

In response to OHA's comments regarding implementation of the court ordered DLNR management plan, the Army claims that that DLNR inspections have since commenced and that DLNR has not issued any corrective actions. No further details are provided about these inspections. Its unclear to OHA if written comments are perhaps pending or if some discussions have taken place with perhaps some preliminary verbal comments. The DEIS does concede though that the lease may be subject to future negotiation based on obligations from the court order; thus, the possibility of corrective action remains in OHA's mind as well as perhaps any attentive reader. As such, the DEIS must provide further detail on DLNR site inspections (i.e., dates, times, noted concerns) and discussions, with a time-table of forthcoming site inspections and any pending release of DLNR written comments.

As stated in our written 2022 comments, OHA has been excluded from discussions regarding implementation of the DLNR management plan and lease renewal. This is unacceptable given our fiduciary duty to the public land trust and our statutory mandate. Notably, 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. So far, OHA is not seeing cooperation or assistance in regards to State-owned ceded lands currently leased by the Army. This is especially concerning since OHA also sent a separate letter directly to DLNR dated July 26, 2022, noting our concerns regarding the lack of consultation with OHA on the care of public land trust ceded lands.

Since the writing of our July 2022 letter to DLNR, a response was provided in December 2022, stating that "there will be venues where OHA will have an opportunity for input in the future". As no invitations from DLNR have ever been received since, we assume that the opportunities provided are the same opportunities to the public despite OHA's unique duties to the public land trust. This is unfortunate as OHA observes that separate offices and divisions under the DLNR (i.e., OCCL, Land Division) have similar concerns to our own regarding the first DEIS and its numerous insufficiencies. If DLNR is reluctant to call OHA to the discussion table, we

[6] See State of Hawaii Constitution, Article XII, Sections 5 and 6.

thus call on the Army to be a leader in collaboration and invite OHA to discussions about lease renewal and the effect of implementation actions of the court ordered management plan for PTA on any new lease conditions. This is an opportunity for the Army to demonstrate a willingness to properly steward and maintain the public land trust in accordance with Hawai'i laws and in cooperation with a State entity created for the betterment of the indigenous peoples of Hawai'i – Native Hawaiians.

Lease term options

In response to OHA's comments noting a lack of shorter lease term options, the Army states that Alternative 6 includes a shorter lease term option. However, the Army goes on to state that this option has been dismissed; subsequently, a detailed environmental analysis of this alternative has not occurred. The Army cites an example of a 10-year lease as being problematic as they claim that 25 years is the minimum to permit permanent construction type projects.

While OHA does acknowledge that a 10-year lease term could indeed be problematic for the military, it's unclear why other more meaningful options (i.e., 35 or 40 year lease) haven't been seriously considered. By the Army's provided rationale, any acceptable short term lease option could include anything between 25 to 64 years. OHA requests that the Army include a reasonable shorter-term lease alternative (i.e., 35 or 40 or 45 years) that would not be so easily dismissed and would be afforded a full detailed environmental analysis. If there is a reason to dismiss 35 or 45 year lease options, than this must be fully explained in the DEIS.

OHA believes a shorter-term lease option could be more palatable to the State given 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 failure of the Navy to properly inspect the Red Hill underground fuel tanks and past occurrences of strewn unexploded ordinances on State lands (i.e., Kaho'olawe, Makua Valley). A shorter-term lease option would allow the State to evaluate the progress of the lease and to see if conditions are being met. A short-term lease would also push the Army to more quickly restore 3,300 acres of State lands that would not be retained under the preferred alternative after decades of military use. Arguably, if such a shorter lease was granted to the Army in the past, it may have prevented past litigation that questioned the Army's care of PTA and the State's respective oversight as it would have forced the State to take a closer look at these lands. Any failure to comply with restoration efforts or even corrective actions required by the DLNR would allow the State to re-evaluate and renegotiate lease conditions more quickly with the Army.

OHA believes the Army should not view a shorter-term lease option as punitive or some kind of mission hindrance; but rather, a better means for both the State and the Army to evaluate the lease and existing conditions for modes of improvement. A reasonable short-term lease for any leased State lands is a chance for the military to rebuild public trust and to demonstrate a level of compromise.

CIA recommendations

In OHA's previous 2022 comments, we called for an additional round of consultation and interviews given that CIA outreach occurred at the early onset of the COVID-19 pandemic. In the DLNR Land Division's comments to the Army, they expressed concern over the lack of mitigations within the CIA and mentioned that the only mitigation option for continued consultation was "grossly insufficient". In response to these calls, additional consultation has occurred and the CIA was revised. Indeed, OHA appreciates that the Army accepted these concerns and recommendations. We acknowledge that a revised CIA (dated January 2024) is included as Appendix I of the DEIS and includes at least 4 new responses to additional outreach notices published in December 2022. It is apparent to OHA that there is a foremost request for the creation of a cultural access plan in consultation with Native Hawaiians. The CIA makes this recommendation in the conclusion section, which is then carried forward to the body of the DEIS. OHA supports this recommendation for the crafting of a cultural access plan with Native Hawaiians and requests to be part of such consultations.

Concerns from OCCL

In OCCL's written comments to the Army, they wrote that they were "alarmed at the number of previous dump sites on State leased land" and that such facilities require a permit from the DOH. In response, the Army explained that the PTA-06 landfill was opened in 1979 and closed in October 1993 in accordance with Hawai'i Administrative Rules (HAR) 11-58.1-17. OHA observes that while the Army does not provide further information in their response to OCCL pertaining to the landfill, the DEIS mentions that the landfill is under a long-term management plan and remains subject to a 5-year review under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Further, existing management measures are briefly described in DEIS Section 3.8.4.4, with an indication that methane monitoring ceased as methane had not been detected over 8 different sampling events.

OHA notes that HAR 11-58.1-17 contains specific requirements for landfill closure and post-closure care that includes installing a final cover system, developing a written closure plan, certification of any closure plan by an independent professional engineer or approved by the DOH Director, the implementation of monitoring systems (i.e., ground water, air), and post-closure certification by an engineer or DOH Director. Its unclear to OHA why the Army is so quick to cite the applicable HARs for OCCL, but fails to elaborate specifically on how compliance is demonstrated. It would perhaps ease everyone's minds on this issue if the Army provided the post-closure landfill plan, any and all DOH certifications, and a direct mention of OCCL's concerns in the section of the DEIS that discusses landfill closure.

OCCL further indicated that the Army's statement regarding a need for a discretionary permit from BLNR for continued military use in a conservation district is incorrect. OCCL went on to explain that a variance in existing uses on conservation lands would require a "request for temporary variance (less than 1 year)", a petition to the Land Use Commission (LUC) for a land

use district boundary change, or initiation of a HAR amendment. OHA noted similar concerns in our own letter and recommended consultation with OCCL on the matter. In response to OCCL's comments, the Army says that "the EIS has been revised to describe current nonconforming use as well as the administrative process required to continue military use". In this regard, the DEIS indicates that the Army will be seeking a rule change to the HARs.

While OHA acknowledges that the Army has now provided the route that they will take in their attempt to permit continued military use on conservation lands, we still observe the EIS mentioning a discretionary permit from the BLNR for non-conforming conservation uses (see page 5-14). OHA recommends that the DEIS be revised to omit this statement, and to include mentioning that the Army has been corrected on this matter by the OCCL on what they specifically need to possibly enable continued military use on conservation lands. Any other discussions with the OCCL on this matter to ensure their concerns are adequately met and understood should be summarized or detailed within the DEIS as well.

Concerns from DOH

In DOH's comments to the Army, we see that they had trouble requesting and obtaining an Environmental Condition of Property (ECOP) report done in 2015 for PTA. Per the DOH, the first DEIS mentioned that the "ECOP identified potential munitions-related hazards on the State-owned land, as well as other potential environmental hazards." In response, the Army provides a hyperlink to additional Army documents and mentions that documents are made available to the public "to the extent feasible". The Army mentions that the ECOP was prepared "to formulate an opinion of the environmental condition of the subject site (State-owned land leased by the Army)".

OHA does not see the original ECOP document or even a redacted version[7] of the ECOP when searching the documents within the provided link. Further, its unclear if the DLNR was provided the ECOP as it appears to OHA that the information within it would be relevant to their condition assessment work as part of their court ordered management plan. OHA recommends that the ECOP (or a redacted version of the ECOP) be included as an Appendix to the DEIS, with relevant findings cited and discussed within appropriate DEIS sections. Further, the ECOP should be provided directly to the DLNR as well as OHA as part of the lease renewal process given our State duties to the public land trust.

The DOH also appears to be adamant about ensuring that there is a requirement of any new lease to include "the identification and cleanup of all environmental hazards on State-owned land" and "ongoing investigation and cleanup of firing points." In response, the Army states that in accordance with the existing lease and under the provisions of existing law, "the Army retains responsibility for cleanup and restoration of former training areas". The DEIS was further revised to better explain these efforts in Section 3.5.4.11, which mentions the removal of solid waste, and deactivation or removal of all live and blank ammunition. OHA believes though that despite the

[7] A redacted version that omits any sensitive National security details.

DEIS being revised to include greater detail in regards to cleanup activities, this does not preclude the possibility of revisiting the existing lease conditions to make sure that language is reflective of all required cleanup actions under the law, DOH's concerns, and any corrective actions that the DLNR may deem necessary. It would behoove the Army in their efforts to appeal to the State to make this clear in the DEIS and to ensure all State agency concerns are clearly understood with a table that identifies concerns and specific responsive actions taken (or those to be done in the future) by the Army. Any other discussions with the DOH on this matter to ensure their concerns are adequately met and understood should be summarized or detailed within the DEIS as well.

Overall presentation of EIS revisions

OHA observes that the second DEIS is not done in Ramseyer format and does not highlight where changes have been made from the first DEIS. While the HARs only require that a Final EIS be written in a way that easily distinguishes where changes have been made, this is not true for any draft EIS that is released following revision from a previous draft. Despite technically being compliant with the HARs and electing not to highlight where changes have been made, it would have perhaps benefited many readers if the Army did highlight or underline where changes were made to the most recent draft. The current draft is quite lengthy and at times difficult to navigate on a computer due to the sheer size of the document.

OHA recommends that the Army provide a link to a version of the second DEIS that contains highlighted or underlined revisions from the first DEIS to the general public as part of their online documents page (https://home.army.mil/hawaii/ptaeis/documents). This would perhaps make it easier for some readers to understand how the document evolved and to maybe see or focus better on areas of concern.

Closing Remarks

Mahalo for the opportunity to comment. OHA looks forward to seeing our comments taken into consideration, with meaningful revisions made to the DEIS. Given OHA's responsibility to our beneficiaries and the public land trust, we again further insist that OHA be included in future discussions regarding implementation of the DLNR management plan and any consideration of lease renewal conditions made as a result of subsequent site inspections.

And, to co-addressee Chair Chang, it is apparent to OHA that there are numerous concerns from various state entities regarding the lease renewal. Many of which are shared and highlighted above in our comments – especially those comments between OCCL, DOH, OHA, and even the DLNR Land Division. As such, we hope that concerned agencies can be directly invited to discuss these concerns openly with the BLNR or directly with you as the Chair of the BLNR as part of the lease renewal process. Together as unified State agencies, OHA believes there can be a greater chance of upholding the interests of the State, general public, and Native Hawaiians.

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.

'O wau iho nō me ka 'oia 'i'o,

Stacy Ferreira
Ka Pouhana, Chief Executive Officer

SF:kf

CC: Carmen Hulu Lindsey, Ke Kauhuhu, Chair, OHA Board of Trustees
Mililani Trask, OHA Hawai'i Island Trustee
Lloyd J. Austin III, U.S. Secretary of Defense
Brian Schatz, U.S. Senator for Hawai'i
Mazy Hirono, U.S. Senator for Hawai'i
Ed Case, U.S. Representative, Hawai'i First Congressional District
Sven Lindstrom, Environmental Health Specialist, DOH
Michael Cain, Administrator, OCCL
Rusell Tsuji, Administrator, DLNR Land Division

STATE OF HAWAI'I
OFFICE OF PLANNING
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Coastal Zone Management Program

Environmental Review Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented Development

Statewide Geographic Information System

Statewide Sustainability Program

DTS 202404190832NA

June 10, 2024

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

Subject: Second Draft Environmental Impact Statement
Army Training Land Retention at Pōhakuloa Training Area, Hāmākua & North Kona, Island of Hawai'i
Tax Map Key(s): (3) 4-4-015:008; 4-4-016:005; and 7-1-004:007

Thank you for the opportunity to provide comments for Second Draft Environmental Impact Statement (DEIS) on the Army Training Land Retention at Pōhakuloa Training Area (PTA) study. We received the notification of the availability for review of the DEIS on April 19, 2024.

It is our understanding that the U.S. Army proposes to retain up to approximately 22,750 acres of the 23,000 acres of State-owned land at the PTA in support of continued military activities. The Proposed Action does not include approximately 250 acres of the State-owned land that is administered by the DHHL that will not be retained. Land Retention would occur by attaining a land interest that would allow continued use of the land; the land retention estate would not be selected until after completion of the environmental impact statement process.

The U.S. Army intends to arrange for retention and continued use of the State-owned land prior to the expiration of the 1964 lease to ensure uninterrupted training. Following the retention of the subject land, the Army will continue to conduct military activities (military training; facility, utility, and infrastructure maintenance and repair activities; resource management actions; and associated activities such as emergency services). The Army also expects to continue to permit and coordinate military readiness activities (training and other activities such as public use programs) with other PTA users, including Department of Defense, international partners, local agencies, and the community.

The Office of Planning and Sustainable Development (OPSD) has reviewed the submitted material and has the following comments to offer:

1. Issues of Programmatic Concern
   We acknowledge that the Second DEIS addresses many of the issues that are of programmatic concern for our office. As in the first DEIS (April 2022), this DEIS adequately addresses compatibility with land use controls such as: Hawai'i Revised Statutes (HRS) Chapter 205 (State Land Use Laws); HRS § 205A-2 (Hawai'i Coastal Zone Management Program), HRS Chapter 226 (the Hawai'i State Planning Act); as well as assesses environmental issues of importance to our office such as surface water resources; water quality; and stormwater runoff mitigation.

2. Coastal Zone Management Act (CZMA), Federal Consistency
   We note that Section 5.3.1, page 5-4 correctly identifies that this action may be subject to CZMA Federal Consistency as found in Title 15 Code of Federal Regulations (CFR) Part 930 Subpart C – Consistency for Federal Agencies. The DEIS states: "As a federal agency, the Army is required to determine whether its proposed activities would affect the coastal zone by evaluating the Proposed Action relative to the objectives and policies of the Hawai'i CZM program."

   OPSD is the lead state agency with the authority to conduct CZMA federal consistency reviews. As stated in the Second DEIS, the U.S. Army withdrew its first federal consistency applications for further evaluation after the release of the first DEIS. At the earliest opportunity, an authorized representative should contact our office on the policies and procedures related to CZMA federal consistency.

For any questions regarding this comment letter, please contact Debra Mendes at (808) 587-2840 or by email to Debra.L.Mendes@hawaii.gov. If you wish to respond to this comment letter, please include DTS 202404190832NA in the subject line.

Sincerely,

Mary Alice Evans

Mary Alice Evans
Director

County of Hawai‘i Agencies

County of Hawai‘i Agencies

Hawai‘i Police Department CNTY-1

Mitchell D. Roth
Mayor

Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT
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April 26, 2024

ATLR PTA EIS Team
111 S. King Street, Suite 170
Honolulu, Hawaii 96813
(808) 523-5866

Dear ATLR PTA EIS Team:

SUBJECT: SECOND DRAFT ENVIORNMENTAL IMPACT STATEMENT (EIS) FOR ARMY TRAINING LAND RETENTION (ATLR) AT POHAKULOA TRAINING AREA (PTA) ON THE ISLAND OF HAWAII.

Staff, upon reviewing the documents available, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact our South Hilo District Commander, Captain Brian Prudencio, at (808) 961-2316 or via email at Brian.Prudencio@hawaiicounty.gov.

Sincerely,

KENNETH A.K. QUIOCHO
ASSISTANT POLICE CHIEF
AREA I OPERATIONS

BP:ws/24HQ0455

Elected Officials

Elected Officials

State Senator
Kurt Favella, District 19 (former); District
20 (as of 11/8/2022) EO-1

The Senate
Ka ʻAha Kenekoa

STATECAPITOL
HONOLULU, HAWAIʻI 96813

June 5, 2024

U.S. Army Garrison
ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, Hawai'i 96801

To whom it may concern,

Subject: Pohakuloa Training Area 2nd Draft Environmental Impact Statement (EIS) Comments

I strongly oppose the lease extension for the state owned 23,000 acres at the Pohakuloa Training Area (PTA) on Hawai`i Island and I call for the immediate cease fire of all bombing and artillery activities for the following reasons:

- Both the Federal and State governments have not conducted any comprehensive studies on what types of negative impacts the military bombing activities has had on the entire 132,000 acres included in the PTA and are having on the fresh water aquifer. Since 1964, the Department of Land and Natural Resources (DLNR) and Hawaii County have not reported any inspections of the fresh water aquifer and does not have a current conditions report. Today, the federal, DLNR, and Hawaii County cannot say for certain there is not and will not have any negative impacts to the aquifer.
    - As evident with Kaho`olawe and the Halawa aquifer on Oahu, Hawaii must play a much more assertive role in protecting our vital resources like water, land, endangered flora and fauna, cultural sites and practices, and ultimately its people. All bombing activities should cease and a comprehensive aquifer inspection and conditions report should be generated. An impacts analysis should be conducted, and a mitigation plan be developed and executed prior to lease expiration in 2029.

- For the past 50 years, DLNR has failed to enforce the PTA lease requirements and provide oversight resulting in negative impacts to the endangered Palila honeycreeper bird and its habitat. To date, DLNR has not provided any comprehensive monitoring plan, clean-up plan, and there is no consistent practitioners oversight committee to ensure cultural sites and practices are being protected.

- The 2nd draft EIS reduces the amount of acreage from 22,750 acres to 19,700 acres, which includes all 11 miles of roadway access. Technically, the military only needs access to the 11 miles of roadway that connects to the federally owned lands and not the state-owned acreage.

Mahalo for the opportunity to testify and offer comments.

Sincerely,

Senator Kurt Fevella
State of Hawai'i, District 20

State Capitol, Room 231
415 S. Beretania Street
Honolulu, Hawai'i 96813
Phone: (808) 586-6360
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senfevella@capitol.hawaii.gov

Organizations

Organizations

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June 6, 2024

RE: Pōhakuloa Training Area Second Draft Environmental Impact Statement

AF3IRM Hawai‘i strongly opposes the Army’s retention of any of the “State” lands at Pōhakuloa. AF3IRM is a transnational feminist organization with chapters across Turtle Island and America’s occupied territories where Native, Black, and Immigrant women unite to fight against imperialism and colonization. We as transnational feminists understand that patriarchy is at the core of what enables these oppressive systems to continue to exist and are committed to dismantling them.

We reject the crux of why the United States Army seeks to continue its occupation of Pōhakuloa. **We support the "No Action Alternative," which will end the current lease on the 23,000 acres with no retention options.** The U.S. military for far too long has used Hawai‘i for its strategic importance to the United States war mongering.

According to the EIS, “In addition to the U.S. military commands and personnel stationed in Hawai‘i, Hawai‘i is geographically situated between the west coast of the continental United States and the countries in the USINDOPACOM AOR and serves as a logistical link with U.S. military installations across the Pacific region. Therefore, Hawai‘i is a strategic location for national defense and rapid deployment of military forces.” “National defense” is at the expense of desecrating and exploiting lands, waters, and people of Hawai‘i.

U.S. military presence has shown a pattern of land and resource misuse harming environmental ecosystems and indigenous lifeways in Hawai‘i and across the globe. The U.S. has been complicit by funding and providing weapons to the Israeli Occupation Forces even when American citizens have demonstrated their dissent to the death and destruction of Israel’s crimes against humanity. Many of these weapons have been developed and tested in Hawai‘i! Hewa! Like Israel's colonial project in Palestine and other occupied lands, the U.S. is exploiting lands, poisoning waters, desecrating sacred places, and erasing Kanaka Maoli here in Hawai‘i. ENOUGH IS ENOUGH.

One of the resource areas included is human health and safety. Wherever soldiers are being trained to kill or develop weapons for destruction, there will never be health and safety. As transnational feminists, we are attentive to intersections among nationhood, race, gender, sexuality, and economic exploitation on a world scale in the

context of imperialist globalization. The same tools of imperialism, white supremacy, and patriarchy are the root cause of the ongoing crisis of missing murdered indigenous women and girls. It is the root cause of the dispossession of Native peoples. It is women who bear the brunt of the violent consequences that come with the dispossession of land from indigenous people.

The extent of the environmental impacts of Pōhakuloa by the U.S. military is not reflective of the damage over the years and even years to come. **Hire a third party consultant to evaluate the environmental impacts on all 132,000 acres that they occupy at Pōhakuloa. What is more important is the action taken afterwards to do what is right and restore the health of the land and return it to the people.**

The people of Hawai'i say NO MORE WAR and LAND BACK, BODIES BACK. Invest in taking care of the people with food sovereignty, fully resourced schools, accessible healthcare, and housing. Community care will bring safety.

We demand that the U.S. military implement an immediate ceasefire on all conservation lands in PTA and that they not be allowed to change zone classifications. No more live fire training in Hawai'i to prepare soldiers to wage wars overseas. This "readiness" for war will only lead to more violence. Return back the lands to the people who will steward the life-giving lands and endemic species and restore the sacred connection to the place.

We demand the U.S. military implement an immediate clean-up and restoration effort with the millions of dollars that they are annually allotted. Only then can the people of Hawai'i be healthy and safe. We envision, and are actively creating, a world where indigenous peoples lead in 'āina stewardship and waters flow. Women and gender expansive relatives reclaim their respected role as knowledge keepers, healers, and givers of life. Everyone is cared for and every BODY is safe.

In conclusion, end the Army's retention of any of the "State" lands at Pōhakuloa, clean up and restore the lands, and immediately return the land to Kānaka Maoli.

ASSOCIATION OF
HAWAIIAN CIVIC CLUBS

June 7, 2024

ATLR PTA EIS Comments
P.O. Box 3444
Honolulu, Hawai‘i 96801-3444

Aloha:

On behalf of the Board of Directors of the Association of Hawaiian Civic Clubs and our 3,500 Hawaiian Civic Club members, I am submitting the following comments on the Second Draft Environmental Impact Statement Army Training Land Retention at Pōhakuloa Training Area Ka‘ohe Mauka and Humu‘ula Ahupua‘a, Hāmākua and Hilo Moku, Hawai‘i Mokupuni Tax Map Key: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 and 022.

The Hawaiian Civic Club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole with the creation of the Hawaiian Civic Club; the Association was formally organized in 1959 and has grown to a confederation of 61 Hawaiian Civic Clubs with more than 3,000 members located throughout the State of Hawai‘i and the United States. The Association is the oldest Hawaiian community-based grassroots organization and advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

At its annual convention in 2017, the Association of Hawaiian Civic Clubs adopted Resolution 2017-54, which addresses fair compensation, access for Native Hawaiians, and requires ample funds placed in escrow for the remediation of the land and removal of all ordinance and unwanted structures upon termination of the State’s General Lease No. S-3849. The Hawai‘i Supreme Court ruling in Ching v. Case (2019) requires 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 is 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.” and; that the Office of Hawaiian Affairs (OHA), on behalf of the interest of Native Hawaiians requested a withdrawal of the 2022

DEIS due to the uncertainty that the State of Hawai‘i Department of Land and Natural Resources (DLNR) had begun to implement the court ordered management plan. By releasing a DEIS prior to implementing the court order action appears to rush the lease renewal process which minimizes the Hawai‘i Supreme Court’s decision.

In review of the State of Hawai‘i Department of Health (DOH) comments to the First Draft Environmental Impact Statement (FDEIS), it expressed difficulty in obtaining the Environmental Condition of Property (ECOP) conducted in 2015 for PTA. The FDEIS stated the “ECOP identified potential munitions-related hazards on the State-owned land, as well as other potential environmental hazards.” The U.S. Army provided a hyperlink to additional documents, but our reviewers did not find the original ECOP within the link provided. We strongly urge that the ECOP be included into the SDEIS and that copies be provided to the DLNR and other relevant agencies as part of the lease renewal process. In addition, the DOH was adamant about ensuring a requirement of a new lease include “the identification and cleanup of all environmental hazards on State-owned land” and “ongoing investigation and clean up of firing points.” In response, the U.S. Army revised the DEIS to explain the efforts in Section 3.5.4.11 which states the removal of solid waste, and deactivation or removal of all live and blank ammunition. The AOHCC recommends the U.S. Army clearly point out mitigations under the law, DOH’s concerns and other actions that the DLNR deem necessary, and to make that easily accessible for the public.

The AOHCC also acknowledges the use of PTA by state and county agencies for training, and use of the facility by community organizations such as the American Red Cross, Boy Scouts of America, Girl Scouts of the USA, and the Hawai‘i Youth Challenge program. We urge continued access and use by these organizations as needed irrespective of the disposition of a new lease.

Thank you for the opportunity to review the SDEIS and to provide these comments.

Sincerely,

DreanaLee Kalili

DreanaLee Kalili,
Pelekikena

[redacted]

From: Maxx Phillips <[redacted]>
Sent: Friday, June 7, 2024 3:29 PM
To: G70 - ATLR PTA EIS
Subject: Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i
Attachments: 6_7_24 CBD SC CCH PTA 2nd Draft EIS comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Aloha,

Please accept these comments submitted by the Center for Biological Diversity, Sierra Club Hawai‘i Island Group, and the Conservation Council for Hawai‘i regarding the Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai'i. We have included a link to our references:

CBD Comments References - Pohakuloa Training Area DEIS

Mahalo,
Maxx

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June 7, 2024

ATLR PTA EIS Comments,
P.O. Box 3444, Honolulu, HI
96801-3444

Submitted by email to: atlr-pta-eis@g70.design

Re: Army Training Land Retention at Pōhakuloa Training Area, 2nd Draft EIS, Vol. I, II, III

Aloha,

Please accept these comments concerning the Second Draft Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area in Hawai‘i, dated 2024. These comments are submitted on behalf of the Center for Biological Diversity, Sierra Club Hawai‘i Island Group, and the Conservation Council for Hawai‘i (“the Conservation Groups”).

The Center for Biological Diversity (“the Center”) is a nonprofit conservation organization whose mission is to protect and restore endangered species and wild places through science, policy, education, advocacy, and environmental law. The Center has over 89,000 members, many of which reside and/or recreate in the Hawaiian Islands. The Center and its members believe that the welfare of human beings is deeply linked to nature — to the existence in our world of a vast diversity of wild animals and plants. Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction.

For over 50 years, the mission of the Sierra Club of Hawai‘i (“SCH”) has been to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

The Conservation Council for Hawai‘i (“CCH”) has, since the 1950’s, strived to protect Hawai‘i’s native species, advance biosecurity, and preserve the ecosystems that are foundational to our lāhui.

The Center for Biological Diversity, Sierra Club Hawai‘i Island Group and Conservation Council for Hawai‘i opposes the Army’s Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands, once the lease expires in 2029, either through a new lease or through purchase. The Conservation Groups are in full support of the ‘No Action Alternative,’ under which the State lands will be relinquished back to the State.

2.3 Land Retention

The Army refers to the land it is using as state-owned land. The Army treats the application to retain lands for the Pōhakuloa Training Area as a "real estate transaction." Since the illegal overthrow of the Hawaiian Kingdom, and the establishment of statehood, the land in question remains Hawaiian land held "in trust" for the benefit of native Hawaiians and the general public.

While we favor the No Action Alternative, we find that the Army has, to date, failed to comply with previously designated DLNR conditions with regard to waste cleanup, removal of hazards, and public health and safety with regard to toxicants dispersed in wind off-site. We ask that the Army initiate and fully fund the clean-up and removal of toxicants, hazards and unexploded ordnance immediately, prior to the expiration of the lease in 2029.

3.3 Biological Resources

The DEIS fails to adequately assess the Project's impacts to Biological Resources

Military training areas are often located in areas that support high levels of biodiversity (Lawrence et al., 2015; Stein et al., 2008; Zentelis & Lindenmayer, 2015). This is particularly true in Hawai'i, where many sensitive animal and plant species have small ranges and are endemic to the Islands. In an analysis investigating biodiversity on federally-managed lands (i.e., lands managed by the Bureau of Land Management [BLM], the Department of Defense [DoD], the U.S. Forest Service [USFS], the U.S. Fish and Wildlife Service [USFWS], and the National Park Service [NPS]), DoD lands had the highest density of rare and endangered species by a factor of three compared to the other agencies while only making up about 4.5% of federally managed lands (12.1 million hectares out of ~267 million hectares) (Stein et al., 2008). Military lands in Hawai'i alone support 34% of all species listed under the Endangered Species Act ("ESA") found on DoD lands. (Stein et al., 2008).

Four of the top five military installations for ESA-listed and imperiled species are located in Hawai'i, with the Pōhakuloa Training Area ("PTA") ranking fourth (Stein et al., 2008). This indicates that the PTA supports a disproportionately high level of rare and sensitive species and, therefore, any impacts from current or future military activities in the Project area should be carefully examined and appropriately mitigated. Yet the DEIS dismisses the Project area's importance to native biodiversity and minimizes the impacts of military activities on numerous special-status native and endemic species that occur, have the potential to occur, or historically occurred in and near the Project area, without providing substantial evidence to support their findings. The DEIS fails to comply with the National Environmental Policy Act ("NEPA").

NEPA is the "basic charter for protection of the environment."40 C.F.R. §1500.1(a). In NEPA, Congress declared a national policy of "creat[ing] and maintain[ing] conditions under which man and nature can exist in productive harmony." *Or. Natural Desert Ass'n v. Bureau of Land Mgmt.,* 531 F.3d 1114, 1120 (9th Cir. 2008) (quoting 42 U.S.C. § 4331(a)). NEPA is intended to "ensure that [federal agencies] … will have detailed information concerning significant environmental impacts" and "guarantee[] that the relevant information will be made available to the larger [public] audience." *Blue Mountains Biodiversity Project v. Blackwood,*161 F.3d 1208, 1212 (9th Cir. 1998).

Under NEPA, before a federal agency takes a "'major [f]ederal action[] significantly affecting the quality' of the environment," the agency must prepare an environmental impact statement ("EIS"). *Kern v. U.S. Bureau of Land Mgmt.,* 284 F.3d 1062, 1067 (9th Cir. 2002)(quoting 43 U.S.C. § 4332(2)(C)). "An EIS is a thorough analysis of the potential environmental impact that 'provide[s] full and fair discussion of significant environmental impacts and … inform[s] decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.'" *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.,* 387 F.3d 989, 993 (9th Cir. 2004) (citing 40C.F.R. § 1502.1). An EIS is NEPA's "chief tool" and is "designed as an 'action-forcing device to [e]nsure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government.'" *Or. Natural Desert Ass'n,* 531 F.3d at 1121 (quoting 40 C.F.R. § 1502.1).

To comply with NEPA, each federal agency is required to take a "hard look" at the impacts of its actions prior to the point of commitment, so that the agency does not act on incomplete information, only to regret its decision after it is too late to correct. Yet the DEIS fails to provide sufficient analysis and discussion regarding the Project's impacts to special-status species and wildlife connectivity due to increased chemical contaminants (e.g., lead), noise pollution, and wildfire. The DEIS also fails to adequately analyze and discuss appropriate minimization criteria for such impacts. Therefore, the DEIS fails to comply with NEPA.

In addition to NEPA, the U.S. Army has the obligation to comply with an analysis of the impacts of lead contamination, noise pollution, and wildfire under the Endangered Species Act. The ESA requires that each federal agency "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species." 16 U.S.C. § 1536(a)(2). To satisfy this ESA mandate, decisions must rely on the best available scientific and commercial data regarding the impacts of lead, noise, and wildfire on the environment and wildlife. 16 U.S.C. § 1536(a)(2). The ESA has specific requirements for formal consultation, such as a description of the action, specific area affected by the action, listed species or critical habitat that may be affected, and an analysis of the cumulative impacts. 50 CFR 402.14(c). The DEIS fails to provide sufficient analyses or discussion of the Proposed Action's standalone and cumulative impacts to ESA-listed species as well as designated and proposed critical habitat due to lead contamination, noise pollution, and wildfire.

The DEIS fails to accurately describe the Proposed Action and the Project area's baseline environmental conditions

The DEIS erroneously states that "[n]o separate ESA Section 7 consultation is anticipated at this time for the Proposed Action, which is a land retention (real estate) action that does not propose new training or activities" (DEIS at 3-29). This downplays and mischaracterizes the Proposed Action. The Proposed Action is more than just a real estate transaction because it includes a wide variety of repeated military activities that are known to be environmentally destructive, like artillery training, live-fire exercises, maneuvering exercises, pyrotechnics, rockets, aircraft training, and more (Lawrence et al., 2015), that would otherwise not occur if the lease is not renewed. And these activities would take place within a Conservation District, with protected open space to the northeast and the southwest. Therefore, the DEIS

needs to thoroughly analyze baseline conditions and the impacts of extended military activities in the Project area as part of the Proposed Action. The DEIS fails to comply with NEPA and the ESA.

Instead of providing the necessary information to comply with the ESA and NEPA, the DEIS relies on outdated reports (Biological Opinions from 2003, 2008, and 2013) while simultaneously relying on an unknown and undeveloped future "programmatic approach to ESA consultations for PTA with USFWS" (DEIS at 3-29). This illegally (and conveniently) absolves the Army of any responsibility to assess the Project area's baseline conditions and the Proposed Action's significant adverse impacts on ESA-listed species like ʻōpeʻapeʻa and antrhicinan yellow-faced bee (*Hylaeus antrhacinus*), designated critical habitat for palila and māʻoliʻoli, proposed designated critical habitat for Hawaiʻi scaleseed (*Spermolepis hawaiiensis*), and other rare and sensitive native animals and plants in and near the Proposed Action area. ESA consultation is required if a Proposed Action may affect listed species and critical habitat, and extending military activities beyond the current lease agreement will do just that. The DEIS fails to provide an up-to-date analysis of the Project area's existing baseline conditions and how additional years of environmentally destructive military activities will affect ESA-listed species in and near the Project area.

A DEIS must fulfill and satisfy to the fullest extent possible all of the requirements established for a final EIS. 40 C.F.R. § 1502.9(a). This includes a description of the area that would be affected by the alternatives under consideration. 40 C.F.R. § 1502.15. Where there is incomplete information that is relevant to the reasonably foreseeable impacts of a project and essential for a reasoned choice among alternatives, the Army must obtain that information unless the costs of doing so would be exorbitant or the means of obtaining the information are unknown. 40 C.F.R. § 1502.22. Here, the DEIS relies on outdated reports and insufficient analyses to conclude that the Proposed Action would result in only "negligible" to "moderate" adverse impacts to special-status species without providing substantial evidence to support such findings. The DEIS must be revised and re-circulated to include an up-to-date biological assessment that includes more recent data and analyses from the Project area to correct this and comply with NEPA and the ESA.

Biological assessments at PTA have, in the past, failed to adequately identify risks to resources because far too little time has been allocated for the assessment. Dr Ruth Lani Stemmermann, biologist and member of Sierra Club, filed suit in 1989, represented by Sierra Club Legal Defense Fund, to stop the construction and use of the Army's Multipurpose Range Complex. *See* Environment Hawaii at https://www.environment-hawaii.org/?p=3460.

> "Testimony and evidence presented in court established that the Army had issued its FONSI on the basis of one sixteen-hour zoological survey (conducted by Stemmermann's sister, Dr. Maile Kjargaard). When Kjargaard asked for more time, including an opportunity to conduct an evening census, the Army denied her request.
>
> The botanical surveys were just as cursory. In 1985, the U.S. Fish and Wildlife Service made an initial botanical survey of the general area by helicopter and ground reconnaissance over three days. A year later, botanical consultant Dr. Evangeline Funk was hired to survey plants in the area of the access road and the general project area. Heavy winds and rains, including thunderstorms, occurred during the study period, making it impossible to use helicopters to reach the more remote sites. Funk's report to the Army notes that her team spent just six hours in the

field. “As a result, insufficient data were collected to fulfill that portion of the scope of the work which states that a vegetation map of the site must be prepared as part of the report.”

Funk requested that botanists “be allowed to camp on the site for five or six days and carry out more definitive studies in the area to determine what is growing there. The vegetation in the southeastern portion of this site has not been completely elucidated. It would be tragic if the plants of this area are destroyed without as complete a record as possible having been made that they existed.”[1] The Army ignored Funk’s request.

Despite the inadequacies of the surveys acknowledged by the authors, the Army stated in its environmental assessment of May 1986 that “No endangered plant or animal species were found within the MPRC area… As indicated by the U.S. Fish and Wildlife Service (letter, dated May 1986), the proposed action will not likely jeopardize the continued existence of any listed/proposed threatened or endangered species.”

… Since then, the Army has contracted with several teams of scientists to survey the flora and fauna of the western third of the Pohakuloa Training Area. The results have been staggering, confirming Stemmermann’s claims.

In addition, the U.S. Army Audit Agency reviewed the circumstances surrounding the construction of the MPRC, which to date has cost somewhere between $23 million and $30 million. In its report, published in January 1993, the Audit Agency found that the U.S. Army Support Command, Hawai`i, had failed to involve its own environmental experts in the site selection process; had not asked that its environmental committee review the project; and had not adequately considered recommendations made by its Engineer Division to perform more intensive environmental studies. In particular, the Audit Agency determined that following the April 1985 preliminary botanical survey, “the Engineer Division recommended that Support Command perform more intensive studies to collect the data needed to prepare a satisfactory environmental assessment.

The DEIS fails to take a “hard look” at the Project’s noise pollution impacts

The DEIS fails to adequately analyze the Proposed Action’s noise impacts on special-status species and habitats. In fact, the DEIS dismisses such impacts, stating that “most wildlife in the vicinity are expected to be habituated to noise associated with training activities” (DEIS at 3-137). However, this is pure conjecture and ignores the best available science. The DEIS fails to acknowledge that different species have different reactions to different levels of noise, and understanding how individual species are affected by noise produced by the Proposed Action requires study and analysis.

Instead, the DEIS is misleading, claiming wildlife at PTA are habituated to noise without providing substantial evidence to support such claims. The DEIS cites to a literature review (Shannon et al., 2016) as supporting evidence, but the authors actually conclude the opposite of what the DEIS assumes. The researchers state “[t]he majority of studies documented effects from noise, including altered vocal behaviour to mitigate masking, reduced abundance in noisy habitats, changes in vigilance and foraging behaviour, and impacts on individual fitness and the structure of ecological communities” and “[t]he substantial body of scientific research reviewed here provides considerable evidence that anthropogenic noise is detrimental to wildlife and natural ecosystems” (Shannon et al., 2016). The DEIS misinterprets and ignores the science.

In fact, Shannon et al. (2016) highlight two studies in which noise levels of more than 80 dBA from military aircrafts elicited alert responses and behavioral shifts in several duck species (Conomy et al., 1998; Goudie & Jones, 2004). Goudie & Jones (2004) found that increasing noise levels resulted in more intense behavioral shifts, including more aggressive behavior up to 120 minutes after over-flights and decreased courtship behavior up to 90 minutes after over-flights. The authors note:

> "Such residual effects are cause for concern, because they are potentially more detrimental than immediate responses and may not be detected in studies that focus on readily observed overt behaviours. The alert and aggressive responses we documented are indicative of 'fight or flight' responses, and imply that harlequin ducks perceived loud military jet noise as a stressor. Chronic exposure to military jet noise could have negative consequences for individuals." (Goudie & Jones, 2004).

The researchers postulate that some species that live in areas with chronic noise pollution may become *more* sensitive to noise stressors like military aircraft over-flights instead of becoming habituated or less sensitive to them (Goudie & Jones, 2004). Therefore, special-status and sensitive species like ʻio, nēnē, pueo, ʻuaʻu, ʻakēʻakē, and other native wildlife could be significantly adversely affected by the Proposed Action. NEPA requires the DEIS to analyze and discuss these potential impacts.

In addition to the review cited by the DEIS, many other studies have shown that high levels of anthropogenic noise harm wildlife and plants across diverse taxa. For example, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds (Ware et al., 2015). Subjects exposed to 55 and 61 dBA (simulated traffic noise) exhibited decreased feeding behavior and duration, as well as increased vigilance behavior (Ware et al. 2015). Such behavioral shifts increase the risk of starvation, thus decreasing survival rates. Another study found a 28% decrease in bird abundance in areas when traffic noise was present compared to when there was no traffic noise (McClure et al., 2013). In addition to noise produced by military training activities, the Proposed Action would also result increased traffic (compared to the No Action alternative) on roads due to frequent convoys and vehicles supplying water, fuel, food, equipment, and other supplies to the PTA, which suggests the Proposed Action could have significant adverse impacts on special-status and sensitive species in and near the Project area. The DEIS fails to adequately analyze the Proposed Action's impacts on biological resources.

Another study found noise pollution above 58 dBA resulted in reduced foraging efficiency in pallid bats, likely because noise disrupted their hearing while they were hunting (Bunkley & Barber, 2015). And Luo et al. (2015) found that Daubenton's bats, who also rely on their hearing to forage, would abandon foraging efforts in noisy areas, which also decreased foraging efficiency. Reduced foraging efficiency could lead to reduced fitness and survival, which could have impacts at the individual, population, and ecosystem level. This suggests that noise from military activities could have significant adverse impacts on other bat species that rely on auditory cues and echolocation for foraging, like the ʻōpeʻapeʻa. Yet the DEIS fails to adequately analyze and mitigate the Proposed Action's noise impacts on ʻōpeʻapeʻa and other special-status wildlife in or near the Project area.

Chronic or long-term noise pollution can impair foraging and anti-predator behavior, reproductive success, density and community structure across diverse taxa (Barber et al., 2010; Francis & Barber,

2013; Habib et al., 2007). Even plants can be impacted by chronic noise pollution. In a study conducted in New Mexico, continuous noise from natural gas wells was found to reduce tree seedling recruitment and evenness, likely due to noise altering the movement and behavior of seed-dispersing and pollinating wildlife (Phillips et al., 2021). This indicates that the numerous special-status and sensitive plants in and near the Project area, like māʻoliʻoli, heau, Hawaiian fescue, ʻihi, and others could be significantly adversely impacted by the Proposed Action. Yet the DEIS fails to adequately analyze and discuss the Proposed Action's noise impacts on special-status plant species in and near the Project area.

In Figures 3-9 and 3-10 the DEIS shows that most of the state-owned lands currently experience peak noise levels of 115 dBA or greater (DEIS at 3-140 and 3-141), well above noise levels that have been found to harm species. And the noise pollution extends beyond the current lease boundaries, including on roads used for convoys and supply deliveries. The Proposed Action would result in the continuation of these high levels of noise in and near the Project area. Despite ample scientific evidence that indicates noise pollution can have significant adverse effects on wildlife and plants, no analyses were conducted to determine the Proposed Action's noise impacts on special-status species and critical habitat in and near the Project area. The DEIS fails to comply with NEPA.

The DEIS fails to take a "hard look" at the Project's wildfire impacts

The maintenance of military readiness includes the threat of wildfire. Most of the weapons used by the military are potential ignition sources. While much of PTA is barren lava, the areas that are vegetated harbor a high density of threatened and endangered plant and animal populations, prompting the designation of a number of ecosystems within PTA as some of the rarest in the world. Because of the importance of the endangered species populations and the potential threat posed by military activities, the Army has entered into consultations with the United States Fish and Wildlife Service (USFWS) in accordance with Section 7 of the Endangered Species Act of 1973. Part of the mitigation plan requires the Army to provide a more effective wildfire management program.

That wildfire mitigation has largely failed, and every year, Army activities have ignited fires impacting hundreds and sometimes thousands of acres. Federally listed endangered plant species occur throughout the installation, occupying sites as barren as the mouths of lava tubes and cracks within the lava as well as densely vegetated areas. The Palila bird (Loxioides bailleui) and several other T&E vertebrate species are also found within the boundaries of PTA. One of the most serious threats to the continuance of a viable population of these T&E species is wildfire.

The DEIS fails to adequately analyze and discuss the Proposed Action's wildfire impacts on special-status and sensitive species in and near the Project area. The DEIS acknowledges that military training activities at PTA sparked numerous fires that burned more than 19,000 acres of habitat within a designated Conservation District on state lands both within and outside of PTA boundaries since 2018. These fires burned 5,254 acres of threatened and endangered species habitat at PTA, about 2,500 acres of ʻōhiʻa/native forest habitat that made up approximately 50% of remaining forest in the Puʻu Anahulu Game Management Area and supported at least five federally-listed species, and 7.5 acres of potential ʻōpeʻapeʻa roosting habitat outside of state-owned land where other federally-listed species occurred. Military training is the primary cause of wildfires in the region, yet the DEIS fails to adequately analyze the Proposed Action's wildfire impacts on special-status and sensitive species. In addition, the DEIS relies

on an insufficient Integrated Wildfire Management Plan ("IWFMP") and standard operating procedures to reduce wildfire risk, all of which have clearly been unsuccessful at preventing wildfire ignitions and spread. As climate change intensifies and extreme weather events become more common, continuing to conduct military training activities under business-as-usual methods will increase risks of wildfire ignitions and significantly adversely effect special-status species and unique biodiversity in and near the Project area.

Wildfire is an increasing threat to sensitive biological resources and people in Hawai‘i. Although it is likely that some fire was used by Polynesians when they first arrived in Hawai‘i about 1500 years ago, Hawai‘i's landscapes did not evolve with frequent wildfire and many native and endemic species are extremely vulnerable to fire. Alarmingly, annual area burned on the Islands has increased more than four-fold since the early- and mid-1900s, with fires igniting in and being spread by nonnative grasses that are a product of European colonial land practices of privatization, agriculture, grazing, and the removal of Native Hawaiian systems of watershed-scale land management (Trauernicht, 2018; Trauernicht et al., 2015). The increased frequency of fires and area burned creates a negative feedback loop of more fire and more nonnative grasses. These nonnative grasses are not only extremely flammable, but they also readily invade native woodlands and outcompete most native vegetation in burned areas (Trauernicht et al., 2015). This leads to large-scale type conversion as native habitats are replaced by nonnative grasses that burn more frequently and more easily, ultimately eliminating native habitats and the species that rely on those habitats while increasing fire threat over time. Increased ignitions from the Proposed Action would lead to a dangerous feedback loop of destructive fires and habitat destruction within the state lands in PTA as well as across thousands of acres outside PTA's boundaries. The DEIS fails to adequately analyze the Proposed Action's wildfire impacts to special-status and sensitive species as well as designated and proposed critical habitat in and near the Project area.

The DEIS fails to adequately analyze and discuss minimization measures to reduce the Proposed Action's wildfire impacts. The best way to reduce wildfire ignition risk and prevent wildfires in the area is to remove ignition sources from the landscape and actively restore native habitat in collaboration with local stakeholders with outplanting native plants, long-term weed management, and ungulate removal throughout area of impact, which would include areas outside PTA boundaries (Cleveland, 2022; Trauernicht et al., 2018; Warner, 2023; Zhu et al., 2021). Although the DEIS alludes to minimal fire preventive measures, the DEIS does not acknowledge that removing military training activities from the Project area would significantly reduce ignition risk.

Fires not only kill individuals through the direct effects of burning, they destroy habitat and provide conditions favorable to colonization of exotic fire-adapted plant species, most notably *Pennisetum setaceum* (Forssk.) Chiov. (fountain grass), a highly invasive alien grass originating from North Africa. In the 1990's, two large fires burned in the Kipuka Kalawamauna, an area notable for its high density of endangered species, and *P. setaceum* now dominates the westernmost portion of this area.

On July 20th, 2022, the Army inadvertently started a fire in the Impact Area. This fire, referred to as the Leilani Fire, spread across 17,712 acres. 12,458 of these acres were outside of PTA and included about half of the remaining forest of the Pu‘u Anahulu Game Management Area. The remaining 5,254 acres (which includes 2,880 acres of State-owned land) encompassed threatened and endangered species habitat areas within the training area. As described in the EIS, post-fire assessment determined a net decline of

four endangered plant species, as well as destruction to potential habitat of ʻōpeʻapeʻa (Hawaiian hoary bat, *Aeorestes semotus*). It is important to note that this fire surpassed both annual and cumulative allowances for authorized incidental take of ʻōpeʻapeʻa roosting habitat. This fire is one of many that the Army has caused over the years, with an average of 37 fires occurring at PTA annually. These fires result in catastrophic damage to our native flora and fauna and threaten the safety of human communities.

Low precipitation or other deleterious climate variations could increase the impact of fires by prolonging the time necessary for native vegetation recovery and thereby increase the opportunity for alien species invasion. Alien species tend to be generalists and are better adapted to a wider range of environmental conditions. Therefore, they are more tolerant of drought and other climatic variations that produce negative impacts on the natives. Thus, during periods of stress for the native populations, the exotics have an increased competitive advantage.

The DEIS fails to consider the impacts of climate change in conjunction with the Proposed Action. As climate change intensifies, hotter, drier and windier conditions will make the landscape more conducive to wildfire ignitions and spread. This is evidenced by 30- to 40-mph winds that caused the 2022 Leilani Fire to burn more than 17,000 acres (DEIS at 3-34). The Proposed Action would continue to place more people and explosive weapons in an area that is growing exceedingly prone to fire. Continued wildfire ignitions from PTA activities will further degrade and destroy remaining special-status species and native biodiversity in the region. The IWFMP and SOPs are insufficient to adequately minimize the Proposed Action's wildfire impacts on special-status and sensitive species. The DEIS fails to comply with NEPA.

The DEIS fails to take a "hard look" at wildlife connectivity

The DEIS fails to adequately assess and mitigate the Project's impacts to wildlife connectivity. The Proposed Action would result in continued human presence and destructive activities within a Conservation District, including artillery training, live-fire exercises, maneuvering exercises, pyrotechnics, rockets, aircraft training, increased traffic on surrounding roads, and more, that would not occur if the lease were not renewed. The continued use of the state lands would increase a barrier effect between adjacent protected open space to the northeast and southwest of PTA, which could have significant adverse impacts to special-status and sensitive species in and near the Project area.

As detailed in a 2021 Center Report (Yap et al., 2021), roads and human infrastructure create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned land use can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Brehme et al., 2013; Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al., 2014; Riley et al., 2014; Vickers et al., 2015), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018; Cushman, 2006), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002; Trombulak & Frissell, 2000).

Habitat loss and fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019). In addition, connectivity is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems.

Edge effects like noise pollution, chemical contamination, and wildfire caused by military training activities and operations will have impacts on adjacent wildlife and wildlife movement. In addition, increased traffic (compared to the No Action alternative) on roads due to frequent convoys and vehicles supplying water, fuel, food, equipment, and other supplies to PTA could lead to direct mortalities via wildlife-vehicle collisions, increased noise pollution, spreading invasive species, genetic isolation of species populations, and igniting wildfires. Yet the DEIS fails to adequately analyze and discuss these issues. The DEIS fails to comply with NEPA and the ESA.

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature ("IUCN"), world-renown scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks" (Hilty et al., 2020). The DEIS must take this into account when analyzing the Proposed Action's impacts to special-status species, critical habitat, and native biodiversity.

3.4 Historic and Cultural Resources and Cultural Practices

It is well known that the entirety of the Pōhakuloa is culturally significant. This landscape holds importance as a region long utilized by Kānaka ʻŌiwi for the acquisition of natural resources, for ceremonial conduct, traditional and customary practices and for safe passage between various moku and ahupuaʻa, among other activities. Were it not for Army occupation, this ʻāina would still be enjoyed as a safe locale to conduct these practices today. Dozens of archaeological sites exist within these State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities. The cultural impact assessment included in this draft has been reduced to a fraction of the material contain in the last draft, and the comments made regarding the last draft were not adequately addressed.

We incorporate by reference the 37 pages of comments made by E. Kalani Flores to the previously released April 2022 draft EIS. E. Kalani Flores served on the Pōhakuloa Training Area – Cultural Advisory Committee (CAC) since its inception in 2002 through several base commanders until July 2013.

3.5 Hazardous Substances and Hazardous Wastes

The DEIS fails take a "hard look" at the Project's impacts from chemical contaminants pollution

The DEIS fails to provide an analysis regarding the impacts of chemical contaminants due to the Proposed Action on sensitive and special-status species and habitats in and near the Project area. In particular, heavy metals like lead are present in munitions and can have significant adverse effects on plants, wildlife, and people. Studies show that live-fire training shooting ranges like PTA are associated with dangerously high levels of lead and other hazardous metals in the environment (Lawrence et al., 2015; Pain et al., 2019), which leads to contaminated soils, groundwater, and surface water, reduced vegetation growth, and reduced species richness (Cao et al., 2003; Hardison, Jr. et al., 2004; Rodríguez-Seijo et al., 2016; Sehube et al., 2017). Both acute and consistent exposure to high levels of lead can cause lethal and sub-lethal effects in wildlife, whether animals are directly consuming lead ammunition fragments or getting secondary exposure by ingesting lead-contaminated vegetation or prey animals (Horai et al., 2018; Lawrence et al., 2015; Pain et al., 2019; Rodríguez-Seijo et al., 2016; Work et al., 2015). In Hawai‘i, Work et al. (2015) reported lead poisoning deaths in nēnē, and Horai et al. (2018) found that lead concentrations in mongooses from Ukumehame Firing Range were significantly higher than those from other areas. These studies suggest that lead and other heavy metal pollution at PTA has been accumulating over the years and harming native species. Further pollution will continue to occur and harm native species under the Proposed Action. Such contamination will have significant adverse impacts on native vegetation and wildlife in and near the Project area. Yet the DEIS fails to provide an adequate analysis of existing conditions and how repeated live-fire training in the Project area will impact special-status and sensitive species in and near the Project area.

Despite the abundant scientific literature linking lethal and sublethal impacts of lead and other heavy metal pollution on wildlife and plants, the DEIS fails to adequately describe the Project area's existing conditions and analyze the Proposed Action's impacts to special-status and sensitive species in and near the Project area from consistently releasing harmful chemical contaminants like lead into the environment. Although the DEIS acknowledges that soils from a small portion of the Project area (TAs 7 and 8) contained, "concentrations of COCs (antimony, lead, and zirconium) that potentially pose unacceptable risks to site users (USACE-POH & USAG-HI, 2017b)" with lead concentrations exceeding "the DOH Direct Exposure EAL for unrestricted, commercial/industrial, and construction/trench worker scenarios for direct contact to soil, USEPA Residential and Commercial/Industrial RSLs, and the DOH Tier 1 EAL for gross contamination for unrestricted land use" (DEIS at 3-95), the DEIS fails to provide more specific details and adequate analyses regarding harms of lead and heavy metals pollution to people, wildlife, and plants. A 2017 review found that blood lead levels of shooters at firing ranges far exceeded the U.S. Centers for Disease Control and Prevention/National Institute of Occupational Safety and Health reference level of 5 ug/dL (Laidlaw et al., 2017), and according to Pain et al. (2019), "the toxic effects of lead are broadly similar in all vertebrates and well known from numerous experimental and field studies (reviewed in Eisler 1988; Pattee and Pain 2003; Franson and Pain 2011)." If some of the state lands' soils exceed standards for human safety, then those levels likely harm native wildlife. The Proposed Action's impacts from lead and other heavy metals pollution should be thoroughly analyzed and discussed.

Much of the state lands are used for live-fire and munitions training (see DEIS Figure 3-7), including designated critical habitat for palila and māʻoliʻoli and proposed critical habitat for Hawai‘i scaleseed, yet

only a very small portion of the state lands outside of designated and proposed critical habitat was tested. Even though the DEIS states that "military munitions use occurs on TAs, FPs, and ranges" and "therefore, these locations have the potential to contain MEC" (DEIS at 3-99), the DEIS states that "[s]oil sampling has not been performed on all the TAs, FPs, and ranges to determine the presence or absence" of munitions constituents ("MCs") (DEIS at 3-99). This suggests that the level of lead contamination across the Project area is unknown and unreported in the DEIS. In addition, no subsurface soils were tested because "historical records and land use did not suggest that subsurface soil impacts have occurred (USACE-POH & USAG-HI, 2017b)" (DEIS at 3-99), though such claims were not substantiated with sufficient evidence. A number of studies have documented elevated lead levels in subsurface soils of shooting ranges (Cao et al., 2003; Olive, 2006; Sanderson et al., 2010), which suggests lead and other heavy metal contaminants could be present in subsurface soils at PTA. The DEIS lacks sufficient information to accurately describe the Project area's existing conditions and how the Proposed Action's lead and heavy metals pollution will impact special-status and sensitive species and critical habitat in and near the Project area.

The DEIS also states that current site conditions "produce a low potential for contaminant mobilization via leaching and subsequent migration to a drinking water source that would be consumed by a receptor" and that contaminants "are unlikely to mobilize off-site" (DEIS at 3-96) without providing substantial evidence to support such claims. Such assumptions are pure conjecture and not based on the best available science. Soils accumulate lead and other contaminants, which, even in arid areas, can spread during rain events or extreme weather events, including when fires (often caused by the PTA [see DEIS at 3-33 to 3-36, 3-51]) occur. For example, when the 2018 Camp Fire burned 19,000 structures in Paradise, CA, the California Air Resources Board ("CARB") found that high levels of heavy metals like lead and zinc traveled more than 150 miles via smoke (CARB, 2021). Therefore, it is reasonable to consider that smoke blown from wildfires that burn through the PTA's highly contaminated soils and vegetation could contaminate soils, surface water, and sensitive habitats (and present public health concerns) well beyond PTA's borders. In addition, fire scars can increase erosion if rains occur, which causes large amounts of soil and its contaminants to runoff into watershed and ocean ecosystems. Multiple studies have shown that lead from shooting ranges contaminate offsite areas (Chrastný et al., 2010; Fayiga & Saha, 2016). The DEIS fails to adequately analyze the impacts of the Proposed Action's lead and heavy metal pollution in and near the Project area.

The DEIS fails to acknowledge that current Army activities and the Proposed Action have resulted in and will continue to cause dangerous levels of lead and other heavy metal poisoning that will significantly adversely impact special-status and sensitive species, designated and proposed critical habitat, and people in and near the Project area. In turn, the DEIS fails to adequately assess the Proposed Action's impacts to biological resources from chemical contamination due to military training activities. The DEIS also fails to adequately discuss appropriate mitigation for such impacts.

Toxic contaminants including depleted uranium will break down over time and make their way downslope as airborne particulates, or they infiltrate our watershed. It is also admitted that future cleanup efforts may include "emerging contaminants" that are as yet unknown. We incorporate by reference the comments provided by Michael Reimer, PhD with regard to the inconsistencies and incomplete information about depleted uranium used in munitions and the downwind aerosolized particles and potential effect on human health.

3.6 Air Quality and Greenhouse Gases

The Army treats the application to retain lands for the Pōhakuloa Training Area as a "real estate transaction." The Army then uses that characterization of the transaction to assert that the life-cycle of GHG emissions cannot be calculated because "there are no tools, methodologies, or data inputs reasonably available to support such calculations." The Army uses the Army Climate Assessment Tool to identify potential climate change threats and rank the relative risk each threat presents to a given Army installation in 2050 and 2085.

Army Directive 2020-08, U.S. Army Installation Policy to Address Threats Caused by Changing Climate and Extreme Weather, requires Army installations to assess, plan for, and adapt to the projected impacts of changing climate and extreme weather by adding the results of climate change prediction analysis tools into all facility and infrastructure-related plans, policies, and procedures.

The Army's claim that it cannot prepare a quantitative, full life-cycle analysis of GHG emissions does not pass the sniff test. The Army has a clear reason for not producing such an analysis. The likely outcome would be a conclusion that the military is a large contributor to global climate change. The Army should not be allowed to escape its legal obligation to produce a quantitative analysis of the greenhouse gas emissions. Self-serving claims of incapacity or incompetence serve to shield the military from regulatory scrutiny by making regulation impossible. The Army must perform an adequately analysis. The law requires it.

Regardless, if a quantitative analysis is not completed, then the precautionary principle should be applied. The precautionary principle implies that there is a social responsibility to protect the public from exposure to harm when scientific investigation has found plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

3.8 Geology, Topography, and Soils

Communities adjacent to and downwind from PTA are concerned about airborne contaminants. Additionally, continued military activity and detrimental effects due to wildfires contribute to the exposure of soils, leading to erosion. During windy days, dirt is kicked up and carried miles from its source point, leading to poor air quality and unhealthy conditions.

3.9 Water Resources

Professor Donald Thomas, geologist and the director of the Center for the Study of Active Volcanoes based at University of Hawai‘i at Manoa, cooperated with U.S. Geological Survey to conduct a drilling survey titled the Humu‘ula Saddle Hydrologic Study Project. They found that the stable water table in the saddle is 4,500 feet above sea level, almost ten times higher than expected. The samples taken at that time could reveal the potential water contaminants close to the surface, but nearly ten years have passed, and he results of those samples has not been released, nor have they been reported in the draft DEIS.

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 section 3.5, we are 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 section 3.5, "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 bullet casings are known to litter the landscape.

3.11 Environmental Justice

If the Army is serious about involving people in having agency over the decision-making process, then they need to listen to voices saying they need to vacate this land. As stated in the EIS "… generations of Hawaiians [are] experiencing military culture and land uses that do not align with traditional cultural values." It does not matter how much discourse the Army engages in with the public, or how much money is put towards natural resource management; at the end of the day, the Army is an instrument of war, and training activities will result in future damages regardless of so-called mitigation efforts. There is no justice to be found when ʻāina is treated with such carelessness.

3.16 Human Health and Safety

Due to Army activities, UXO remain a threat both within the State-leased lands and elsewhere. Air-borne contaminants, poor air quality, and wildfires mentioned previously all have the potential to cause serious health issues within our communities. Noise and vibrations from exploding ordnance affect residential regions including Volcano, Waikoloa, and Waimea, causing emotional and physical trauma. The DEIS provides no evidence suggesting that Army activity is having no negative impact on human health.

The DEIS fails to adequately describe and analyze the No Action alternative

The DEIS fails to provide an adequate description and analysis of the No Action alternative. NEPA requires sufficient descriptions and analyses of all alternatives so that decisionmakers and the public can compare them. Yet the DEIS provides an insufficient analysis and discussion of the different alternatives' impacts to biological resources, focusing mostly on how the No Action alternative would impact military training activities. The DEIS's conclusions regarding the No Action alternative's impacts to biological resources are confusing and inaccurate and ignores the best available science.

The DEIS erroneously and misleadingly concludes that the No Action alternative "could result in significant, adverse impacts" to biological resources (DEIS at 3-59) while for all other alternatives in which the lease is renewed for some or all portions of the state lands, the DEIS concludes only minor to moderate long-term, adverse impacts to biological resources. But the DEIS fails to provide substantial evidence to support such claims. As described in the above sections, the Proposed Action would result in high levels of chemical contamination and noise pollution while increasing wildfire risk and impacting wildlife connectivity. Such actions will significantly harm special-status and sensitives species when considering the Proposed Action both individually as well as cumulatively, given the history of the site is decades of consistent contamination and degradation from military training activities. Under the No Action alternative, the Army is required to "[m]eet ongoing biological resources mitigation requirements"

(DEIS at 2-21), which would suggest that the "continued long-term, moderate, beneficial impacts from uninterrupted Army conservation activities on protected species, native species, and invasive species management" that the DEIS claims would occur from land retention (DEIS at 3-54) would also apply to the No Action alternative.

In addition, under the No Action alternative, the Army is required to clean up and restore the state lands, which should include removing high levels of lead and other chemical contaminants deposited by military training activities from the environment, reducing wildfire risk by removing people and ignition sources from the area and collaborating with local stakeholders to restore native vegetation and remove invasive grasses, and removing sources of chronic noise pollution. Applying more conservation mitigation throughout the entirety of the state lands under the No Action alternative would have an even more beneficial impact to biological resources than the Army's current conservation mitigation requirements. Therefore, contrary to the DEIS's conclusion, it would be reasonable to conclude that compared to the Proposed Action, the No Action alternative would be much more beneficial for special-status and sensitive species in and near the Project area compared to the Proposed Action or any form of land retention and therefore would have significant *beneficial* impacts to biological resources. The DEIS inaccurately analyzes and insufficiently discusses the alternatives and ignores the best available science.

The DEIS also provides insufficient detail and commitment regarding the Army's responsibilities to clean up the state-owned lands if the lease were to expire and not be renewed. The DEIS acknowledges the Army would be required to do the following regarding environmental management and cleanup (DEIS at 2-21):

- 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.
- Conduct various lease compliance actions, to the extent feasible, within the State-owned land (following lease expiration and in accordance with the lease or otherwise negotiated with the State).
- After the lease expires, and if deemed necessary, the Army would follow Army regulations to determine how and when cleanup and restoration activities for any hazardous substances and hazardous wastes, including MEC, within the State-owned land would occur under the HEPA process. The Army would coordinate these actions with DLNR and the DOH Hazard Evaluation and Emergency Response Office.

However, the DEIS does not provide sufficient detail regarding what the cleanup and restoration activities would entail, and it is unclear why the Army is noncommittal to required cleanup and restoration. Stating that the Army would "[c]onduct various lease compliance actions, to the extent feasible" raises uncertainty regarding whether or not the Army would actually comply with the lease agreement. Furthermore, stating that cleanup and restoration activities for hazardous substances and hazardous wastes "if deemed necessary" suggests that the Army may not in fact restore and clean up the lands that they will have been degrading and contaminating for 65 years. The DEIS should commit the Army to complying with the lease agreement, should it expire, and provide sufficient, recently-collected, ground-truthed data (i.e., not just rely on outdated reports or unsubstantiated assumptions) regarding the existing conditions of the site and a detailed restoration and cleanup plan as part of the No Action alternative. Without a detailed restoration and cleanup plan, decisionmakers and the public cannot compare the No Action alternative to the Proposed Action or other alternatives.

Conclusion

The No Action Alternative by which the State-leased lands will return to the State in 2029 is the only acceptable option. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our environment. We respectfully request that the Army remediate these State-leased lands and return them in better condition.

Mahalo for your consideration of our comments,

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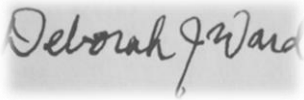

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References Cited

Aguilar, R., Quesada, M., Ashworth, L., Herrerias-Diego, Y., & Lobo, J. (2008). Genetic consequences of habitat fragmentation in plant populations: Susceptible signals in plant traits and methodological approaches. *Molecular Ecology*, *17*, 5177–5188.

Barber, J. R., Crooks, K. R., & Fristrup, K. M. (2010). The costs of chronic noise exposure for terrestrial organisms. *Trends in Ecology and Evolution*, *25*(3), 180–189.

Benítez-López, A., Alkemade, R., & Verweij, P. A. (2010). The impacts of roads and other infrastructure on mammal and bird populations: A meta-analysis. *Biological Conservation*, *143*, 1307–1316.

Brehme, C. S., Hathaway, S. A., & Fisher, R. N. (2018). An objective road risk assessment method for multiple species: Ranking 166 reptiles and amphibians in California. *Landscape Ecology*, *33*, 911–935.

Brehme, C. S., Tracey, J. A., Clenaghan, L. R. M. C., & Fisher, R. N. (2013). Permeability of roads to movement of scrubland lizards and small mammals. *Conservation Biology*, *27*(4), 710–720.

Bunkley, J. P., & Barber, J. R. (2015). Noise Reduces Foraging Efficiency in Pallid Bats (Antrozous pallidus). *Ethology*, *121*(11), 1116–1121.

Cao, X., Ma, L., Chen, M., Hardison, D., & Harris, W. (2003). Lead transformation and distribution in the soils of shooting ranges in Florida, USA. *The Science of The Total Environment*, *307*(1–3), 179–189.

CARB. (2021). *Camp Fire Air Quality Data Analysis*.

Ceia-Hasse, A., Navarro, L. M., Borda-de-Água, L., & Pereira, H. M. (2018). Population persistence in landscapes fragmented by roads: Disentangling isolation, mortality, and the effect of dispersal. *Ecological Modelling*, *375*, 45–53.

Chrastný, V., Komárek, M., & Hájek, T. (2010). Lead contamination of an agricultural soil in the vicinity of a shooting range. *Environmental Monitoring and Assessment*, *162*(1–4), 37–46. https://doi.org/10.1007/s10661-009-0774-3

Cleveland, R. (2022). *Using stakeholder objectives to inform fire resource managment in Wai'anae Hawai'i*. University of Hawai'i at Mānoa.

Conomy, J. T., Dubovsky, J. A., Collazo, J. A., & Fleming, W. J. (1998). Do Black Ducks and Wood Ducks Habituate to Aircraft Disturbance? *The Journal of Wildlife Management*, *62*(3), 1135. https://doi.org/10.2307/3802568

Cushman, S. A. (2006). Effects of habitat loss and fragmentation on amphibians: A review and prospectus. *Biological Conservation*, *128*, 231–240.

Cushman, S. A., McRae, B., Adriaensen, F., Beier, P., Shirley, M., & Zeller, K. (2013). Biological corridors and connectivity. In D. W. Macdonald & K. J. Willis (Eds.), *Key Topics in Conservation Biology 2* (First Edit, pp. 384–403). John Wiley & Sons, Ltd.

Damschen, E. I., Brudvig, L. A., Burt, M. A., Jr, R. J. F., Haddad, N. M., Levey, D. J., Orrock, J. L., Resasco, J., & Tewksbury, J. J. (2019). Ongoing accumulation of plant diversity through habitat connectivity in an 18-year experiment. *Science*, *365*(6460), 1478–1480.

Ernest, H. B., Vickers, T. W., Morrison, S. A., Buchalski, M. R., & Boyce, W. M. (2014). Fractured genetic connectivity threatens a Southern California puma (Puma concolor) population. *PLoS ONE*, *9*(10).

Fayiga, A. O., & Saha, U. K. (2016). Soil pollution at outdoor shooting ranges: Health effects, bioavailability and best management practices. *Environmental Pollution*, *216*, 135–145. https://doi.org/10.1016/j.envpol.2016.05.062

Francis, C. D., & Barber, J. R. (2013). A framework for understanding noise impacts on wildlife: An urgent conservation priority. *Frontiers in Ecology and the Environment*, *11*(6), 305–313.

Goudie, R. I., & Jones, I. L. (2004). Dose-response relationships of harlequin duck behaviour to noise from low-level military jet over-flights in central Labrador. *Environmental Conservation*, *31*(4), 289–298. https://doi.org/10.1017/S0376892904001651

Goverde, M., Schweizer, K., Baur, B., & Erhardt, A. (2002). Small-scale habitat fragmentation effects on pollinator behaviour: Experimental evidence from the bumblebee Bombus veteranus on calcareous grasslands. *Biological Conservation*, *104*, 293–299.

Habib, L., Bayne, E. M., & Boutin, S. (2007). Chronic industrial noise affects pairing success and age structure of ovenbirds *Seiurus aurocapilla*. *Journal of Applied Ecology*, *44*(1), 176–184. https://doi.org/10.1111/j.1365-2664.2006.01234.x

Haddad, N. M., Brudvig, L. A., Clobert, J., Davies, K. F., Gonzalez, A., Holt, R. D., Lovejoy, T. E., Sexton, J. O., Austin, M. P., Collins, C. D., Cook, W. M., Damschen, E. I., Ewers, R. M., Foster, B. L., Jenkins, C. N., King, A. J., Laurance, W. F., Levey, D. J., Margules, C. R., … Townshend, J. R. (2015). Habitat fragmentation and its lasting impact on Earth's ecosystems. *Science Advances*, *1*(e1500052), 1–9.

Hardison, Jr., D., Ma, L., Luongo, T., & Harris, W. (2004). Lead contamination in shooting range soils from abrasion of lead bullets and subsequent weathering. *Science of The Total Environment*, *328*(1–3), 175–183. https://doi.org/10.1016/j.scitotenv.2003.12.013

Heller, N. E., & Zavaleta, E. S. (2009). Biodiversity management in the face of climate change: A review of 22 years of recommendations. *Biological Conservation*, *142*, 14–32.

Hilty, J. A., Worboys, G., Keeley, A., Woodley, S., Lausche, B., Locke, H., Carr, M., Pulsford, I., Pittock, J., White, W., Theobald, D., Levine, J., Reuling, M., Watson, J., Ament, R., & Tabor, G. (2020).

Guidelines for conserving connectivity through ecological networks and corridors. International Union for Conservation of Nature.

Horai, S., Nakashima, Y., Nawada, K., Watanabe, I., Kunisue, T., Abe, S., Yamada, F., & Sugihara, R. (2018). Trace element concentrations in the small Indian mongoose (Herpestes auropunctatus) from Hawaii, USA. *Ecological Indicators*, *91*, 92–104. https://doi.org/10.1016/j.ecolind.2018.03.058

Kantola, T., Tracy, J. L., Baum, K. A., Quinn, M. A., & Coulson, R. N. (2019). Spatial risk assessment of eastern monarch butterfly road mortality during autumn migration within the southern corridor. *Biological Conservation*, *231*, 150–160.

Krosby, M., Theobald, D. M., Norheim, R., & Mcrae, B. H. (2018). Identifying riparian climate corridors to inform climate adaptation planning. *PLoS ONE*, *13*(11), e0205156.

Laidlaw, M. A. S., Filippelli, G., Mielke, H., Gulson, B., & Ball, A. S. (2017). Lead exposure at firing ranges—A review. *Environmental Health*, *16*(1), 34. https://doi.org/10.1186/s12940-017-0246-0

Lawrence, M. J., Stemberger, H. L. J., Zolderdo, A. J., Struthers, D. P., & Cooke, S. J. (2015). The effects of modern war and military activities on biodiversity and the environment. *Environmental Reviews*, *23*(4), 443–460. https://doi.org/10.1139/er-2015-0039

Loss, S. R., Will, T., & Marra, P. P. (2014). Estimation of bird-vehicle collision mortality on U.S. roads. *Journal of Wildlife Management*, *78*, 763–771.

Luo, J., Siemers, B. M., & Koselj, K. (2015). How anthropogenic noise affects foraging. *Global Change Biology*, *21*(9), 3278–3289. https://doi.org/10.1111/gcb.12997

Marsh, D. M., & Jaeger, J. A. G. (2015). Direct effects of roads on small animal populations. In *Roads and ecological infrastructure: Concepts and applications for small animals* (pp. 42–56).

McClure, C. J. W., Ware, H. E., Carlisle, J., Kaltenecker, G., & Barber, J. R. (2013). An experimental investigation into the effects of traffic noise on distributions of birds: Avoiding the phantom road. *Proceedings of the Royal Society B: Biological Sciences*, *280*.

Mitsch, W. J., & Wilson, R. F. (1996). Improving the success of wetland creation and restoration with know-how, time, and self-design. *Ecological Applications*, *6*(1), 16–17.

Olive, I. X. (2006). *Mobility of lead and antimony in shooting range soils*. University of Girona.

Pain, D. J., Mateo, R., & Green, R. E. (2019). Effects of lead from ammunition on birds and other wildlife: A review and update. *Ambio*, *48*(9), 935–953. https://doi.org/10.1007/s13280-019-01159-0

Phillips, J. N., Termondt, S. E., & Francis, C. D. (2021). Long-term noise pollution affects seedling recruitment and community composition, with negative effects persisting after removal. *Proceedings of the Royal Society B*, *288*, 20202906–20202906.

Riley, S. P. D., Serieys, L. E. K., Pollinger, J. P., Sikich, J. A., Dalbeck, L., Wayne, R. K., & Ernest, H. B. (2014). Individual behaviors dominate the dynamics of an urban mountain lion population isolated by roads. *Current Biology*, *24*(17), 1989–1994.

Rodríguez-Seijo, A., Alfaya, M. C., Andrade, M. L., & Vega, F. A. (2016). Copper, Chromium, Nickel, Lead and Zinc Levels and Pollution Degree in Firing Range Soils. *Land Degradation & Development*, *27*(7), 1721–1730. https://doi.org/10.1002/ldr.2497

Sanderson, P., Bolan, Bowmanc, M., & Naidu, R. (2010). *Distribution and availability of metal contaminants in shooting range soils around Australia*.

Sehube, N., Kelebemang, R., Totolo, O., Laetsang, M., Kamwi, O., & Dinake, P. (2017). Lead pollution of shooting range soils. *South African Journal of Chemistry*, *70*. https://doi.org/10.17159/0379-4350/2017/v70a4

Shannon, G., McKenna, M. F., Angeloni, L. M., Crooks, K. R., Fristrup, K. M., Brown, E., Warner, K. A., Nelson, M. D., White, C., Briggs, J., McFarland, S., & Wittemyer, G. (2016). A synthesis of two decades of research documenting the effects of noise on wildlife. *Biological Reviews*, *91*(4), 982–1005. https://doi.org/10.1111/brv.12207

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. https://doi.org/10.1641/B580409

Trauernicht, C. (2018). Vegetation—Rainfall interactions reveal how climate variability and climate change alter spatial patterns of wildland fire probability on Big Island, Hawaii. *Science of The Total Environment*, *650*, 459–469. https://doi.org/10.1016/j.scitotenv.2018.08.347

Trauernicht, C., Pickett, E., Giardina, C. P., Litton, C. M., Cordell, S., & Beavers, A. (2015). The Contemporary Scale and Context of Wildfire in Hawai‘i. *Pacific Science*, *69*(4), 427–444. https://doi.org/10.2984/69.4.1

Trauernicht, C., Ticktin, T., Fraiola, H., Hastings, Z., & Tsuneyoshi, A. (2018). Active restoration enhances recovery of a Hawaiian mesic forest after fire. *Forest Ecology and Management*, *411*, 1–11. https://doi.org/10.1016/j.foreco.2018.01.005

Trombulak, S. C., & Frissell, C. A. (2000). Review of ecological effects of roads on terrestrial and aquatic communities. *Conservation Biology*, *14*(1), 18–30.

van der Ree, R., Jaeger, J. A. G., van der Grift, E. A., & Clevenger, A. P. (2011). Effects of roads and traffic on wildlife populations and landscape function: Road ecology is moving toward larger scales. *Ecology and Society*, *16*(1), 48.

Vickers, T. W., Sanchez, J. N., Johnson, C. K., Morrison, S. A., Botta, R., Smith, T., Cohen, B. S., Huber, P. R., Ernest, H. B., & Boyce, W. M. (2015). Survival and mortality of pumas (Puma concolor) in a fragmented, urbanizing landscape. *PLoS ONE*, *10*(7), 1–18.

Ware, H. E., Mcclure, C. J. W., Carlisle, J. D., & Barber, J. R. (2015). A phantom road experiment reveals traffic noise is an invisible source of habitat degradation. *Proceedings of the National Academy of Sciences*, *112*(39), 12105–12109.

Warner, T. (2023). *Success of post-fire broadcast seeding as a tool for restoration of a Hawai'i dry forest*. University of Hawai'i at Mānoa.

Work, T. M., Dagenais, J., Rameyer, R., & Breeden, R. (2015). Mortality patterns in endnagered Hawaiian gees (Nene; Branta sandvicensis). *Journal of Wildlife Diseases*, *51*(3), 688. https://doi.org/10.7589/2014-11-256

Yap, T. A., Rose, J. P., Anderson, I., & Prabhala, A. (2021). *California Connections: How Wildlife Connectivity Can Fight Extinction and Protect Public Safety*.

Zentelis, R., & Lindenmayer, D. (2015). Bombing for Biodiversity-Enhancing Conservation Values of Military Training Areas: Bombing for biodiversity. *Conservation Letters*, *8*(4), 299–305. https://doi.org/10.1111/conl.12155

Zhu, T. R., Litton, C. M., Giardina, C. P., & Trauernicht, C. (2021). Moisture availability and ecological restoration limit fine fuels and modelled wildfire intensity following non-native ungulate removal in Hawaii. *Journal of Applied Ecology*, *58*(10), 2207–2219. https://doi.org/10.1111/1365-2664.13952

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Name	Modified	Modified By	File size
Aguilar 2008 - genetic consequences of h...	December 15, 2018	Tiffany Yap	239 KB
Barber 2010 - the costs of chronic noise e...	May 30, 2021	Tiffany Yap	1.95 MB
Benitez-Lopez 2010 - the impacts of road...	August 7, 2018	Tiffany Yap	244 KB
Brehme 2013 - permeability of roads to ...	June 11, 2018	Tiffany Yap	2.56 MB
Brehme 2018 - An objective road risk ass...	June 7, 2018	Tiffany Yap	7.47 MB
Bunkley 2015 - Noise reduces foraging ef...	November 7, 2022	Tiffany Yap	2.34 MB
Cao 2003 - lead transformation and distri...	May 21	Tiffany Yap	247 KB
CARB 2021 - camp fire air quality data an...	December 10, 2021	Tiffany Yap	7.32 MB
Ceia-Hasse 2018 - Population persistence...	August 27, 2021	Tiffany Yap	1.09 MB
Chrastny 2010 - lead contamination of an...	May 30	Tiffany Yap	285 KB
Cleveland 2022 - using stakeholder objec...	May 30	Tiffany Yap	167 KB
Conomy 1998 - do black ducks and wood...	May 21	Tiffany Yap	1.40 MB
Cushman 2006 - effects of habitat loss an...	January 14, 2019	Tiffany Yap	177 KB
Cushman 2013_Biological corridors and c...	September 21, 2017	Tiffany Yap	652 KB
Damschen 2019 - plant diversity and habi...	December 3, 2019	Tiffany Yap	1.52 MB
Ernest 2014 - fractured genetic connectivi...	May 11, 2018	Tiffany Yap	3.82 MB
Fayiga 2016 - soil pollution at outdoor sh...	May 18	Tiffany Yap	522 KB
Francis 2013 - a framework for understan...	May 31, 2021	Tiffany Yap	391 KB
Goudie 2004 - dose-response relationsih...	May 23	Tiffany Yap	125 KB
Goverde 2002 - small-scale habitat fragm...	December 15, 2018	Tiffany Yap	176 KB
Habib 2007 - chronic industrial noise affe...	May 24	Tiffany Yap	109 KB
Haddad 2015 - habitat fragmentation an...	December 15, 2018	Tiffany Yap	1.31 MB
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Hilty 2020 - guidelines for conserving con...	August 16, 2020	Tiffany Yap	19.2 MB
Horai 2018 - trace element concentration...	May 29	Tiffany Yap	1.47 MB
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Lawrence 2015 - the effects of modern w...	May 21	Tiffany Yap	2.45 MB
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McClure 2013 - an expl investigation into ...	September 27, 2018	Tiffany Yap	857 KB
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Stein 2008 - federal lands and endangere...	May 17	Tiffany Yap	390 KB
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Trauernicht 2018 - vegetation-rainfall inte...	May 16	Tiffany Yap	1.25 MB
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Zentelis 2014 - Bombing for Biodiversity ...	May 22	Tiffany Yap	434 KB
Zhu 2021 - Moisture availability and ecol...	May 30	Tiffany Yap	1.01 MB

From: Melodie Aduja <[redacted]>
Sent: Friday, June 7, 2024 8:12 PM
To: [redacted]; G70 - ATLR PTA EIS
Cc: Alan Burdick; Melodie Aduja
Subject: Public Comments on 2nd EIS on Pohakuloa Training Area
Attachments: Public Comments 2nd EIS^J 6-7-2024 - edit 1.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Kindly, please find attached, the public comments of the Environmental Caucus of the Democratic Caucus.

Mahalo,
Melodie Aduja and
Alan Burdick
Co-Chairs, Environmental Caucus of the Democratic Party

Environmental Caucus of The Democratic Party of Hawai‘i

via https://atlrptaeis.commentinput.com?id=AZ5WkUQaC

Friday, June 7, 2024

U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
Attn: Matthew Foster
matthew.b.foster3.civ@army.mil

U.S. Army Garrison-Hawai'i Directorate of Public Works – Environmental Division
948 Santos Dumont Avenue, Building 105, 3rd Floor
Wheeler Army Airfield, HI 96857-5013

G70
Attn: Jeff Overton
111 S. King Street, Suite 170
Honolulu, Hawai`i 96813
ATLR-PTA-EIS@g70.design

Re: Public Comments on the 2nd EIS regarding the Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai‘I

Aloha, Mr. Foster and Members of the U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command; Members of the U.S. Army Garrison-Hawai'i Directorate of Public Works – Environmental Division, and Mr. Overton and Members of the G70:

Thank you for the opportunity for the Environmental Caucus of the Democratic Party of Hawai`i ("DPH") to provide comments relating to the United States Army training land retention efforts for the Pōhakuloa Training Area on the Island of Hawai`i.

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 from the State of Hawai‘i. The lease expires on August 16, 2029. The Army proposes to retain up to 22,750 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

The Democratic Party of Hawai`i has an enrolled membership of over 120,000 active and associate members in the State of Hawai`i. The Environmental Caucus of the Democratic Party is a semi-autonomous organization of over 7,500 DPH members. We advocate to advance the

Party's environmental Platform planks and Resolutions, including those adopted by DPH members at the Democratic State Conventions as quoted below.

Fundamentally, we object to the proposed land exchange in fee simple or 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 Hawai'i in 1964 for an entirely unreasonable and oppressive consideration of $1.00 for a 65-year lease to expire in 2029. For multiple reasons summarized here, we object to the proposed land exchange and/or continuation of the lease and the continued failure of the Army to adequately clean up the site.

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 may 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. See, e.g., https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard (2017)

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: erecting fences, signs, local use ordinances, prohibit or otherwise manage excavation, prohibit residential use, impose landfill restrictions, prohibit activities that would impact the landfill cap (or cover system), and drainage systems, landfill restriction - prohibit excavation on landfill cap or cover systems, landfill restriction, and/or 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:

MILITARY INSTALLATION	#HAZ. SITES	CITY	COUNTY	RISK OF HARM
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
WAIKAKALAUA 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
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 RANCHLAND 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. Our objections are based on NEPA; the Public Trust Doctrine as set out in Article XI, Section 1 of the Hawai'i State Constitution; the Precautionary Principle; and as supported in 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 is 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*, (Native Hawaiian), 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 proposed land swap or renewal of the 65-year lease for PTA between the U.S. Army and DLNR.

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. Some 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 acts 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 fail to encourage productive and enjoyable harmony between humanity and our 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.

There are several other reasons why the State of Hawai‘i would not want to accept a potential land exchange with the Army for Pōhakuloa Training Area and O‘ahu Training Areas. These include cultural, historical, and as previously mentioned ***supra,*** environmental impacts.

Cultural Impacts: The PTA is home to more than 300 state-registered archaeological sites. Native Hawaiian have been present in the area as far back as the 1400s – 1600s, leaving behind cultural shrines, habitation caves, burial sites, and pictographs. If the Army were to own these training areas in fee simple, there could be significant impacts on these cultural resources. While these impacts can be mitigated through appropriate consultation with Native Hawaiians and/or other interested groups, there is still a risk of damage or loss of these important cultural sites.

Historical Impacts: The PTA has a long history, having been used for military training since World War II. It has helped Army, Marine, Air Force, and Navy units maintain their combat readiness and prepare for war. If the Army were to own these training areas in fee simple, it could potentially impact the historical significance of these lands.

Environmental Impacts. The PTA is home to one of the world’s rarest ecosystems: a tropical sub-alpine, and dryland ecosystem. The Army’s Natural Resources staff identify, manage, and protect 15 threatened and endangered plant species while maintaining a cultivation and planting program. If the Army were to own these training areas in fee simple, there could be significant environmental impacts. The Army’s land retention efforts would need to comply with both the Hawai‘i Environmental Policy Act (HEPA) and the National Environmental Policy Act (NEPA), including the publication of draft environmental impact statements. However, even with these safeguards in place, there is still a substantial risk of continued, unresolved environmental damage.

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/ *Melodie Aduja*
Co-chair, Environmental Caucus of the Democratic Party of Hawai'i, Email: legislativepriorities@gmail.com

/s/ *Alan B. Burdick*
Co-chair, Environmental Caucus of the Democratic Party of Hawai'i, Email: burdick808@gmail.com

From: Elena Bryant <[redacted]>
Sent: Saturday, June 8, 2024 12:00 AM
To: G70 - ATLR PTA EIS
Cc: dlnr.land@hawaii.gov; matthew.b.foster3.civ@army.mil
Subject: Comments Re: Army Training Land Retention at PTA, Second Draft EIS
Attachments: 2024-6-7 EJ comments on PTA EIS_final.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Aloha Mr. Overton,

Please see the attached comment letter, which Earthjustice submits in response to the April 19, 2024 solicitation for public comment on the Army Training Land Retention at Pohakuloa Training Area Second Draft Environmental Impact Statement. If you would like to discuss these comments further or have any questions, please feel free to contact me by email at [redacted] or by telephone at [redacted].

Mahalo,
Elena

Elena L. Bryant
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EARTHJUSTICE
Because the earth needs a good lawyer

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EARTHJUSTICE

June 7, 2024

Via Electronic Mail
Jeff Overton, AICP, LEED AP
Group 70 International, Inc. dba G70
111 S. King St., Suite 170
Honolulu, HI 96813
ATLR-PTA-EIS@g70.design

Re: OBJ Army Training Land Retention at Pōhakuloa Training Area—Second Draft Environmental Impact Statement

Dear Mr. Overton:

Earthjustice submits these comments in response to the April 19, 2024 solicitation for public comment on the Army Training Land Retention at Pōhakuloa Training Area Second Draft Environmental Impact Statement ("EIS"). The Earthjustice Mid-Pacific Office has been involved in environmental review processes and litigation related to the Pōhakuloa Training Area ("PTA") for over two decades and has raised serious concerns about the manner in which the Army conducts activities in these culturally and environmentally sensitive areas. Our office has been watching the development and disclosure of details related to the Army's planned land retention efforts with growing concern. Earthjustice submits these comments to raise various concerns related to the Army's proposed land retention action to support continued military training at PTA ("Proposed Action").

A. The EIS fails to identify a proper baseline for meaningful analysis of impacts of the Proposed Action.

In assessing the potential impacts of continued military use of State-owned lands, the EIS indicates that "[f]or most resources, the impacts of past actions are now part of existing conditions" (EIS at 4-2), and "[e]xisting conditions are based on all ongoing activities to date, including current activities and existing management measures." (EIS at 3-2.) This is an inappropriate baseline to consider environmental impacts of the Proposed Action for two reasons. First, by assessing the impacts of continued military use in an already degraded environment, the EIS's analysis of impacts completely disregards the significant direct, indirect, and cumulative impacts that decades of military use have had on cultural and environmental resources in the project area. Second, this skewed baseline ignores that under the existing lease, all military uses will cease as of the August 16, 2029 lease termination date. Proper environmental review must consider the impacts of renewing military uses that would otherwise terminate, also taking into consideration the anticipated beneficial impacts of the

Army's obligation to conduct cleanup and restoration activities of former training areas not retained, such as reforestation, removal of unexploded munitions and by-products, and weapons decommissioning. (*See* EIS at ES-12; Appendix F.)

B. The EIS's proposed land retention methods are not consistent with the State's public trust duties or existing law.

The EIS contemplates two methods for attaining a land interest that would allow the continued use of State-owned lands at PTA for military training activities—a land exchange and an amendment to the state conservation district rules. (*See* EIS at ES-7, 2-24, 4-9, 5-1.) Neither of the land retention methods proposed in the EIS are compatible with the State's obligation as trustee of the public lands trust or existing law.

1. Proposed Land Exchange.

The EIS proposes a land exchange between the Army and the State of Hawai'i as one potential way to attain a land interest that would allow the continued use of State-owned lands at PTA for military uses. (EIS at ES-12.) The three tracts of State-owned land contained within PTA are ceded lands. *See Ching v. Case*, 145 Hawai'i 148, 152 (2019). Section 5(f) of the Admission Act imposes a trust upon these lands and appoints the State as the trustee. *See* Pub. L. 86-3 (1959). "The most basic aspect of the State's trust duties is the obligation to protect and maintain the trust property and regulate its use. . . . The trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property." *Ching*. 145 Hawai'i at 170 (cleaned up). The alienation of any public trust lands through a land exchange would result in the permanent loss of land, which is inconsistent with the State's public trust duty to preserve trust property for the use and benefit of Native Hawaiians and the general public. Moreover, to the extent that the Army has surplus lands available for a potential land exchange, the United States government is already required to convey any surplus lands in its possession to the State of Hawai'i without monetary consideration, except for the fair market value of buildings and improvements, making these lands unavailable for a land exchange. *See* Pub. L. 88-233 (1963).

2. Amendment of Conservation District Rules.

The EIS further proposes an amendment of the State's conservation district rules as another potential way to attain a land interest that would allow the continued use of State-owned lands at PTA for military uses. The State-owned lands at PTA are regulated under State conservation district rules, Hawai'i Administrative Rules ("HAR") chapter 13-5. The express purpose of the conservation district rules is "conserving, protecting, and preserving the important natural and cultural resources . . . through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare." HAR § 13-5-1. Military uses are not included as allowable uses for any conservation district subzone and are therefore considered nonconforming. *See* HAR § 13-5-2 & 13-5-22 through -25. The EIS suggests that incompatibility with conservation district rules could be addressed through the establishment of a new subzone within the conservation district that allows military uses. (EIS at 2-24, 4-9). Amending conservation district rules to accommodate the Army's continued destruction of important natural and cultural resources contradicts the express purpose of the State conservation

district rules. Such an amendment would be grossly inappropriate and would set a dangerous precedent of amending conservation district rules to legalize nonconforming uses.

C. The EIS fails to disclose a method for determining the fair market value of the State-owned lands.

The EIS claims that there will be "new," "long-term," and "beneficial impacts" on land tenure resulting from a new lease or sale of the State-owned land at PTA, which would be negotiated at "equitable, fair market value" and would generate revenue that would be used to fund State programs that benefit Native Hawaiians and other public programs. (EIS at 3-22, 3-25.) The EIS, however, is silent as to how "fair market value" would be determined. Given the extremely unique nature of these lands, determining "fair market value" would be extremely complex and would need to take into consideration, among other things, the intrinsic cultural and ecological significance of these lands, any potential loss of value due to historical contamination and hazards created by decades of military use, and the foreclosure of future uses. Without a method for determining the fair market value of State-owned lands at PTA that considers these and other considerations, the EIS's claims that a new lease or sale would provide beneficial impacts is unsupported and purely speculative.

D. The EIS's proposed mitigation measures are insufficient to address significant adverse impacts to historic and cultural resources and cultural practices.

Both NEPA and HEPA require a discussion of measures to mitigate, avoid, minimize, or reduce adverse environmental impacts. *See* 40 C.F.R. §1502.16(a)(9); HAR § 11-200.1-24(p). HEPA further provides that a draft EIS "shall include, where possible, specific reference to the timing of each step proposed to be taken in any mitigation process . . . and what other provisions are proposed to ensure that the mitigation measures will in fact be taken in the event the action is implemented." HAR § 11-200.1-24(p). Here, the EIS identifies continued, long-term, significant, adverse impacts on Native Hawaiian communities and cultural practices due to access limitations resulting from ongoing military uses but does not propose any concrete steps to ensure mitigation measures will actually be implemented. (EIS at 3-277-279, 3-286-287.) Apart from a vague proposal to "formalize a cultural access request process" and "explore options to provide unlimited cultural access to specific locations," (EIS at 3-294, 3-296), the EIS's discussion of mitigation measures does little to ensure steps will be taken to mitigate the significant adverse impacts on cultural practices. The Cultural Impact Assessment further indicates that although the Army has an existing access policy, it is largely ineffective to ensure adequate cultural access. (*See* Appendix I at 82-83.)

E. The EIS fails to properly address the cumulative impacts of the Proposed Action.

Environmental review documents are required to identify and analyze all impacts of a proposed action, including cumulative impacts. *See* 40 C.F.R. §§ 1502.16 (requiring the disclosure of environmental impacts of a proposed action); 1508.1 (defining impacts to include cumulative impacts); HAR § 11-200.1-24. "Cumulative effects" is defined as "effects on the environment that result from the incremental effects of the action *when added to the effects of other past, present, and reasonably foreseeable actions*[.]" 40 C.F.R. § 1508.1(g)(3) (emphasis added); *see also* HAR § 11-200.1-2 (similarly defining cumulative impacts). The EIS states that

"the impacts of past actions are a part of existing conditions; therefore, the timeframe for potential cumulative impact contributions from present and reasonably foreseeable actions addressed in this analysis begins in the present and has no defined end date." (EIS at ES-11.) This methodology for assessing cumulative impacts improperly excludes the significant environmental impact that six decades of military use has had on the project area, including the cumulative impacts on biological and cultural resources and the accumulation of hazardous and toxic materials and wastes. The EIS goes on to state that for most of the resource areas analyzed, cumulative impacts "were found to be less than significant." (EIS at ES-11.) By completely ignoring the impacts of past military uses, including the historical and ongoing contamination of lands and waters by military activities on State-owned land and in neighboring federally controlled lands, the EIS fails to meaningfully disclose and analyze the cumulative impacts of continued military uses at PTA.

F. Conclusion

In sum, Earthjustice has serious concerns about the EIS's failure to fully disclose the direct, indirect, and cumulative impacts of the Proposed Action and to identify mitigation measures to be implemented. The Army's proposed land retention action has the potential for lasting impacts on present and future generations and necessitates full and meaningful analysis of impacts, alternatives, and mitigation measures, and public participation in decision-making. We look forward to fuller disclosure of the project's environmental impacts and proposed mitigation measures in future environmental review documents. If you would like to discuss these comments further or have any questions, please feel free to contact me by email at ebryant@earthjustice.org or by telephone at (808) 599-2436.

Sincerely,

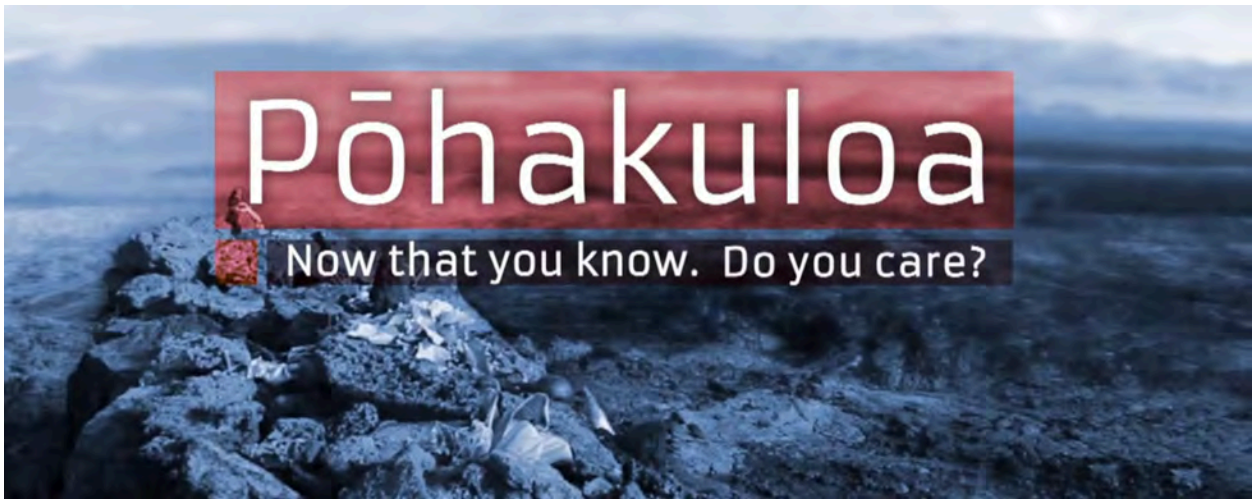
Elena L. Bryant
EARTHJUSTICE

cc:
Russell Tsuji
State of Hawai'i, Board of Land and Natural Resources
dlnr.land@hawaii.gov

Matthew Foster
U.S. Army Garrison-Hawai'i & U.S. Army Installation Management Command
matthew.b.foster3.civ@army.mil

FLORES-CASE ‘OHANA

See attached Flores-Case ‘Ohana comments submitted for the PTA 2nd DEIS ALTR.



"Man is merely the caretaker of the land that maintains his life and nourishes his soul. Therefore, the 'āina is sacred." George Helm

May 30, 2024

FR: E. Kalani Flores, Representative of the Flores-Case 'Ohana
P.O. Box 6918, Kamuela HI 96743

RE: Comments for Army Training Land Retention (ATLR) at Pōhakuloa Training Area
Second Draft Environmental Impact Statement (DEIS), March 2024

SUMMARY OF COMMENTS

The Flores-Case 'Ohana provided substantive oral and written comments of nearly 40 pages plus attachments regarding the first ATLR DEIS which were systematically ignored. [See pp. I-89 to I-278] The responses to our comments were extremely inadequate and inaccurate with just broad 'boilerplate' responses. [See pp. D-86 to D-97] Therefore, our previous comments (dated June 1, 2022) have been resubmitted for this second draft. Overall, the DEIS is still 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 second DEIS still 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). Yet, areas within the state-leased lands are being utilized as firing points for live-fire training exercises which extend beyond the state-leased lands. Thus, the environmental consequences lack a thorough discussion of the environmental effects and their significance. The U.S. Army is also 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 the DEIS. Likewise, the DEIS failed to assess the adverse impacts of the military's actions and live-fire training activities at PTA upon the intergenerational trauma and well-being of Kanaka Maoli.

Furthermore, the Cultural Impact Assessment (CIA) is in a worse substandard and unacceptable condition than the first DEIS with the drastic reduction from 388 pages to just 98 pages (excluding appendices). Also, comments provided to enhance the CIA were typically ignored. In addition, when we attempted to participate in the CIA process, we were excluded as requests (emails dated June 2 and December 31, 2022) to be interviewed were never responded to as noted in Attachment 1.

The assertion that USARHAW and 3rd Marine Regiment would have to restation if the *No Alternative Action* is selected is blatantly false. The DEIS failed to accurately disclose other alternative training areas presently being used on Oʻahu and elsewhere. In addition, the DEIS failed to disclose the cost savings of not transporting equipment and the deployment of troops from Oʻahu to PTA for training. Previously, the U.S. Navy stated that the use of Kahoʻolawe as a bombing target and military training was vital to the interest of national defense and troop readiness and that there weren't any alternatives. As history has demonstrated, that wasn't true when the bombing and live-fire training exercises ended in 1990. The Navy didn't leave Hawaiʻi.

In addition, statements claiming that if the *No Alternative Action* is selected that "adverse environmental impacts would occur for biological and cultural resources" is also absolutely false. The primary adverse impacts and threats to these resources have been military training activities, live-fire exercises, and large-scale wildfires originating from military activities in PTA.

This DEIS doesn't comply with the requirements of HEPA that explicitly stipulates that EISs must disclose any adverse effects on cultural resources or traditional cultural practices. DoDI

4715.16 (2008) defines a Traditional Cultural Property (TCP) as a cultural resource. The reference to the 2012 report (McCoy & Orr) as referenced in section 3.4.2.1 to substantiate the conclusions in this DEIS are inaccurate and false based upon the following reasons:

- The report inaccurately made determinations that potential TCPs did not meet the National Register criteria based upon the following non-existent criteria that was inserted into the report, "*It must be important to the community today and play the same role in the community's traditions as it did in the past."* (see p. 7) However, the NPS National Register Bulletin 38 in "Determining Eligibility Step-by-Step" does not include the afore-mentioned criteria in the four outlined steps. Likewise, this stated criteria is not found anywhere in Bulletin 38. Yet, it was erroneously used in this report for evaluating potential TCPs within PTA.

- Instead, Bulletin 38 provides the following definition, "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 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." As such, TCPs within PTA are defined as part of the Native Hawaiian community and are eligible for nomination to the National Register.

- This report limited its assessment of potential TCPs and PTRCIs and their NRHP eligibility to a few select cultural practices and properties. (p. 8)

- This report omitted assessment of potential TCPs and PTRCIs previously identified in documents prepared for the U.S. Army, i.e. *FEIS Military Training Activities at Mākua Military Reservation, Hawai'i* (June 2009) and *Striker Brigade Combat Team FEIS (May 2004*. (see References Cited, pp. 65-78)

- This report omitted any assessment on the significance of the cultural landscape and associated place names as it pertains to TCPs and PTRCIs within PTA.

- Site visits within PTA to identify potential TCPs and PTRCIs with Native Hawaiian informants did not occur as part of the assessment process for this report.

- New oral histories compiled for this report were limited to only seven individuals.

- The conclusions presented in this report regarding TCPs and PTRCIs and their NRHP eligibility lacked any Section 106 consultation with Native Hawaiian organizations and other interested groups and individuals. A compilation of oral histories, particularly as conducted for this report when the actual interview transcripts are analyzed, does not constitute Section 106 consultation.

- Also, a number of potential cultural sites that were considered eligible for nomination to NRHP were dismissed from further consideration despite having significance and integrity. This was done due to a lack of information such as site maps or improper documentation that was not included in the scope of work for this report. This is another example of the inadequate assessments of cultural resources within PTA (see pp. 3-5).

Consequently, the failure to properly complete an adequate CIA and appropriate assessment of TCPs and PTRCIs, the Army is not capable of accurately assessing the effects on cultural resources and associated cultural practices.

Furthermore, the following statement pertaining to cumulative impacts upon the historic and cultural resources (see section 4.4.3) are utterly false as these cumulative impacts have been adverse and would continue as such with the present and foreseeable future actions involving live-fire exercises and other military training activities involving the action alternatives with the exception of the the *No Alternative Action*.

> Past actions at PTA have had less than significant impacts on historic and cultural resources, and significant, adverse impacts on cultural practices. The action alternatives would have the same continued impacts and new, less than significant impacts. Impacts of present and reasonably foreseeable future actions would vary from no impacts to beneficial impacts. The action alternatives, when combined with past, present, and reasonably foreseeable future actions, would result in less than significant cumulative impacts on historic and cultural resources and significant cumulative impacts on cultural practices for lease and fee simple title. (4.4.3, p. 4-11) [emphasis underlined]

Based upon how the DEIS has been improperly drafted twice, there is a lack of confidence in this environmental review process.

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.

An essential aspect of Kanaka Maoli (Native Hawaiian) 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 Papahanaumoku (Earth Mother) and thus strive to live in *lōkahi* (harmony) with her because humans are merely the caretakers of the land that maintains their life and nourishes their souls. Therefore, the *ʻāina* is considered sacred. In particular, Pōhakuloa encompasses a sacred landscape that is interconnected with the mountains of Mauna a Wākea, Mauna Loa, and Hualalai. Also, the energetic *piko* of Hawai'i Island is centered within Pōhakuloa. Past and ongoing military operations and activities at Pōhakuloa have caused severe desecration, destruction, and disruption to the physical environment and natural energy fields on this island. Furthermore, the war associated activities imprint an energetic disturbance in the area that also adversely impacts ancestral *akua*, *ʻaumakua*, *kupua*, *kiaʻi* and others connected to the area of Pōhakuloa. These types of activities create a physical and spiritual disturbance, disconnection, and imbalance between man and the Creator, and between man and his environment. Consequently, the proposed continued activities and live-fire training on state-leased lands, would further contribute to the desecration and destruction of this land and everything and everyone connected to it at various levels and dimensions. Therefore, from a cultural perspective, there are truly no mitigation measures that would compensate for the proposed undertaking. Truly, the ***No Action Alternative*** should be selected when one examines the cumulative significant, substantial, and adverse impacts resulting from military activities that have occurred over seventy years at Pōhakuloa.

It is very apparent that the U.S. Army and its affiliates are either ignoring or ignorant of this understanding because they are going to push ahead with their plans to cause further adverse and irreversible impacts upon the cultural and natural resources resulting from this undertaking. Despite what has been documented in previous reports as well as community opposition and substantive comments provided in this environmental review process, the U.S. Army is still going to pursue their preferred alternative.

RECOMMENDATION

The Flores-Case ʻOhana recommends the *No Action Alternative* based upon the previously stated comments as well as the following reasons:

- The live-fire exercises are adversely impacting the *ʻāina*, the water aquifer, and the energetic *piko* of Moku o Keawe.

- The U.S. Army would further contribute to the intergenerational trauma and negative well-being of Kanaka Maoli with the bombing of our Papahānaumoku.

- Dispossession of Kanaka Maoli from their homelands remains a primary issue threatening their identity and well-being.
,
- Continued live-fire exercises would compound the problem to properly clean-up the UXO in the impact area in the future as demonstrated with the inability to clean-up Kahoʻolawe. In addition, these exercises would contribute further to pollutant migration and the introduction of additional weapons related contaminants to soil and water already contaminated by military activities. Also, these exercises have started wildfires that have adversely impacted endangered and threatened species as well as the natural and cultural resources in this area.

- The U.S. Army has failed to justify the use of PTA by developing and implementing a process to update periodically its strategic plan—Range and Training Land Strategy—to reflect current training needs and provide a comprehensive assessment of the Army's total land requirements in the Pacific including other installations beyond the Pacific. Army guidance for the acquisition of training land should provide overall guidance for Army installations and be in alignment with DOD policy by requiring Army installations to, among other things, evaluate the economic feasibility of each alternative for all potential training land acquisition projects. In addition, the regulation requires an assessment of anticipated environmental impacts and requires that Army installations develop a major land acquisition proposal document that includes, where applicable, a summary of the feasibility analysis as well as a list of potential environmental impacts that must be submitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics before an installation issues any official notices to the public. It's contended that this DOD policy has not not been followed with this DEIS process.

- The State of Hawaiʻi doesn't have legal title to transfer ownership or exchange lands that were illegally 'ceded' to the U.S. Furthermore, Kanaka Maoli never directly relinquished their claims to their Hawaiian national lands.

- Pursuant to the Admission Act of 1959, Section 5(f), the military use of these public lands isn't one of the five trust purposes, "*The lands granted to the State of Hawaii by*

subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university."

- In addition, the military use of these public lands are in violation of the public trust and the Hawai‘i State Constitution, Article XII, Section 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.*"

- The U.S. Army does not have the free, prior, and informed consent of Kanaka Maoli to inflict further damage and harm to these lands. The importance of consent is affirmed in the UN Declaration on the Rights of Indigenous Peoples.

- The U.S. military's actions and lack of transparency in Hawai‘i and abroad have resulted in the public's distrust as demonstrated with the matters pertaining to the threat to Honolulu's water supply due to the Red Hill contamination, health risks of DU use in Hawai‘i, unexploded ordnance in Waikoloa Maneuver Area, Makua Valley degradation, telescopes on Haleakalā, bombing of Kaho‘olawe, etc., (the list could fill several pages).

Attachments:

Attachment 1: *Gmail - Flores-Case ‘Ohana - ATLR PTA EIS Comments*

Attachment 2: *PTA DEIS Land Reauthorization - FCO Comments (June 1, 2022)*

Attachment 1

Gmail E. Flores [redacted]

Flores-Case ‘Ohana - ATLR PTA EIS Comments

3 messages

E. Flores [redacted] Wed, Jun 1, 2022 at 11:06 PM
To: ATLR-PTA-EIS@g70.design

Aloha,
Attached are Flores-Case ‘Ohana - ATLR PTA EIS Comments.
I ka piko o ke Aloha, E. Kalani Flores

FCO Comments PTA DEIS.pdf
4766K

E. Flores [redacted] Thu, Jun 2, 2022 at 9:43 AM
To: admin@honuaconsulting.com

Aloha,
I'm forwarding a copy of comments submitted re PTA DEIS since your firm was contracted to do the CIA.

The review of this DEIS primarily focused on the cultural and biological resources. As a result, there are specific and detailed comments regarding the CIA.

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.

If you have any questions or need additional clarifications on the comments presented, can be contacted via this email address.

I ka piko o ke Aloha, E. Kalani Flores

[Quoted text hidden]

FCO Comments PTA DEIS.pdf
4766K

E. Flores [redacted] Sat, Dec 31, 2022 at 2:11 AM
To: admin@honuaconsulting.com, community@honuaconsulting.com

Aloha,
I'm resubmitting comments previously emailed to your firm on June 2, 2022 pertaining to the CIA for the PTA - ATLA. See email below. I never heard back from anyone in your firm whether you received these comments or not. We wish to be consulted regarding this CIA - preferably a Zoom meeting or face to face instead of the online survey form.
[Quoted text hidden]

FCO Comments PTA DEIS.pdf
4766K

Attachment 2

E ala ē i ke aloha a me ka lōkahi pū me ka ʻāina.
Awaken in *aloha* and harmony with the land.

June 1, 2022

FR: **E. Kalani Flores, Representative of the Flores-Case ʻOhana**
P.O. Box 6918, Kamuela HI 96743

RE: **Comments for Army Training Land Retention at Pōhakuloa Training Area**
Draft Environmental Impact Statement (April 2022)

SUMMARY OF COMMENTS

The Flores-Case ʻOhana 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 ʻOhana 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 Ahuaʻumi. 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/kiʻi/hale*, placing of *hoʻokupu*, offering *pule/oli/mele/hula*, receiving *ʻike kupuna*, connecting with *akua/kupua/kupuna*, *kilo hōkū*, depositing *ʻiewe*, gathering *pōhaku*, collecting *lāʻau* for ceremonies/medicine/lei-making, engaging in activities of *aloha ʻāina* and *malama ʻāina*, etc.

Members of the Flores-Case ʻOhana 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 Puʻu 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 NativeHawaiians 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), Hawaiʻi [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)
- Popoʻo 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 Hawaiʻi
- 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.[1]

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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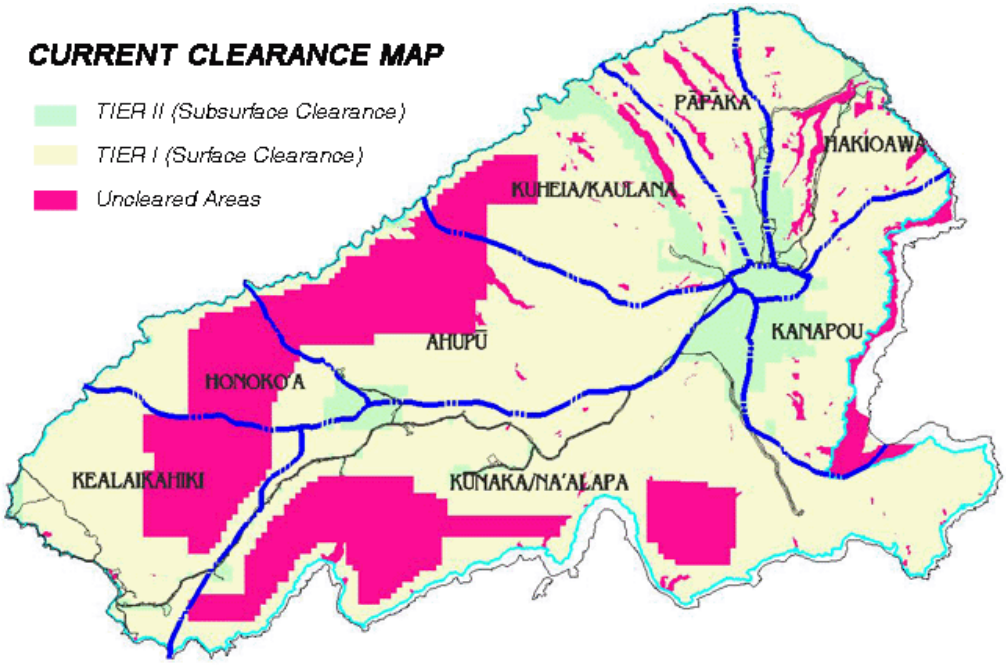
[1]Webb, Whitney. ***On Earth Day, Remembering the US Military's Toxic Legacy.***

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 Kahoʻolawe 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 *ʻāina* 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 *ʻāina* 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.[2] 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 Papahanaumoku (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 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.

[2] 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 <u>all</u> State-leased lands that are being considered as alternatives in this DEIS. However, this has <u>not</u> 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.[3] 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*)[4], 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

[3] *Archaeological Literature Review for Army Training Land Retention at Pōhakuloa Training Area Project, Ka'ohe 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)

[4] *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**."

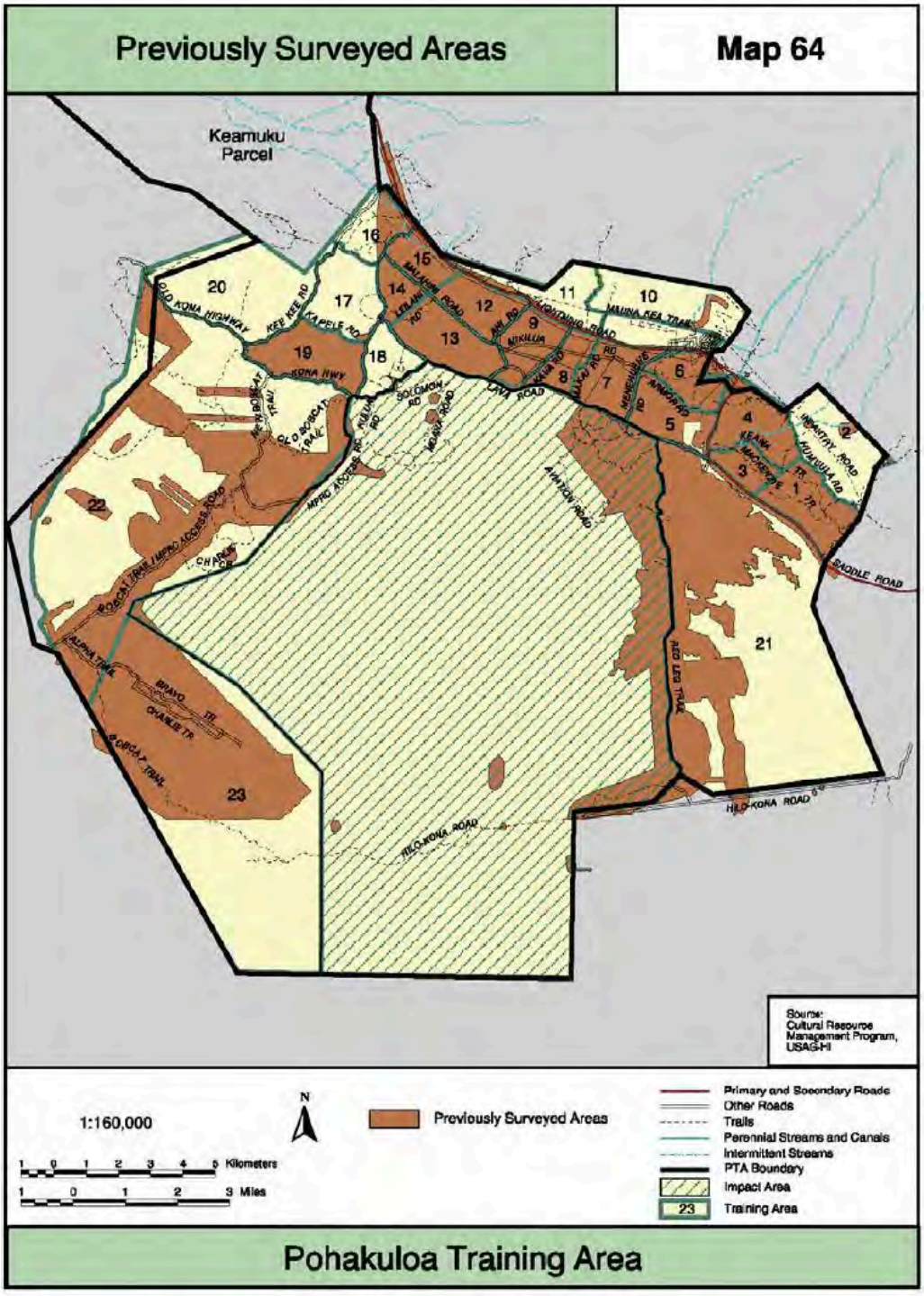


Figure 3.10-3 Previously Surveyed Areas, PTA

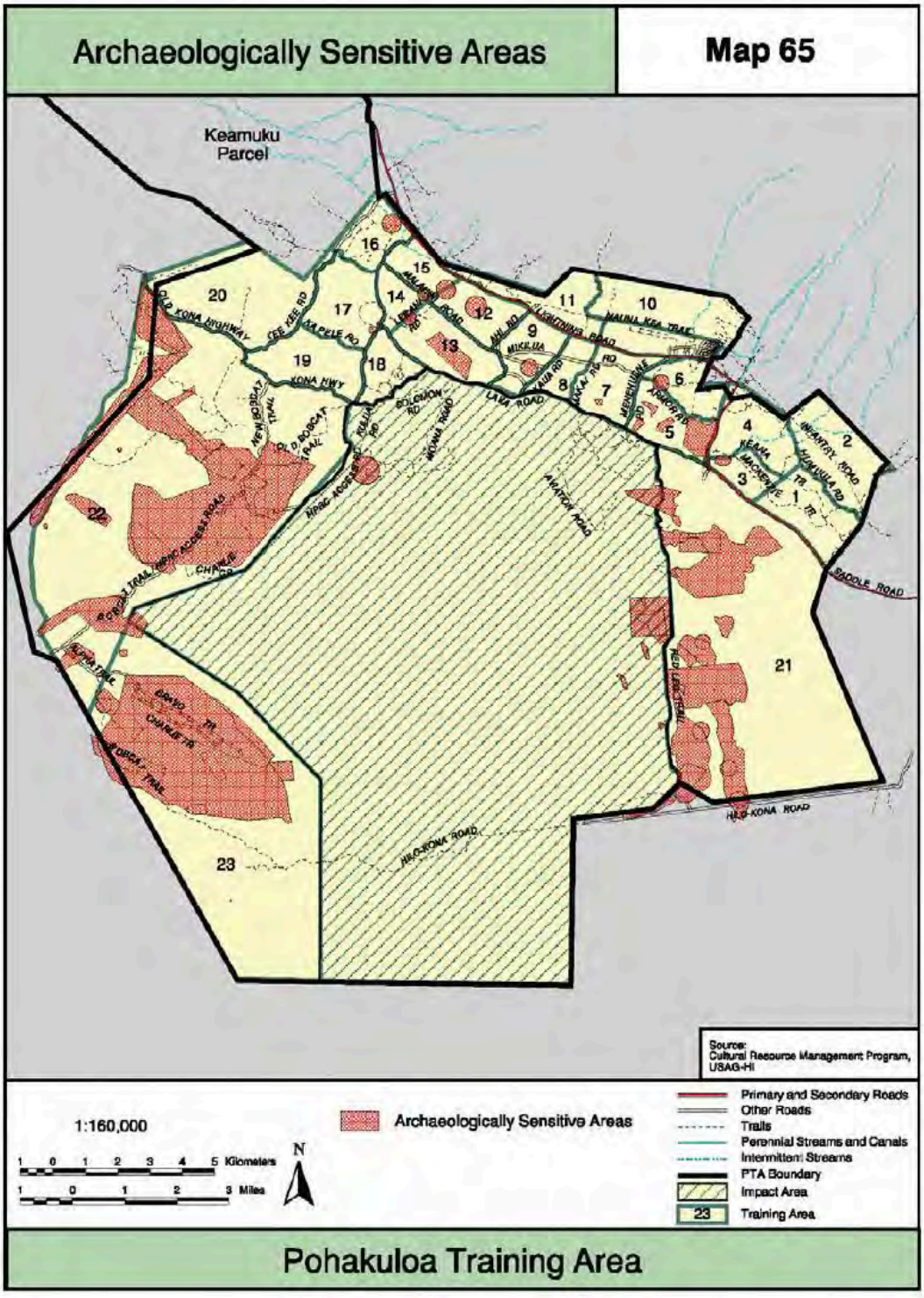


Figure 3.10-4 Archaeologically Sensitive Areas, PTA

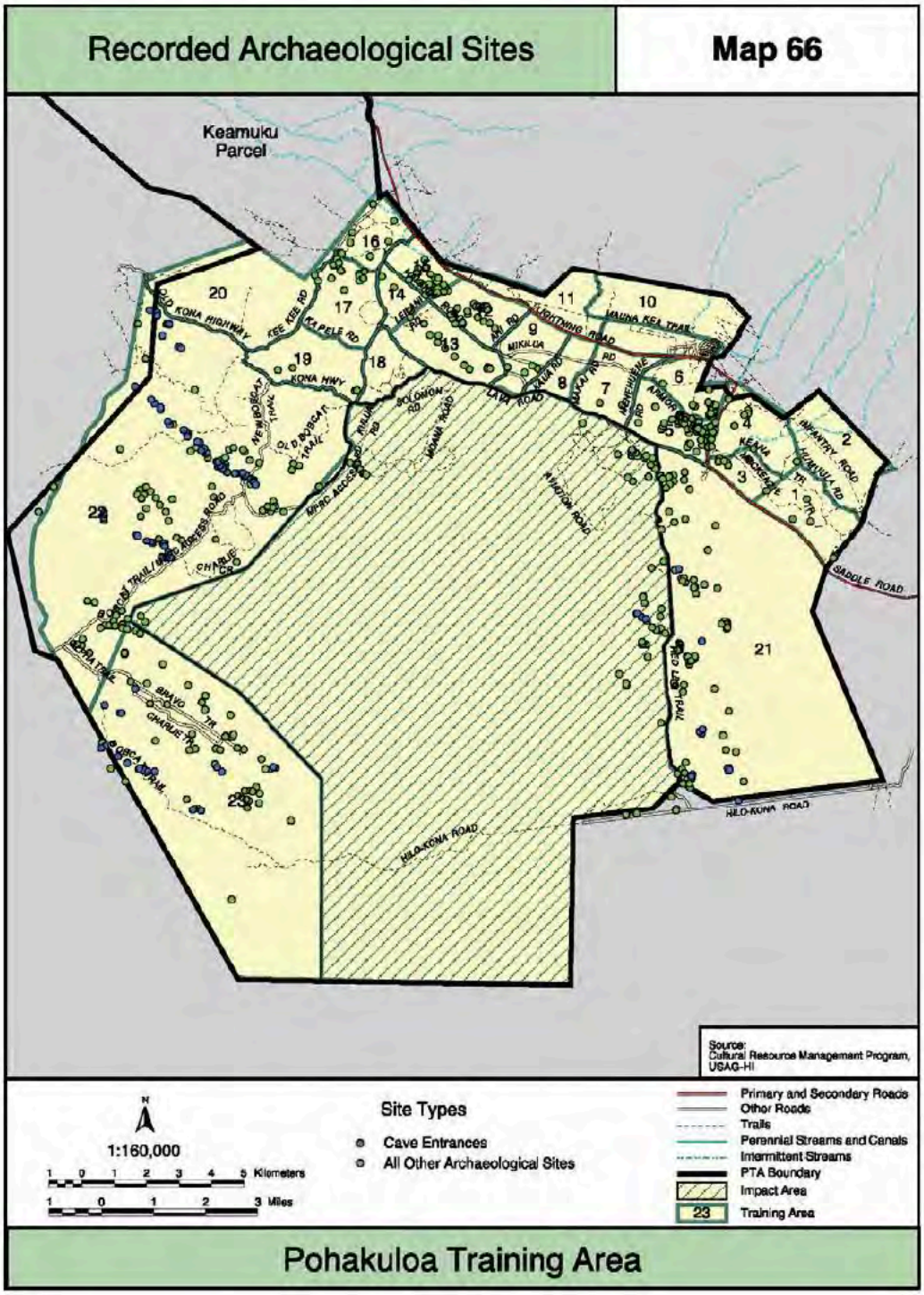


Figure 3.10-5 Recorded Archaeological Sites, PTA (including caves)

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 <u>not</u> 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 Pōkaʻī Bay and Kaʻena 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 <u>not</u> 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**
> <u>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.</u> 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 regurgutated 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 ahupuaʻa of Kaʻohe extends up to its summit and Mokuʻāweoweo 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 Kūkahauʻula (summit), Waiau (lake), Lilinoe (spring), etc. Also, Table 15 is missing the unnamed *puʻu* 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 Hawaiʻi*. 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 Puʻu 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 ʻUmi 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 ʻUmi*" (Place Names of Hawaiʻi) 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*.[5] 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

[5] 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, Waiau, 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'ohe 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'ohe 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 <u>not</u> 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 <u>not</u> 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.[6]

[6] 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 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?

Examples of PTA military live-fire and training exercises that are adversely impacting our *ʻāina*

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 Mākua 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)*

Friends for Fitness

Aloha!

It is hard to find the appropriate words to express our gratitude for all the help the eleven PTA soldiers provided at our Volunteer Clean Up Day held on Saturday, May 25 at the Maka'eo Trail in Kailua Kona's Old Airport Park! On behalf of the Maka'eo Jogging and Walking Trail volunteer maintenance gardeners and the Friends for Fitness organization, we would like to sincerely thank the PTA soldiers who gave their time, strength and energy to help us maintain the public walking/jogging trail and the gardens that the public enjoys!

We certainly could not have accomplished all that we did without the PTA soldier's hardwork and commitment. They were a fine group of young men and women and we were totally impressed with their diligence to getting the work done. They worked well together despite the humid conditions, and thanks to them we removed all of the interior trail green waste piles that had been an eyesore, as well as removed tons of invasive pickle weed plants from the ancient anchialine pond.

We were very thankful to have them assist us at this community event to improve one of the few parks we have in Kailua-Kona town. Several walkers have already expressed their thanks while I was down at the park this morning! Amazing job PTA soldiers! Our hearts are touched and we appreciate you so much! Thanks for giving back to our community here on the Big Island!

Mahalo nui loa to you the hard working men and women in our U.S. military!

HAWAIʻI ALLIANCE *for* PROGRESSIVE ACTION

Army Land Retention at Pōhakuloa Training Area

Hawai'i Alliance for Progressive Action (HAPA) <u>Opposes</u> Army Retention of Pōhakuloa

Thursday, June 6th, 2024 11:00 A.M.

To whom it may concern,

On behalf of Hawaiʻi Alliance for Progressive action (HAPA), I am writing to express our strong **opposition** to Army retention of Pōhakuloa lands, and to any further military training, exercises, or presence in Pōhakuloa.

As an organization that works to protect Hawaiʻi and her people, we are firmly opposed to the Armyʻs retention of any of the "State" lands at Pōhakuloa. HAPA supports the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed.

Scores of concerned citizens have taken time to express concerns about the impact of the long-term occupation of these lands and the presence of the US military in our islands. This study should follow the parameters set by true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and the EIS should follow suit. Please evaluate historical harms that would continue should the Army retain these lands. This should also evaluate the growing cumulative impact that would compound should the Army continue misusing these lands. Alternative futures that the Army's retention of these lands would foreclose should also be considered.

Please add to the "Alternatives" section, alternatives that include:

1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises in places like Pōhakulua.

2) Reprioritization of food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet purpose and need through the long term goal of securing Hawaiʻi against the depredations of state enemies.

3) Retention of lands to ensure appropriate stewardship and ecological preservation, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your "No Action" alternative and allow for immediate questions of landowner liability to be addressed to the U.S. military.

HAWAIʻI ALLIANCE *for* PROGRESSIVE ACTION

The Army should take a hard look at alternatives to live fire training, including those that havenʻt been examined since 2017 according to your Draft Environmental Impact Statement (DEIS). Instead of insisting on the current path of retaining these lands, switch gears and genuinely engage the community on a clean-up plan that sets us on a path to return these lands to those who love them. This return of ʻāina is long overdue. The time is now to give the #landback.

Respectfully,

Anne Frederick
Executive Director

Hawai'i Cigar

The time has come to end this disaster.

Stop destroying the Aina.

Just say no to further militarization.

Mahalo,
Richard Bodien
Hawi

Hawaii Island Chamber of Commerce (Miles Yoshioka)

Aloha and good evening. Aloha and good evening, everyone. My name is Miles Yoshioka. I represent the members of the Hawaii Island Chamber of Commerce. Our organization fully supports the US military's training mission at Pohakuloa Training Area. Our organization represents over 330 member businesses, nonprofit organizations, and professionals from east away and beyond. Many of our neighbors, family members, and friends in uniform in the Hawaii Army and Air National Guard, US Army Reserves, and Hawaii County Police and fire departments are trained at Pohakuloa. Guardsmen are able to gain critical experience here at home at this premier training facility rather than facing long-term deployments on the mainland. Additionally, PTA Fire and Rescue team members are the first responders on the Saddle Road area, handling emergencies in the first critical minutes, often resulting in saved lives from responding to car accidents, finding lost hunters and hikers to fighting wildfires alongside HFD and state personnel. We are grateful PTA is around. As part of the stewardship of the land, the army manages the preservation of dozens of endangered plants and animals, which includes propagating rare native plants and stocking a seed bank. A team of archeologists manage over 1200 archeological sites with monitoring, preservation, and surveying to find additional areas. Units visiting PTA are briefed on arrival and are required to adhere to natural and cultural restrictions on base and leave the training areas clean after each exercise. The military boosts our local economy through military contracts with Hawaii Island-based companies, community services and support for nonprofits and patronage of our local businesses. A large majority of the personnel who work at PTA year-round are civilians who live in our communities like Waimea, Waikoloa, Hilo, or Puna. A few years back, I had the opportunity to visit a live training exercise out in the field at PTA. Our group was briefed by a young man, a captain who was about my own kids' age. He was responsible for leading a company and I remember being impressed by how dedicated he was to the safety and wellbeing of his soldiers. I remember getting a little emotional as I put myself in this officer's parents' shoes and thinking how much they would want their kid to get the best training and experience he can get under the most lifelike battle conditions in a location that has the climate and terrain he may have -- have to face in battle. All this so he is best prepared to deal with whatever challenges come his way and then be able to bring his soldiers and himself back home to his families. Okay. Thank you very much.

www.hulihi.com

Aloha,

HULI PAC is a Hawai‘i Island based political action committee dedicated to uplifting leaders with integrity. Our priorities are sovereignty, accountability, and health and quality of life for all living here in Hawai‘i nei. We empower our local community to stay informed, civically engaged, and stay grounded in our host culture. **Please see HULI PAC's comments on the Army's Training Land Retention at Pōhakuloa Training Area (PTA) Environmental Impact Statement (EIS) Draft 2 below.**

3.3 Biological Resources

On July 20th, 2022, the Army inadvertently started a fire in the Impact Area. This fire, referred to as the Leilani Fire, spread across 17,712 acres. 12,458 of these acres were outside of PTA and included about half of the remaining forest of the Pu‘u Anahulu Game Management Area. The remaining 5,254 acres (which includes 2,880 acres of State-owned land) encompassed threatened and endangered species habitat areas within the training area. As described in the EIS, post-fire assessment determined a net decline of four endangered plant species, as well as destruction to potential habitat of ‘ōpe‘ape‘a (Hawaiian hoary bat, *Aeorestes semotus*). It is important to note that this fire surpassed both annual and cumulative allowances for authorized incidental take of ‘ōpe‘ape‘a roosting habitat. This fire is one of many that the Army has caused over the years, with an average of 37 fires occurring at PTA annually. These fires result in catastrophic damage to our native flora and fauna and threaten the safety of human communities.

Within the ~22,750 acres of State-owned land reside numerous endemic and indigenous plants and animals. Some of these species are only found within the Pōhakuloa region and are critically endangered. The landscape of Pōhakuloa is a unique region that once consisted of even more lifeforms than what we see today. As long as the Army retains control of the State-owned lands, native species are under threat of continued mismanagement and negligence.

All of PTA is classified as a conservation district under the State's 1961 Land Use Law. It would therefore stand to reason that a future lease agreement or purchase from the State would be **unlawful**, since military activity on conservation land is not legal.

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3.3.6 Environmental Analysis

3.3.6.1 Alt 1: Maximum Retention

Level of significance

The Army claims their current mitigation measures are sufficient. However, evidence from the Lielani wildfire and cumulative impacts from other Amy caused fires suggest a recurring, significant loss of critical habitat and endangered species. Please explain how, given the evidence, does it NOT warrant additional mitigation measures to prevent more ecological disasters like this from happening?

The entire burn scar from the Leilani fire at PTA had not been surveyed both pre and post fire. How can the Army claim there were less than significant cultural impacts due to the Leilani fire they caused? What is your reference point?

3.4 Historic and Cultural Resources and Cultural Practices

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 and ahupuaʻa, among other activities. Were it not for Army occupation, this ʻāina would still be enjoyed as a safe locale to conduct cultural practices. Dozens of archaeological sites exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities.

3.5 Hazardous Substances and Hazardous Wastes

Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The BAX V-10 was constructed only 13 years ago and already contains dangerous levels of these metals. We worry that these will break down over time and make their way downslope as airborne particulates, or infiltrate our watershed. It is also admitted that future cleanup efforts may include “emerging contaminants” that are as yet unknown, which is unsettling.

Throughout the EIS, there are inconsistencies in reference to cleanup of the State-leased lands. In some sections of the EIS, cleanup (and even reforestation) are written about as a matter-of-fact action; in others, cleanup is referred to in less certain terms. This is concerning, as cleanup should be a top priority.

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3.6 Air Quality and Greenhouse Gases
and
3.8 Geology, Topography, and Soils

Communities adjacent to and downwind from PTA are concerned about airborne and particulate bound contaminants, as per the previous section. Additionally, continued military activity and detrimental effects due to wildfires contribute to the exposure of soils, leading to erosion. During windy days, dirt is kicked up and carried miles from its source point, leading to poor air quality and unhealthy conditions.

3.9 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 section 3.5, 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 section 3.5, "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 bullet casings are known to litter the landscape.

3.11 Environmental Justice

If the Army is serious about involving people in having agency over the decision-making process, then they need to listen to voices saying they need to vacate this land. As stated in the EIS "… generations of Hawaiians [are] experiencing military culture and land uses that do not align with traditional cultural values." It does not matter how much discourse the Army engages in with the public, or how much money is put towards natural resource management; at the end of the day, the Army is an instrument of war, and training activities will result in future damages regardless of so-called mitigation efforts. There is no justice to be found when ʻāina is treated with such carelessness.

3.16 Human Health and Safety

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I am concerned about health impacts due to Army activity. UXO remains a threat both within the State-leased lands and elsewhere. Contaminants, poor air quality, and wildfires mentioned previously all have the potential to cause serious health issues within our communities. There is no clear evidence suggesting that Army activity is having no negative impact on human health.

Appendix I: Cultural Impact Assessment (CIA) [Volume III]

As we understand it, you are **not** supposed to make changes between the first and second draft of the CIA that are **not** directly in response to public comment. Why does the second draft only include 1/3rd of the details of the first? Why is there no public facing answer?

Conclusion

In conclusion, HULI PAC supports the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our greater environment. The Army needs to clean up the State-leased lands and return them in better condition. I implore the State to not consider re-leasing these lands or selling these lands to the Army in the future.

Mahalo for your thoughtful responses to HULI PAC's concerns,

Hannah Hartmann

HULI PAC Communications Chair

KAHEA
THE HAWAIIAN-ENVIRONMENTAL ALLIANCE

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY &

TRADITIONAL RIGHTS AND

OUR FRAGILE

ENVIRONMENT

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KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

June 7, 2024

To: https://atlrptaeis.commentinput.com?id=AZ5WkUQaC
Matthew Foster, matthew.b.foster3.civ@army.mil
Jeff Overton, ATLR-PTA-EIS@g70.design

Subject: KAHEA: THE HAWAIIAN-ENVIRONMENTAL ALLIANCE comments on the second draft environmental impact statement for the U.S. Army's Training Land Retention at Pōhakuloa Training Area, noticed April 23, 2024.

Aloha -

We write on behalf of KAHEA: The Hawaiian-Environmental Alliance, a nonprofit based in Hawai`i. Please find our comments on the U.S. Army's Training Land Retention at Pōhakuloa Training Area, Second Draft Environmental Impact Statement, noticed April 23, 2024 (DEIS).

1. **What is the proposed action?**

The DEIS does not adequately disclose the proposed action because it is unclear what is being proposed. The Army's preferred alternative is Alternative 2. DEIS V.1 at 2-25. Under Alternative 2, 86 percent of land, approximately 19,700 acres, would be retained, most of which is critical habitat designated by USFWS for Palila. *Id.* at 2-15. However, the Army proposes to retain up to 22,750 acres of State-owned land in support of continued military training. *Id.* at 1.

2. DEIS impermissibly piecemeals connected actions and cumulative impacts.

The DEIS does not assess actions that are necessary condition precedents, parts of a larger action of military training, or commit to larger actions. The entirety of the PTA Training Area, including the portion on federal lands, is a larger action, yet actions and uses of federal lands are not disclosed and assessed.

The amendment of Conservation District rules is a condition precedent to the Army's proposed land retention, but that action and its impacts are not disclosed and assessed.

By proposing to retain these lands for live fire training, the Army is committing to and as a necessary condition precedent, cleaning up these lands after the Army leaves. None of these are meaningfully discussed in the DEIS.

At minimum, the DEIS fails to examine cumulative and indirect impact. For instance, the DEIS asserts "State-owned land does not contain active, permanent liquid fuel storage tanks." DEIS V.1 at 3-248. The DEIS is silent on fuel storage tanks on federal lands, which are presumably used

by activities on State lands. The DEIS should consider the impacts of such activities because if such a tank were to leak, harms could very well be realized on State lands as liquid contents will pay no mind to jurisdictional boundaries. The DEIS is replete with such incomplete disclosures.

2. DEIS fails to consider logical alternatives

The DEIS is required to consider actions of a significantly different nature that would provide similar benefits with different environmental impacts, including alternative locations for the proposed action and alternatives that are not within the existing authority of the agency. The DEIS does not provide meaningful consideration of alternatives including:

1. alternatives to live fire training, such as synthetic virtual reality simulations
2. reduced need for live fire training in light of modernized warfare methods,
3. changed nature of engaged combat (i.e., metropolitan settings as opposed to the undeveloped terrain at PTA)
4. geographical alternatives for training areas in america/ other INDOPAC countries.
5. demilitarization/ diplomatic alternatives to live fire combat (i.e., peacemaking).

To dismiss these alternatives, the DEIS relies on the U.S. Army Corps of Engineers-Honolulu District, "Analysis of Alternatives Study: Pōhakuloa Training Area State-Owned Lands" (2017), which is nowhere included in the DEIS. The DEIS is incomplete without a thorough assessment of these alternatives. The DEIS cannot inform decision makers if the alternatives it purports to consider are not included in the document. The Army cannot rely on any past publication of this 2017 document because it is not available. *See* U.S. Army Corps of Engineers-Honolulu District. (2017). Analysis of Alternatives Study: Pōhakuloa Training Area State-Owned Lands. Though the Army provides a link to public documents related to its PTA EIS (DEIS V.2 at PDF1878), the link is not operational: https://home.army.mil/hawaii/index.php/ptaeis/public-info. We made a formal request for this document on May 7th and 15th, 2024 and have not received it as of this writing.

Calling its occupation a "real estate" action, the Army only examines a scale of acreage used for live fire training. What about virtual reality training? Training in other locations? Training in diplomacy or other alternatives to live fire training? The Army says it already looked at alternatives in a 2017 document that we have had to separately request and never received. How can the EIS meaningfully examine alternatives if they aren't even in the EIS?

3. No assessment of changing Conservation District rules

The DEIS is required to disclose potential significant impacts, including indirect and secondary impacts of a proposed action. The Army acknowledges its proposed use of State conservation district lands is nonconforming and will be unlawful as soon as the lease ends in 2029. DEIS V.1 at 5-14. The Army thus proposes to amend conservation district rules, HAR chapter 13-5. Amendment of conservation district rules is integral to the proposed action and therefore must be assessed as part of the entire action.

First, the DEIS fails to disclose the proposed amendment for the conservation district rules for the Resource subzone or the consequence of proposing a new subzone. What is the proposed rule? Would other lands fall under the new subzone?

Second, the DEIS would need to assess and disclose potential significant secondary impacts of the rule amendments. Where are other resource subzone Conservation District lands? How will changing the rules for all of these lands affect the environment? The DEIS is incomplete without this assessment and disclosure.

4. Cumulative impacts of continued contamination Pohakuloa lands not assessed.

The longer the Army uses these lands, the more contaminated they become. The DEIS nowhere discloses the cumulative impacts of continuing the Army's occupation.

For the impact area where the live fire occurs, the Army admits it is not cleared for decades and decades "for safety reasons". *See* Dena Takruri, "How the Army Got to Bomb Hawai'i for $1 a Year" AJ+ (May 17, 2022) *available at*: www.youtube.com/watch?v=-nsn4Sxy8r8 (Lt. Kevin Cronin, PTA Commander at 2:40). To the extent these un-cleared lands are federal lands, the DEIS fails to disclose the locations of non-cleared lands and their significant impacts on adjoining state lands.

Most importantly, the DEIS does not disclose added impacts of continued contamination of the lands, rather electing to *include clean up and restoration activities* in their calculation - such that the cumulative impact of just utilizing the lands is never disclosed. *See* DEIS V.1 at 4-2 ("For most resources, the impacts of past actions are now part of existing conditions. Additionally, the Proposed Action, including connected actions, would start in 2029 but not end until all lease compliance actions have been completed and all cleanup and restoration activities have met regulatory standards. Consequently, the timeframe for potential cumulative impact contributions from present and reasonably foreseeable future actions addressed in this analysis begins in the present and has no defined end date.").That is, by presuming back-end "cleanup and restoration" will occur *later,* the DEIS elides disclosure of significant munitions pollution and impacts during the duration of proposed land retention. These should be disaggregated for reasons including *the Army may not be able to clean up or restore these lands.*

Though the Army asserts "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" (DEIS V.2 at 1858), it is unclear whether this practice required for all areas of PTA, the level of compliance by soldiers, and how compliance is regulated and ensured. For instance, are soldiers required to collect as many rounds as they have expended?

However, the DEIS does not disclose the extent to which these lands cannot be cleaned up. The DEIS assumes the status quo will continue under its proposed action. DEIS V.3 at H-1 ("If the Army were to retain the State-owned land via lease, then it is assumed the Army would be held to a new lease that contains the same or very similar conditions as the existing lease and the addition of assumed Army obligations based on State requirements in the [Court Ordered Management Plan.]"). The 1964 lease requires: "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." DEIS V.1 at 3-14. The DEIS fails to disclose existing technical and economic capability that may limit removal of contamination. The DEIS nowhere discloses the fair market value of the land.

The DEIS admits the Army does not know the extent of the contamination. DEIS V.1 at 2-3 ("Future cleanup and restoration activities would be completed in accordance with applicable future requirements, which are not known and may include emerging contaminants that become known in the future.").

The DEIS cannot meaningfully disclose the significance of impacts of land retention without disclosing the irrevocable contamination of these lands and its resources.

5. DEIS inconsistently discloses increasing Army operations while assuming Army operations "would remain the same."

The DEIS repeatedly describes the proposed action as a "real estate" action under which "ongoing activities would remain the same." DEIS V.1 at 3-22, 3-222, 3-224, 3-226, 3-265.

However, the DEIS also discloses thousands more flights occurring in Bradshaw airport airspace. *Id.* at 3-235. Although Bradshaw is located on the federal parcels, associated activities take place on the State lands. The DEIS repeatedly states the level of activity will remain the same, but does not discuss why certain Bradshaw airport activity is significantly increasing nor assess the impacts of increased activity. *Compare id.* at 3-237 ("PTA airspace size and configuration would remain the same under all alternatives and the No Action Alternative."). Even if the airport remains the same size, the DEIS demonstrates there is increasing *use of the airport*. This increased activity may have significant impacts on GHG emissions, live fire training contamination, noise, and other environmental factors.

Please provide figures for years through 2023 and reasons for thousands more military aircraft landing and passing through this area. Additionally, revise the DEIS to disclose and assess increased activity proposed on all PTA lands, including the State lands.

The DEIS also does not address new impacts from "new technology with stronger weapons that ha[ve] the capability to damage the land further and also create a higher chance of pollution into the soil and water" (DEIS V.2 at 1130). The DEIS should disclose with specificity the kinds of "continued" activities and address changes, such as type and intensity of weapons used, that may have increased environmental impacts and the nature of those increased impacts.

6. Disclose cumulative extirpation of listed & native species at PTA.

The DEIS fails to disclose and assess impacts of continued training at PTA on biological resources. Appendix K is the only biological "study" and it is a 5 page list of species. The Army does not deny "six species of endemic birds have been extirpated from the area" during the time that the Army has been using these lands. DEIS V.2 at 1932.

The DEIS must disclose and assess the impact of the proposed action, added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions. The 2023 Integrated Resource Management Plan for PTA lists 4 endangered bird species, 14 protected bird species as the inventory of bird species from 2006-2016. *See* U.S. Army, "Integrated Natural Resources Management Plan" (Oct. 23, 2020) https://home.army.mil/hawaii/application/files/1016/0383/6646/PTA_INRMP_2019-2023_FINAL_signed_2020_10_23.pdf. The DEIS does not disclose whether all but two of these species have been extirpated, only that the Army is aware of two protected bird species.

That is, the DEIS recites management measures from their 2003, 2008 and 2013 Biological Opinions. These management measures are not working. The DEIS does not disclose nor assess the extent to which these measures are failing and therefore does not disclose significant impacts.

Amongst other things, the DEIS does not make logical connections between military activity-generated fires, climate change, and noise levels with ongoing impacts to wildlife and listed species.

In July 2018, a wildfire burned 1,445 acres of Training Areas 18, 19, and 22, which resulted in thousands of dead ʻōhiʻa (*Metrosideros polymorpha),* naio (*Myoporum sandwicense),* māmane (*Sophora chrysophylla),* ʻaʻaliʻi (*Dodonaea viscosa),* and other plants. DEIS V.2 at 1659; DEIS V.1 at 3-33. Endangered ope`ape`a bat habitat was burned in fires as well. DEIS V.1 at 3-51. The DEIS does not assess the increased wildfire risk in light of increased drought and with other climate change impacts on wildlife and listed species. These "wildfires" are consequent to the Army' activities on *federal lands*. *Id.* at 3-262 ("Most wildfires at PTA occur on live-fire ranges on the eastern and northern perimeters of the impact area on U.S. Government-owned land. The majority of fires recorded on PTA are ignited from military activities.").

The DEIS measures "noise" in terms of "complaint risk", but does not assess the impacts on wildlife, which cannot complain. DEIS v.1 at 3-135, Table 19. This is significant because the DEIS only relies on studies such as of the monarch flycatcher to conclude,, "birds and other wildlife have

been documented as becoming habituated to aircraft overflights and other noises (e.g., artillery training) after continuous or frequent exposure" and "Therefore, most wildlife in the vicinity are expected to be habituated to noise associated with training activities." *Id.* at 3-137. This conclusion is not warranted and does not describe whether habituating wildlife to loud, sudden noises has significant impacts on their ability to navigate their ecosystems otherwise.

The National Park Service (NPS) maintains a database of research on the ways chronic stressors, including noise, can significantly impact wildlife. NPS Annotated Bibliography "Impacts of Noise on Wildlife," www.nhsec.nh.gov/projects/2014-04/documents/150420pastoriza.pdf. Chronic noise can change their interactions and alter communities. A. Mok, et. al, "How chronic anthropogenic noise can affect wildlife communities," *Frontiers Eco. Ecol.* (Apr. 5, 2023) www.frontiersin.org/articles/10.3389/fevo.2023.1130075/full. The DEIS is required to disclose potential significant adverse effects, not recite hopeful scenarios.

The DEIS discloses dust generation "is a problem at [Firing Points] where vegetative cover is less than 12 percent" but does not disclose nor assess how dust impacts wildlife and plant communities. DEIS V.1 at 3-158. These areas don't just happen to be without vegetation, also lacking is an analysis of how Army activities have contributed to the denuding of land so that vegetative cover is less than 12 percent.

7. No disclosure of impacts of hazardous waste disposal.

The DEIS concedes hazardous waste will be transported from PTA through Kawaihae Harbor, over the Pacific Ocean, and into areas in america. DEIS V.1 at 3-111 ("the Army would continue to truck hazardous substances and POLs from Kawaihae Harbor to PTA and to truck used POLs, used hazardous substances, and hazardous wastes from PTA to either Hilo or Kawaihae Harbor for shipping off-island to the U.S. mainland or other areas for recycling, reuse, or disposal, as necessary").

The DEIS should disclose spill and contamination risk, protocols for preventing these risks, and the hazardous nature of the materials transported and stored when they are: (1) transported from PTA; (2) brought to Kawaiahae harbor; (3) travel across the ocean; and (4) are processed in america. This risk assessment should include a record of the past spills and contamination events during the Army's tenure at PTA.

8. Greenhouse gas emissions not disclosed or assessed

The DEIS admits it does not include a life-cycle analysis of greenhouse gas emissions (GHG) from direct activities associated with ongoing use of the State-owned land as well as from indirect activities such as manufacturing and shipping equipment and material and troop movements to and from PTA. DEIS at 3-118. Hawaii's environmental rules specifically require assessment of the significance of GHG emissions.

Militaries are well-known for their significant contributions to GHG emissions across the world. *See e.g.* S. Mcfarlane and V. Volcovici, "Insight: World's war on greenhouse gas emissions has a military blind spot" *Reuters News* (Jul. 10, 2023) *available at:* www.reuters.com/business/environment/worlds-war-greenhouse-gas-emissions-has-military-blind-spot-2023-07-10;L. Mallinder "Elephant in the Room is the U.S. Military," *Al Jazeera* (Dec. 12, 2023) www.aljazeera.com/news/2023/12/12/elephant-in-the-room-the-us-militarys-devastating-carbon-footprint#:~:text=What%20is%20its%20impact%20on,accounts%20for%20around%202%20percent. The Army does not explain why it could not conduct a GHG emissions lifecycle analysis, which has become a regular feature of environmental review in Hawai`i and in proceedings before the Public Utilities Commission.

Without any significant disclosure of *GHG emissions*, the DEIS renders conclusions about the localized impacts of the Army's *own* GHG emissions. *See e.g.* DEIS V.1 at 4-13 ("Because there is limited opportunity for locally generated air pollutants to accumulate, additive effects on regional air quality and from GHGs are unlikely. Consequently, the action alternatives, when combined with past, present, and reasonably foreseeable future actions, would result in less than significant cumulative impacts on air quality and from GHGs under lease and fee simple title."). This fundamentally misunderstands how climate change operates and does not meet the purpose of an environmental disclosure document. The DEIS demonstrates it is premised on an incorrect understanding of climate change, stating: "Analyzing the effects of climate change from a worldwide perspective is not a reasonable methodology because the effects differ by locality." DEIS V.2 at 1852.

The DEIS also fails to consider *cumulative* impacts of the proposed action on GHG emissions and air pollution. Under Alternative 1 "GHG emissions would continue to be emitted from direct activities on the State-owned land retained such as exhaust from military vehicles, aircraft flight operations, and the internal combustion engine at Building 601, and military munitions use." DEIS V.1 at 4-13. GHGs that continue to be emitted have a cumulative effect over time.

Without meaningful analysis of the action's GHG emissions, the DEIS does not disclose significant impacts, nor whether measures such as using "more than 450 solar panels at 16 small arms ranges" mitigate those impacts. DEIS V.1 at 3-121.

9. Cultural Impact information removed from revised DEIS.

Between its first EIS on April 8, 2024 and the current DEIS released on April 23, 2024, the Army removed more than 700 pages of cultural impact information. The first CIA includes specific criticisms that Hawaiian cultural practitioners are concerned that resources they gather are contaminated; the Army installed physical barriers blocking religious sites; and requiring case-by-case approvals and Army escorts for practitioners curtails the latter's access. The new CIA recommends "the Army formalize a cultural access request process…" Why not clean up these areas and allow free access?

10. Fire risk increases with proposed live fire actions, drought, and climate change.

The DEIS reports uncontrolled fires that scorched thousands of acres of native habitat before they were contained. Destruction of wild native species creates opportunities for invasive species, erosion, and other, slower means of irrevocably changing the native landscape.

The DEIS describes fire management and reporting but adequate plans for fire are an issue. The PTA fire crew is not really equipped to handle wild land fires. Fires have scorched hundreds of acres in this windy area..

11. Disclose risk of groundwater contamination, not just water usage

The DEIS discloses that groundwater exists at least 700 feet below the surface of PTA lands. DEIS at 3-173. Groundwater below the training area is apparently in geologically sensitive areas. At 3,000 feet below, water was approximately 120°C (248°F). *Id.* There is no disclosure as to the depths to which training-associated explosions may excavate the ground and allow contaminants to leak towards the aquifer.

Throughout the DEIS, the Army asserts "the highly porous nature of the relatively young volcanic rocks that cover most of the property" in order to minimize contamination and runoff impacts. DEIS V.1 at 4-15; *see also id.* at 3-103, 3-174, 3-175.The DEIS, however, does not disclose, despite a pointed inquiry from the Sierra Club Moku Loa Group: "At what depth would

impacts from training become significant to groundwater [?]" DEIS V.2 at 1084. Instead, the Army responds with the irrelevant assertion: "Groundwater extraction from State-owned land at PTA is not proposed or foreseen as part of the Proposed Action." *Id.* at 1853. The DEIS does not assess and disclose contamination to groundwater resources. Not planning to pump water on state-owned lands at PTA is not an acceptable reason to disregard impacts to groundwater.

The DEIS does not address the cultural impact of groundwater at this site. Proposed continue military activity includes the Punahou site, which overlies "sacred waterways that the Hawaiians have been holding on to for hundreds and hundreds of year[s.]" DEIS V.2 at 1071.

12. Other comments

The 2d DEIS refers to HAR chapter 11-200 in several parts, but the applicable rules are in HAR chapter 11-200.1.

The Second DEIS does not document and catalog the reasons that it was produced over the First DEIS, noticed on April 8, 2024. Please provide a table or appendix describing these changes to account for the erasure of over 700 pages of disclosures.

Me ke aloha,

2024 Board and Staff of KAHEA: The Hawaiian Environmental Alliance

From: Kupuna Moopuna <[redacted]>
Sent: Tuesday, May 14, 2024 11:39 AM
To: G70 - ATLR PTA EIS
Cc: Kupuna Moopuna
Subject: Army Training Land Retention at Pōhakuloa Training Area – NO ACTION ALTERNATIVE

May 14, 2024

Kūpuna for the Moʻopuna
committed to the well-being of Hawaiʻi for the next generations to come
kupuna4moopuna@gmail.com

SUBJECT: Army Training Land Retention at Pōhakuloa Training Area - EIS

RE: Comments -
NO EXTENSION. NO RENEWAL. NO NEW LEASE. NO NOTHING.

We, Kūpuna for the Moʻopuna, a network of native Hawaiian homestead farmer beneficiaries of the Hawaiian Homes Commission Act from Panaʻewa, Hawaiʻi, 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. No nothing.**

1.) Describe the current condition of the leased area at PTA subsequent to the August 2019 Hawaiʻi 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.

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 Hawaiʻi.

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 Hawaiʻi.

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 Kahoʻolawe, 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/

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 Keʻāmuku / Waikoloa/ Puʻukapu brush fire, the Big Islandʻs largest brush fire, which coincided with PTA training.

7.) Provide a compete 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).

https://www.hawaiitribune-herald.com/2018/04/23/hawaii-news/earth-day-at-pta- draws-hundreds-of-students/
https://www.hawaiitribune-herald.com/2022/05/13/hawaii-news/experience-pta- day-returns-to-showcase-cultural-environmental-efforts-at-facility/
https://www.civilbeat.org/2019/08/hawaii-has-failed-to-take-care-of-pohakuloa/

9.) Explain and describe the Permissible Sound Levels of the PTA aircrafts when flying over Hawaiian Homes Commission Act agricultural/residential homestead communities of Panaʻewa 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_pohaku loa_training_area_pta

In closing, we reiterate that the military must clean up its mess at Pōhakuloa before leaving, never to return, when the lease expires in 2029.

We will continue to stand in protection of our Hawaiʻi for the well- being of us here today and for the next generations to come.

Kūpuna for the Moʻopuna
Panaʻewa, Hawaiʻi

Malu 'Aina

OUR ORGANIZATION ADVISES AGAINST ANY STUDENT EARTH DAY EXCURSIONS TO POHAKULOA TRAINING AREA. We believe that an independent, comprehensive study needs to be done to determine the full extent of toxic contamination at Pohakuloa from more than 75 years of live-fire bombing involving a wide range of toxins, including Depleted Uranium radiation. We call for a complete cleanup of the contamination before any further public events (such as Experience Pohakuloa Day) are held at Pohakuloa. Please be mindful of the Red Hill military contamination of groundwater wells on Oahu and thousands being sickened as a result. Our organization, on numerous occasions, with certified radiation monitors picked up spike readings several times background levels outside of Pohakuloa, especially with winds coming from the south off the base toward Saddle Road.

PTA is a toxic waste dump, a Lahaina firestorm, and Red Hill disaster in the making.Yje military admits to 892 fires started at PTA attributable to military activities, averaging 37 per year.according to their own data.

Water wells were drilled more than 10 years ago at PTA more than 10 years ago but that water is not being used. PTA spends millions of dollars hauling water to the base. We comprehensive, independent testing of what military toxins are in those water wells that hit water at shallow depths of 700 feet below surface.

Our position is NO lease renewal. NO land swap! Stop the bombing and clean up the massive military toxic mess. Do a much better job than was done on Kaho'olawe. Rescind the 1964 Presidential executive order that seized 84,000 acres at PTA at zero cost. That's what was done on Kaho'olawe to return the land to the Hawaiian people. That land is not "owned" by the US. It was seized. Just like the illegal overthrow of the independent Kingdom of Hawaii was illegally overthrown by US business interest with direct assistance of the US military. The US continues similar actions in many places around the world today.

Jim Albertini, President of Malu 'Aina submitted April 29, 2024

Malu 'Aina

Written testimony to Pohakuloa EIS draft #2 concerning Pohakuloa lease.

1. What possible toxins are blowing in the dust, wind, and smoke off PTA from more than 75 years of bombing and shelling, including the use of Depleted Uranium (DU) radiation rounds at PTA? It has been suggested that an independent authority install air filters 360 degrees surrounding the base at government expense to see what might be coming off the base. What is your evaluation of PTA's lack of response to Hawaii County Council's resolution 639-08 passed in July 2008 by a vote of 8-1 calling on 8 actions to be taken by PTA.
2. There are growing concerns about spreading wildfires started at PTA from bombing and shelling. Is PTA, located in the dry, windy center of Hawaii Island, our "Lahaina" fire waiting to happen?
3. There are growing concerns, in light of Military Red Hill fuel contamination of the the aquifer on Oahu about toxins from PTA possibly contaminating the drinking water of Hawaii Island. Were military toxins found in the two water wells drilled at PTA 10 years ago? Were the water wells tested for a wide range of military toxins? Why aren't those wells being used by PTA instead of paying $2 million yearly to haul water to PTA?
4. What are the military plans for clean up of all the Unexploded Ordnance (UXO) and other toxins on the entire 133,000- acres of PTA? I note that maps of PTA say "All of PTA should be considered a Dud Hazard Area."
5. It's been reported that less than half of PTA has been surveyed for cultural sites in 75 years. Why the delay in doing cultural surveys for the entire base?
6. There are growing community concerns about not renewing or canceling the State lease of 23,000 acres for 65 years at a total cost of $1 and the rescinding of the US presidential executive order in 1964 that seized 84,000 acres of Hawaiian crown and government lands indefinitely for zero costs.
7. What are the current number of live-rounds, and listing of all the various types of rounds, fired at PTA? Is it 15 million, 20 million, 25 million? The last figure I believe released about 20 years ago noted 14.8 million live rounds fired annually at PTA. What other rounds, besides live rounds, have been fired at PTA?

Jim Albertini, president of Malu 'Aina

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

Malu 'Aina Center for Non-violent Education & Action

Detailed testimony opposing lease renewal of State lands at the Pohakuloa Training Area

May 7, 2024 Testimony on Pohakuloa Draft 2 EIS at Imiloa Astronomy Center by James V. Albertini, president of Malu 'Aina Center for Non-violent Education & Action

No Military Lease Renewal, No Land Swaps, Stop the Bombing and Desecration, Make the Military Clean Up its Toxic Mess, Return the Land to the Kanaka Maoli and pay reprations for destruction of the 'aina and psychological injuries caused!

The Big Lie – We are Stewards of the Land."

PTA commander LTC Timothy Alvarado, June 29, 2023, Hawaii Tribune-Herald

A Few Simple Truths:

1. The land at Pohakuloa is zoned State conservation land, the highest protected land status. The land may not have been zoned "Conservation" in 1964 when the State lease was first issued, but it is zoned a State CONSERVATION district now. So NO lease renewal. Zero. NO Action. Firing a wide range of weapons from State leased conservation land into Federally seized conservation land is not pono. Conservation district is for protecting forest reserve, for cultural and archaeological, and biological resources. A Conservation District is Not for firing bombs, rockets, mortars, etc. How more basic can you get.

2. Millions of live rounds are fired annually at Pohakuloa by the Army, Navy, Air Force, Marines, and foreign troops involving a wide range of weapon systems from dozens of firing points on land leased from the State of Hawaii. (map on p. 52 of draft2 EIS) Exactly how many firing points are on State leased land? Please list the total number of rounds fired from each of these firing points and the kinds of rounds fired. I believe nearly 20 years ago when the Stryker Brigade was based in Hawaii, the military said over 7 million live rounds were fired annually at Pohakuloa and that number would be increasing dramatically. What is the current number fired not only from leased land but onto all of Pophakuloa from air, land, and sea. It's been noted that B-52 and B-2 bombers fly non-stop bombing missions from Louissana, Missouri, and Guam to Bomb Pohakuloa. Please list all of the various types of rounds fired. We have a right to know the big picture of what's going on at PTA.

3. Depleted Uranium (DU) is just one of many toxins used at the 132,000-acre site in more than 75 years of bombing and shelling. DU oxide particles can be carried long distances in the wind and when inhaled can cause a wide range of cancers, birth defects, and even genetic damage passed to future generations. For years, the military lied, saying no DU weapons were ever fired at Pohakuloa. Then when caught in the lie in 2007, they have continued to try and downplay both the number of DU rounds fired and the potential health risk to troops and civilians. The Army has

failed to comply with Hawaii County Resolution 639-08 passed by a vote of 8-1 that called for stopping all live fire and all activities that create dust until there is a comprehensive, independent assessment of the DU present and it is cleaned up. Other actions were called for as well. None of the actions have been carried out. The county also named Dr. Lorrin Pang, MD as the official county liaison with the military. Dr. Pang spent 24 years in the Army Medical Corps and was named in the Who's Who (top 3%) of America's Best Doctors. The military has refused to consult with Dr. Pang.

Our organization challenges the military claims on p. 223 that "past use of DU has not impacted air quality at PTA or in the surrounding area." We also challenge the statement on p 198 that "No radioactive material has been identified on State owned land." These are classic statements of the Fox saying everything in the hen house is fine. NO problem. Our organization on numerous occasions have obtained radiation readings several times background levels with certified calibrated radiation monitors out side the PTA main gate and at Mauna Kea Park, now named the Gibert Kahele Park. Our first elevated readings several times background levels with 2 calibrated monitors was on May 29, 2007 at Mauna Kea Park for the dedication of the Daniel K. Inouye highway. This was several months before the military finally admitted that DU was used at PTA. Another factor is that DU spotting rounds were first used at PTA in the 1960s fired into the Impact area. That impact area has been bombed and shelled for more than 40 +years before any restriction was placed on areas contaminated by DU. Another thing, the military fox in the hen house consistently downplays the number of DU rounds fired at PTA. Army Garrison Col. 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, he said that 2000 DU spotting rounds were likely fired. And if the fox in the hen house lied about the actual number Davy Crockett DU spotting rounds (fox claims 400), what about possible lies about other DU spotting and DU penetrator rounds? Col. Killian testified that DU rounds were prohibited to be used in training at PTA since 1996. So what does that say about their possible use before 1996? All this underscores the need for COMPREHENSIVE INDEPENDENT TESTING AND MONITORING" that has the confidence of the community, instead of accepting the fox in the hen house statements that everything is OK on pages 218 – 223. Even the fox admits that DU rounds were fired from at least one firing point –Range 13 on TA 9 located on State leased land.

4. Pohakuloa is a Lahaina firestorm in the making for Hawaii Island and the danger is increasing with climate change. There have been 892 recorded fires attributable to military activities at PTA since 1975 according to the military, but the military says many
fire records prior to 2012 have been lost.(p. 354). The so called Leilani fire started on Pohakuloa in Aug. 2022 (one year before the Lahaina fire). The Pohakuloa Leilani fire burned more than 17,700 acres, including more than 12,400 acres outside of PTA, including areas of native endangered species .

5. Issue of Land ownership. According to Kanaka Maoli attorney, Poka Laenui, (Hayden Burgess) attorney, there are serious legal land ownership issues surrounding Pohakuloa and Hawaii, involving US law and international law. Simply put, Hawai‘i is an illegally-occupied sovereign nation under international law. The military claims the leased lands are important to connect to US government owned lands at Pohakuloa. The military claims the 758 acre Cantonment area with the main administration buildings. And also including Bradshaw air field is one area of US government owned land. The other area is the 84,000 + acre area that includes the 51,000 acre impact area and various adjacent training areas. Let's be clear: the 758 acre parcel was seized by a 1956 territorial

Governor executive order (EO 1719) under territorial Gov. Samuel Wilder King. The 84,057acre parcel was seized by a 1964 Presidential Executive order (EO 11107) under US President Lyndon B. Johnson. There appears to have been no payment in either governor's nor presidential executive order seized lands. Nada. Not 1 dollar. Not 1 cent.

Poka Laenui states:

"Jim Albertini has republished an article regarding the lease of Pohakuloa to the U.S. military and asking for thoughts on the matter. Because the issue also applies to many other areas coming up for renewal to the U.S., and feeling that the question is of such wide importance, I am sharing my response here.

Thoughts?

There are two legal regimes under which this question of future Hawaii land use could fall into; the first is the American domestic law and the second is the international law under which the principles of decolonization would apply. Which is the appropriate legal regime? The American domestic law gains its advantage by denial of its own history of the aggression against Hawaii in 1893 and applying its own acts of aggression and its step by step justifications for the taking of Hawaii's sovereignty. It is successful in the buildup of its "legal case" by its self-proclaimed assertion of legitimacy and precedent, essentially bootstrapping itself, with always the silent presence of U.S. military behind it to back its conclusion.

The international law legal regime has reared its head up against the American domestic law regime over the past 50 years, from a new-found awareness that we come from a history which predates Hawaii's "Statehood" and American "territorial" era, to a time of Queens and Kings and of a time of proud nationhood of Hawaii. That was a time in which the Hawaiian nation stood as an equal among all other nations before the international legal regime.

The United States violated the independence of Hawaii in a sneak attack upon the shores of Hawaii and, through a set of step-by-step transactions with mainly American businessmen, took over the reins of Hawaii's government.

In 1945, anticipating the end of the 2nd World War, nations of the world set out to develop a "New World Order" by which international law would be respected by all nations large and small. These nations formed the United Nations, and realizing many instances of violations of basic principles of international law, set up a special place within the United Nations for areas which had its rights to self-determination violated, calling these places "non-selfgoverning territories". In somewhat of an admission of the treatment of Hawaii under U.S. regime, the U.S. submitted Hawaii as a non-selfgoverning territory entitled to exercise self-governance by being presented in the future options for self-determination. 1959 became that appointed time for the exercise of self-determination. The United States used a "statehood act" to be that tool to determine self-determination. But the U.S. cheated in the employment of self-determination for the people who were suppossed to practice self-determination. The U.S. did so in the following ways. It committed an international fraud by altering the "self", the who, the people who were entitled to self-determination. Rather than the people entitled to be the "self", the Hawaiian people who were the original people who lost their identity as Hawaiian nationals by American colonization, the U.S. identified the 'self" in the 1959 referendum as only American citizens who have lived in Hawaii for

at least 1 year. In switching the definition of the 'self,' the U.S. also included its military within this definition, another violation of international law for an occupying force to allow its military to join in such an exercise of self-determination.

The second fraud of this "double fraud" was the U.S. limiting of choices which should cover "determination." There should have been 3 options for determination, independence from the colonial power (U.S.), free association, or intergration such as becoming a "State" of the United States. The second fraud was carried out by the U.S. failing to provide other choices beside Statehood. Thus, we were simply not given the choices of independence or free association. Therefore, this act of self-determination was denied the people of Hawaii.

How is this pilikia or trouble to be unraveled? There should be no action taken by the State of Hawaii or by the U.S. government to proceed under the domestic laws of the United States until the issue of the international legal question is first resolved. All land issues as well as exercise of American jurisdiction should be held in abeyance. There is now an attempt to bring this question of jurisdiction to the U.N. for clarification on this matter, and until the matter is resolved, no action should be taken by the State or the Feds to dispose of the title of Hawaii's lands."

Poka Laenui, (Hayden Burgess) Attorney

www.hawaiianperspectives.org

6. Our organization supports the Kanaka Maoli right to restore their independent nation before the government was illegally overthrown in 1893 by US business interest with the direct illegal assistance of the US military. We also support concerns about impacts to cultural and historic sites and practices at PTA, but we will leave it to Kanaka Maoli to address these important issues. However, I want to note for the record that the Cultural Impact Assessment (CIA) in the draft #2 is deficient because it removed approx. 900 pages of informant testimony and analysis (Compare the CIA in the First DEIS vol 2 with Second DEIS vol 3). It's been also reported that the archaeological survey was not fully completed, so that is deficient as well. And the wildfire analysis is deficient (the Federal firefighters at PTA are not trained or equipped for wildfire; they do airport fires)

7. Whatever happens mauka comes makai. Despite assurances from the fox and mongoose that everything is fine in the hen house, common sense prevails. We are all downwind, downhill of Pohakuloa. The military poisoning of military families and civilians from Red Hill jet fuel leaks into Oahu's water table is not an isolated military toxic event. Our organization put together more than 20 years ago a map of Hawaii Island with 57 known present and former military sites with a vast amount of hazards. I will submit a copy for the record. Here I will simply point out one site . Around the same time the Army used DU spotting rounds at PTA, it got a lease of state lands in the Waiakea forest area (Hilo's watershed) located south of Hilo. The Army told the state it wanted to do "weather testing." The Army was lying. It tested a wide rage of chemical and biological weapons in the Hilo watershed including Sarin nerve gas that kills at 1/50 of a drop. Congresswoman Patsy Mink disclosed the Army lie. Hawaii County Mayor at the time, Sunichi Kimura, and many other people spoke up and said "The Army lied to us. Cancel the State lease." And the lease was canceled. The same needs to be done at PTA. Cancel the State lease of land to Pohakuloa here and now. And certainly don't renew the lease.

8. I have received word that the military fox/mongoose may try to sneak its way into the hen house

if blocked by current conditions. Word is the sly military fox/mongoose may seek a special district within the conservation zone, or try to change conservation land rules, or try go to the Land Use Commission to take the land out of conservation zoning. Another possibility is that the military fox/mongoose may try to change the designation of the PTA leased lands to urban, and make a gift of other Federal lands to the state. Seems like the military fox/mongoose is hard at work.

9. Comments not considered substantive about the EIS are put in the military trash can labeled (General Response #1). The EIS states Commenters are directed to General Response 1 for comments not considered to be substantive, which acknowledges that the comment was received and reviewed. Examples include What are the possible wide range of toxins that may be in the impact area from 75 plus years of bombing and shelling. The questions is NOT considered substantive because the impact area is not on State leased lands which is the focus of the EIS, even though the toxins were fired from firing points on the leased lands. Even though continued bombing and shelling could spread the toxins all over leased lands and beyond. It would be like a Nuremberg Nazi war crime trail witness being asked where were the Nazi gas chambers and ovens located at Auschwitz and answering that the question is not substantive because we are only dealing with leased lands and only dormitories are located on leased land at Auschwitz.

Now that's a theoretical question, but I do recall a high ranking officer at Auschwitz being asked at the Nuremberg trails – How many people tried to escape at Auschwitz? He replied: "No one tried to escape.. Why would people try to escape? Auschwitz was a Family Camp."

Finally, I recall the Hawaii Tribune Herald headline story about the day LTC Alvarado was sworn in as PTA Commander in June of 2023. The headline read "We are Stewards of the Land."
On May 7, 2024 at the EIS Public Hearing in Hilo, Hawaii Garrison Commander Col. Col. Steve McGunegle introduced the meeting and repeated THE BIG LIE -- "We (the Army at Pohakuloa) are good neighbors and we are stewards of the land." What a way to introduce yourself to outrage the community. Reminds me of the Book written in the 1960s "The Ugly American."

Jim Albertini, President of Malu 'Aina Center for Non-violent Education & Action

May 7, 2024

Claims of US owned lands questioned. Learning from Kaho'olawe — Stop the Bombing of Pohakuloa

Published by jalbertini on October 29th, 2020 in Hawaii Independence, Military, Pohakuloa, Social Justice, Take Action!.

The Conversation: Oral History of Kaho'olawe

By Catherine Cruz & Bill Dorman • Oct 22, 2020 (30th anniversary of the Bombing being stopped Oct. 22, 1990 on Kaho'olawe)

https://www.hawaiipublicradio.org/.../conversation-oral...

Jim Albertini comments:

Stop Bombing Pohakuloa just like the bombing got stopped on Kaho'olawe

When Hawaii US Senator Sparky Matsunaga died, Pat Saiki ran against Dan Akaka for the US Senate seat in 1990) During one of these oral history tapes I heard on HPR (24 min mark in tape link above) about Kaho'olawe 30th anniversary) was a tape of Pat Saiki. Saiki talks about being invited by President George H.W. Bush to a meeting in the Oval Office. Saiki told Bush Hawaii was a very Democratic state so she needed something that would give her (a Republican) a boost to beat Akaka (a Democrat). Bush said what can I do. She said Kaho'olawe was a very active issue. If Bush could help stop the bombing it could possibly help Saiki beat Akaka. Saiki said Bush could issue a presidential executive order to stop the bombing. Bush turned to his chief of staff –John Sununu and said "DO IT." The bombing was stopped Oct. 22, 1990. But Saiki lost to Akaka anyway though I'm sure it helped get her some votes.

Today, the Bombing at Pohakuloa takes place (Not on State leased land) but on 84,000 acres seized by a presidential executive order in 1964 under LB Johnson. How do we get a new presidential executive order to Stop the bombing at Pohakuloa similar to the Bush executive order in 1990?

The key thing — we need to build a Kaho'olawe style mass movement to turn up the heat on elected officials at all levels.

"The military in Hawaii is out of control and having a deadly impact on the life of our lands like they did on Kaho'olawe." Walter Rittee quote recently on FB social media commenting on the US Air Force plans to build up to 7 telescopes on Haleakala, Maui.

For the record, we include the videos and article listed below to underscore the destruction, desecration, and dangers of toxic contamination, including DU at PTA

Learn more: See the 11-minute video — How the Army Got to Bomb Hawaii For $1 https://youtu.be/-nsn4Sxy8r8 Pohakuloa 14 min. video "Now that you Know, Do You Care?" https://vimeo.com/94598875 Also the video of Dr. Lorrin Pang, M.D., public health officer, retired 24 years in the Army Medical Corps, and listed in the Who's Who (top 3%) of America's Best Doctors explaining the health dangers of inhaling DU oxide dust particles https://vimeo.com/19153948. Also read – A Brief History Of US Military Poisoning Of Hawai'i – PopularResistance.Org

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at www.malu-aina.org
list of 57 military sites on Hawaii Island

Map of Military Sites on Hawaii Island

Sites NOT for Tourists or Locals!
Military Hazard Areas on Hawai`i Island

Did You Know ...

- Military Unmanned Aerial Vehicles (UAVs– Shadow-200) train on Hawai`i Island?
- A Stryker Brigade in Hawai`i will bring up to 400 Stryker vehicles – eight-wheeled, 19 ton, armored infantry carriers to PTA for training?

Did you know ...

- The U.S. Army secretly tested chemical, biological and deadly nerve gas agents in Hawai`i watershed/forest-reserve areas, facts repeatedly denied but later confirmed?
- Live ordnance has been found off Hapuna Beach, in Hilo Bay, on residential and school grounds, and that people have been injured and killed by exploding ordnance?
- Some Unexploded Ordnance can be set off by cell phones?
- The Pohakuloa Training Area (PTA) has the highest concentration of endangered species of any U.S. Army installation in the world?
- The military wants to expand PTA by 23,000 acres, increase the level of training by 7 times, and the number of live rounds fired up to 14.8 million annually?
- The planned expansion of PTA is adjacent to a Girl Scout Camp and will involve known health hazards?
- Hawai`i is the most heavily militarized group of islands in the world?

Military Clean-Up NOT Build-Up!

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http:// www.malu-aina.org http://maluaina.pitas.com

List of Current & Former Military Sites on Hawai`i Island (List still in formation)

1. Jungle Training Area, North Shore
2. Waipio Bombing Targets
3. Jungle Training Area near Waipio
4. Ninoole Radar Station
5. Upolu Point
6. Navy Rocket Range, Hawi
7. Big Island Bombing Targets -- Mahukona Range
8. Navy Bombing Range, Kawaihae
9. Kamuela Reservoir
10. Kamuela Camp #4
11. Anti-tank, artillery, impact range
12. Nansay Hawaii - Ouli
13. Big Island Bombing Targets -- Puako
14. Puako
15. Lalamilo Firing Range
16. Big Island Bombing Targets -- Mano Point
17. Makolea Point
18. Kona & Huehue Station
19. Waikoloa Maneuver Area
20. Camp Kilohana
21. Mauna Loa Training Area
22. Camp Pohakuloa--anti-tank, artillery, impact Range
23. Kahuku Ranch Radar Station
24. Pakini Bombing Range
25. Missile Tracking Station
26. Ka La`e Military Reservation
27. Morse Field
28. Pahala Hospital
29. Ka`u Bombing Range
30. Kilauea Crater maneuver/impact Area
31. Kilauea Military Camp
32. Pololu
33. Kapoho Target Area
34. Big Island Bombing Targets -- Cape Kumukahi
35. Waiakea Forest Reserve
36. Firing Range near Mt. View
37. Combat Training near Mt. View
38. Hilo Research Site (near Kurtistown)
39. Ola`a Mill Camp
40. Big Island Bombing Targets -- Kaloli Point
41. Wahine Maka Nui
42. Kea`au
43. Waiakea Storage Area
44. Big Island Bombing Targets -- Leleiwi
45. Kalanianaole Camp
46. LST Landing Beach
47. Pi`ihonua Ordnance Storage
48. Waianuenue Camp
49. Jungle Warfare Area
50. Kaumana Camp
51. Kanoelehua Camp
52. Panaewa Tract 1
53. Camp Furneau
54. Hilo Storage Site
55. Hilo Prisoner of War Camp
56. General Lyman Field
57. Army Impact Range, Waiakea

Ordnance Found:

Hapuna Beach 1995, 1997, 1998
Hilo Breakwater 2002
Richardson's Beach 2002
Waimea Middle School 2002
Waikoloa Fire 1998
Anekona Estates 1998
Waimea Country 1998
Chock Inn 1998
Pheasant Ridge 1997
Waikoloa Elem. School 1994
O`ili Parcel circa 1993
Ola`a 1955

Injuries & fatalities caused by ordnance:

Pepeekeo 1956 fatality
Parker Ranch 1954 - 2 fatalities
Mamalahoa Hwy. 1945 fatality
Pu`u Pa 1983 injury

Malu ʻAina Center for Nonviolent Education and Action

Aloha. My name is Jim Albertini. I'm president of Malu ʻAina Center for Nonviolent Education and Action in Kurtistown, ʻŌlaʻa on the Big Island and I'd like to submit comment on the second draft. Okay. My position is strong to protect Pōhakuloa. I call for no military lease renewal, no action. One. No land swaps. Stop the bombing and desecration at Pōhakuloa. Make the military clean up its toxic mess. Return the lands to the Kanaka Maoli people, and pay reparations for the destruction of the ʻāina and the psychological injuries caused to the Hawaiian people. Here's a few simple truths. Millions of live rounds are fired annually at Pōhakuloa by the Army, Navy, Air Force, Marines and foreign troops; bombing, involving a wide range of weapons systems from dozens of firing points on land leased from the State of Hawaii. That's page 52 of draft 2 EIS. Number 2. Depleted uranium, DU, is just one of many toxins used at the 132,000 plus acre site in over 75 years of bombing and shelling DU oxide particles can be carried long distances in the wind, and when inhaled, can cause a wide range of cancers, birth defects, and even genetic damage passed to future generations. DU as a half life of 4.5 billion years. A comprehensive, independent investigation of all toxins, including DU at Pōhakuloa, is needed; not the military mongoose telling us that everything is okay in the Big Island hen house. Number 3. Pōhakuloa is a Lahaina firestorm in the making for Hawaii Island, and the danger is increasing with climate change. There have been 892 recorded fires attributable to military activities at PTA since 1975 according to the military. The military says, and I quote “many fire records prior to 2012 have been lost” end quote, page 3-54. One year before the Lahaina fire in Maui, a fire started at PTA, burned more than 17,700 acres, including more than 12,400 acres outside of PTA, destroying, endangered native species. PTA has the highest concentration of endangered species of any US. Army installation in the world, and PTA is destroying them. Point 4. Whatever happens, mauka comes makai. We are all downwind, downhill, of Pōhakuloa, on Hawaii Island. The military poisoning military families and civilians from Red Hill jet fuel leaks into Oahu water table is not an isolated military toxic event. The US Army secretly tested chemical, biological, and deadly Sarin nerve gas agents on leased land in Hawaii; the watershed called Waiakea Forest area that's south of Hilo. The military secret tests were repeatedly denied by the military but later confirmed. People spoke out in protest, and the issue was - and the lease was cancelled. Point 5. Claims of US owned land at Pōhakuloa are misleading. Most lands at PTA like the 84,000 acres that includes the live fire impact area, were not purchased, but simply seized by an Executive Order, along with the 758 acres that includes the main base cantonment area and Bradshaw airfield. These were seized, as far as I know not even $1, not even one cent was paid for those lands. Kaoʻolawe was also seized by an Executive Order, and finally returned by a new Executive Order. And we want to see that happened in Hawaii, as well, cancelling all the leases for the military.

Aloha! This is Jim Albertini again calling back. I was cut off on comments. I'm president of the community organization, Malu ʻAina Center for Nonviolent Education and Action on the Big Island, ʻŌlaʻa, Puna District. I’d like to add a couple of other comments. Our organization supports the Kanaka Maoli right to restore their independent nation before the government was illegally overthrown in 1893 by US business interests, with the direct illegal assistance of the US military. We also support concerns about impacts to cultural and historic sites and practices at PTA. But

we'll leave it to Kanaka Maoli to address these important issues. However, I want to note for the record that the cultural impact assessment, CIA, in draft two is deficient because it was removed. It removed approximately 900 pages of information and testimony and analysis. It's also been reported that the Archaeological Survey was not fully completed. So that is deficient as well. And we understand that wildfire analysis is deficient because the federal firefighters at PTA are not trained and equipped for wildfires. They do airport fires. So, these are important points. Again, final point, I would say, is: I remember the headline when the current PTA commander, Lieutenant Colonel Timothy Alvarado. The headline of the Tribune Herald, June 29, 2003, when he was sworn in as the commander. It said, quote, “we are stewards of the land” end quote. And I can't imagine a more insulting phrase to all of the people born and raised here, and that have experienced military toxins over the years, the destruction of the land, the psychological injury from the bombing of cultural sites and other things. And it's just a disgraceful thing to have as a commander to say; we are stewards of the land that bombs and shells. Our organization more than 20 years ago put together a map of military sites present and former on Hawaii Island. We documented 57 sites involving hundreds of thousands of acres, many of them still contaminated. That Waiakea Forest, hunters have told me that where the military tested chemical biological weapons in the Waiakea Forest area south of Hilo, which is Hilo's watershed, including Sarin nerve gas that kills at one twentieth of a drop; that they won't hunt animals there, that hardly anything grows in that forest; no vegetation, and that animals are toxic because of the military contamination in many parts of the island here, including Pōhakuloa. So, anyway, no more military lease renewal. No land swaps. Stop the bombing, clean up your mess, and return the land to the Kanaka Maoli people, and pay reparations for the destruction of the land and psychological injuries caused. Mahalo.

From: Jim Albertini <[redacted]>
Sent: Monday, June 3, 2024 8:47 PM
To: G70 - ATLR PTA EIS
Subject: Opposition to Pohakuloa Land lease renewal Draft2

Subject: Opposition to Renewal of Military Land Lease at Pohakuloa Training Area (PTA) on the Big Island, Hawaii
June 3, 2024

Dear atlr-pta-eis@g70.design

I am writing to express my strong opposition to the renewal of the military land lease on the Big Island, Hawaii. As a concerned citizen deeply invested in the environmental and social well-being of our island, I find the current proposal to extend this lease both troubling and unacceptable for several critical reasons.

First and foremost, the environmental review process has been woefully inadequate. The documentation provided fails to thoroughly assess the long-term environmental impacts of continued military presence on the land. This oversight is particularly concerning given the rich biodiversity and delicate ecosystems that characterize the Big Island. The potential for irreparable harm to native species and habitats necessitates a far more rigorous and comprehensive review than what has been presented.

Furthermore, the history of land stewardship, cultural and historic impacts, under military control has been subpar. There have been numerous instances of environmental degradation and insufficient remediation efforts, which have resulted in lasting damage to the land and surrounding communities. The military's track record does not inspire confidence that future stewardship will be any different. There has been irreparable harm to cultural and historic sites, as well as native species. The people of Hawaii deserve better management of their precious natural resources and cultural sites, prioritizing restoration and conservation over militarization.

Lastly, there is a growing movement within our community advocating for the demilitarization of the island. The continued military presence is at odds with the values and aspirations of many residents who envision a future focused on peace, sustainability, and cultural preservation. Renewing this lease would further entrench the military's footprint on the island, diverting resources and attention away from initiatives that align more closely with these goals.
In conclusion, I urge you to reconsider the renewal of the military land lease on the Big Island. It is imperative that we prioritize the protection of our environment, ensure responsible land stewardship, and listen to the voices of the community calling for a shift towards a more peaceful and sustainable future.

Thank you for your attention to this matter.

Sincerely,
Jim Albertini, President of Malu 'Aina

cc: federal state and county elected officials

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

Mauna Kea Protectors at UCSB

Mauna Kea Protectors at UCSB strongly oppose the attempted U.S. Military lease extension of Pōhakuloa. We implore all entities to consider the cultural and environmental impacts if this lease extension occurs.

Militarization, particularly the U.S. military, has been a parasitic presence in Hawai'i. The colonial violence that began with the U.S. illegal annexation of the Kingdom is an ongoing pattern and can be seen in the PTA, where the site is used for extensive live-fire training exercises that include bombing and artillery practice. PTA is also used by other, foreign militaries through RIMPAC where they also have the ability to conduct their training. Military presence and training on Pōhakuloa has permanently changed the natural landscape and continues to endanger the environment, devastating for the one of a kind ecosystem.

In 2005, cesspools were banned under the Safe Drinking Water Act under the UIC program but this unfortunately did not deter the U.S. Military from opening 8 illegal large capacity cesspools. Despite being fined by the U.S. EPA and being forced to close the cesspools, this mistreatment of land and wastewater should have never occurred. It is unacceptable. This environmental risk will only continue to exist if the U.S. Military extends their lease and continues to practice 'ownership' on sacred land that will never belong to them.

As we advocate for the divestment of the Thirty Meter Telescope, we strongly condemn the violation of indigenous rights and sovereignty that the U.S. Military is committing. It is egregious that multiple military forces can breach on Pōhakuloa when cultural practitioners cannot even perform ceremony or have full, unchallenged indigenous stewardship of their lands. For the protection of the tropical dryland forest and indigenous sovereignty, there cannot be a lease extension in Pōhakuloa and we urge you to reconsider.

'O Maku'u ke kahua community center

On behalf of the Native Hawaiian 'O Maku'u ke kahua community Center non-profit organization. We oppose the Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai'i. Due to the fact that each time a bomb is released for practice reasons is a negative impact that happens to our land leaving that target area contaminated. The army has no plans for safety reason in cleaning up the contaminants. Our land can never be restored back to occupy which leads to our main reason why we do not support the Army training Land retention at Pohakuloa. To stop this negative impact to our lands the Army must stop, remove and restore the land to its original form and move back to the mainland. Mahalo

Recycle Hawaii, Clean The Pacific

We are against all military operations at Pohakuloa. "Sustainable development" is an oxymoron. There's no such thing as sustainable development. When humans take land, all the other plants and animals have to leave that land. Take a look at Google Earth. Go ahead, I dare you. Humans have takin it all. We are a miniscule percentage of all animals species, one out of millions, yet we have taken the entire planet for ourselves. When will it end? I'll tell you when, it ends when the mass extinction event that is happening right now, gets to the point where life functions are unable to sustain themselves, and we're pretty damn close to that point right now. If you really want to protect Americans, you'll stop doing what you're doing.

What's that? You say I don't understand the global threat stage? Oh, I do, believe me, I do. As someone with Ukrainian heritage, I understand. But you know what you don't understand? We live on a finite sphere. I'm sure someone taught you that at some point, but like all capitalists, you have completely blocked that fact from your mind. So answer this one question, what's your plan for laying claim to the last dregs of Earth's natural resources? Don't say warfare, because that is the end of all life on Earth immediately. Any other ideas? Ok, I have one. Tell the politicians in America what I've written down here and demand a global conference with China, Russia, India and everyone else, and tell them to talk about how we've all got to work together to share what we've got without any more logging, drilling, mining, fracking, building structures, and agriculture. No more spreading out. No more development.

And for God's sake, GET SOME BIRTH CONTROL GOING!

From: Lanny Sinkin <[redacted]>
Sent: Tuesday, June 4, 2024 9:25 AM
To: G70 - ATLR PTA EIS
Subject: Temple of Lono Comments
Attachments: Comments by Lanny Sinkin on DEIS.pdf

Attached are comments filed by the Temple of Lono on:

Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai‘i PTA Second Draft EIS, Section 3.6.2, page 3-89.

Comments by Lanny Sinkin
Representing the Temple of Lono
Re:. Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai‘i PTA
Second Draft EIS, Section 3.6.2, page 3-89.

The “Real Estate Transaction”

> Army Directive 2020-08, U.S. Army Installation Policy to Address Threats Caused by Changing Climate and Extreme Weather, requires Army installations to assess, plan for, and adapt to the projected impacts of changing climate and extreme weather by adding the results of climate change prediction analysis tools into all facility and infrastructure-related plans, policies, and procedures. The Army Climate Resilience Handbook, dated August 2020, instructs Army planners on the process to systematically assess climate exposure impact risk and incorporate these findings into the planning process. The Army uses the Army Climate Assessment Tool to identify potential climate change threats and rank the relative risk each threat presents to a given Army installation in 2050 and 2085. The Army Climate Assessment Tool also includes summaries of regional climate change impacts as developed by the U.S. Global Change Research Program.
>
> 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 NEPA Reviews, this EIS follows 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 NEPA Reviews. This EIS qualitatively addresses direct and indirect GHG emissions from the Proposed Action alternatives and the impacts of ongoing climate change on the Proposed Action alternatives. 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.”

Army Training Land Retention at Pōhakuloa Training Area, Draft Environmental Impact Statement (hereinafter DEIS), Section 3.6.2, Page 3-89 (emphasis added).

The Army treats the application to retain lands for the Pōhakuloa Training Area as a “real estate transaction.” The Army then uses that characterization of the transaction to assert that the life-cycle of GHG emissions cannot be calculated because “there are no tools, methodologies, or data

inputs reasonably available to support such calculations." The Army uses the Army Climate Assessment Tool to identify potential climate change threats and rank the relative risk each threat presents to a given Army installation in 2050 and 2085.

> Army Directive 2020-08, U.S. Army Installation Policy to Address Threats Caused by Changing Climate and Extreme Weather, requires Army installations to assess, plan for, and adapt to the projected impacts of changing climate and extreme weather by adding the results of climate change prediction analysis tools into all facility and infrastructure-related plans, policies, and procedures.

The Army looks at the threat **to** the military from climate change. Missing is the threat **from** the military increasing the accumulation of gases that cause climate change.

There are two contexts in which the proposed transaction is taking place.

The first is the consideration that must be given potential impacts on sacred practices and beliefs of continuing the destructive activities of the various agencies that use the leased land. That consideration is well developed in the comments filed by spiritual practitioners. See Comments of E. Kalani-Flores, Representative of the Kalani-Case ʻOhana. {The Temple of Lono incorporates those comments by reference into this filing?}

The second is context is the expiration of the current lease. If a new lease is not approved, there will be no transaction and the Mauna will be left in peace to heal.

If a new lease is approved, the multiple agencies will continue to inflict the damages so readily apparent from the activities of the current lease holder. The impacts of the land swap proposed are, therefore far more than those that would result from a "simple real estate transaction." To the contrary, the impacts will be taking place over the entire time of the new lease.

The Army's claim that it cannot prepare a quantitative, full life-cycle analysis of GHG emissions is extraordinarily self-serving. The Army has a clear reason for not producing such an analysis. The likely outcome would be a conclusion that the military is a large – perhaps the largest -- single major contributor to global climate change.

https://www.aljazeera.com/news/2023/12/12/elephant-in-the-room-the-us-militarys-devastating-carbon-footprint

If a journalistic outlet can make the calculations, based on publicly available information, surely the Army, with far more resources and access to data, can also make the calculations.

The Army's false humility in denying its ability to produce a quantitative analysis because there are "no tools, methodologies, or data inputs reasonably available to support" such an analysis is ludicrous. No institution on the planet has more resources available than the United States military. Certainly there will be uncertainties. That does not foreclose performing the analysis using the best available "tools, methodologies, and data."

For example, The Army has the data on how much fuel the military purchases and consumes that can easily be converted to the greenhouse gases produced. If such data is not readily available, that absence would be a measure of mismanagement that the military should correct, not serve as an excuse for being unable to calculate environmental impacts.

The same is true for a claim of false incompetence.

> The United States Army's finances are so jumbled it had to make trillions of dollars of improper accounting adjustments to create an illusion that its books are balanced. The Defense Department's Inspector General, in a June report, said the Army made $2.8 trillion in wrongful adjustments to accounting entries in one quarter alone in 2015, and $6.5 trillion for the year. Yet the Army lacked receipts and invoices to support those numbers or simply made them up.
>
> As a result, the Army's financial statements for 2015 were "materially misstated," the report concluded. The "forced" adjustments rendered the statements useless because "DoD and Army managers could not rely on the data in their accounting systems when making management and resource decisions."
>
> Disclosure of the Army's manipulation of numbers is the latest example of the severe accounting problems plaguing the Defense Department for decades.

See e.g. https://www.reuters.com/article/idUSKCN10U1ID/

To the extent the Army's inability to calculate greenhouse gas emissions traces to a failure to keep accurate records, the cure is to correct the records, not fix the books. Until those corrections are made and that analysis is reviewed and accepted, the application should be denied.

The Army should not be allowed to escape its legal obligation to produce a quantitative analysis of the greenhouse gas emissions by claiming incapacity or incompetence. These claims are also self-serving. They serve to shield the military from regulatory scrutiny by making regulation impossible. The Army is not incapable or incompetent; the Army simply refuses to prepare the required analysis.

There is an old saying that "where there is a will there is a way." The opposite is also true: where that is no will, there is no way. There is no will on the part of the Army to produce a

quantitative analysis, so there is no way the military will do so. Only if producing that analysis is a precondition for accepting the DEIS will the Army be compelled to do so.

If the quantitative analysis is indeed impossible, then the Precautionary Principle should be applied.

> The Precautionary Principle implies that there is a social responsibility to protect the public from exposure to harm when scientific investigation has found plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

https://files.nc.gov/ncdeq/GenX/SAB/Overview%20of%20the%20Precautionary%20Principle.pdf,

There is far more than a "plausible risk" that adding additional greenhouse gases to the atmosphere will increase the adverse environmental damage of climate chaos.

Every day brings new evidence of this reality. See e.g. https://thinc.blog/2024/05/25/mexicos-heat-dome-is-deadly-relentless/

On May 29, 2024, the temperature in Delhi reached 52.9 degrees celcius (127.22 degrees farenheit). As emissions of greenhouse gases continue, the planetary temperatures will continue rising placing hundreds of millions of people at risk of living in an uninhabitable environment, causing mass migrations across the planet, and extinguishing of other species.

A threshold question is why the war makers are allowed to contribute to a process that could bring an end to civilization as we know it.

The "No Action" alternative is the best for the Human Family and the rest of the Natural World.

Lanny Sinkin
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Contact information was redacted for privacy.

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David Zierott I-575, 576
Tiffany Zygutis I-577

Kamuela Akeo

Military spending affects our governments' ability to regulate itself and address concerns like national debt. While indirectly associated, it seems that a lava field in the middle of nowhere only benefits the private military contractors, and that the army could focus on training and innovating for the needs of the future. I agree with the army's finding of the land being "austere" but how is that relevant to live firing drills or maneuvering. There are plenty of austere environments on the american continent that are extremely distant from population.
Further, this land is near Hawaiian Homes land. The state has an area that in some place is zoned as residential and then is zone for the military's use. I find this ironic at the least and dangerous at the worst.

Obviously the state has neglected it's responsibility to Native Hawaiian and thus a decision to renew the lease will be meet with a civil reaction. This land is sacred. Please protect honor the 1st and 4th amendment. The land is occupied. Enforce the laws of the occupied state until a legitimate treaty of annexation is signed in place of the joint resolution Resolution 259, 55th Congress, 2nd session.

Sherlyn Kahanuloaeomakana Akiona

Aloha ahiahi, my name's Sherlyn Kahanuloaeomakana Akiona and I am affiliated with no group other than the protect Mauna Kea group. I strongly oppose the military's ability to have the land for the Pōhakuloa training camp, as its current history is not in good standing or in alignment with the values of the native and indigenous people, I being one of them. So very strongly towards this issue, and would greatly appreciate the consideration of the Board in hearing the voices of the native people first, although we do appreciate all of the service members and the sacrifices that they make, we gravely paid for the same consideration in having our human rights as a native people considered before you know, ahead of their agenda. So that is my manaʻo, and thank you for your time. Aloha ahiahi this is Sherlyn Kahanuloaeomakana Akiona again, please add this editorial to my original note. I think it's very poignant to view the impact environmentally that the military has had on the Pōhakuloa training camp specifically with their use of white phosphorus in their training practices. It's very toxic to the environment, and therefore will greatly impact our aquifer, our natural aquifer. In fact, it will contaminate it to the point where it is not able to feed the land, and therefore its people. This in turn, will cause a major strain within the indigenous community, as many of your service members happen to be of Native Hawaiian descent, and that conflict in their complicity with their practices, and how it harms the very kuleana that we as kanaka are sworn to protect can cause a lot of psychological, negative psychological impacts. And I feel the military needs to consider that as a factor as well given that it impacts their service members, the people that they swear to train to the best of their ability and to protect. I mean, I figure that's what the military is, is a company that looks after its own. But when it is condoning the harm and degradation of the environment that some of those service members are supposed to be protecting, it can cause great psychological impact. I would also like for the board to consider the fact that with the increased activity on Pōhakuloa and the recent lava flows. It's just not wise for a military bombing to continue being a practice there. If there are any other sorts of practices that the military would consider with the exclusion of using any sort of explosives, maybe there's a middle ground to discuss some alternatives for the military, as they phase out their use of Pōhakuloa. Again, I want to reiterate that I do not support the renewal of the military lease with all of the technology that's being developed and currently being innovated. I don't see why the military wouldn't invest more in tech practices, with AI being so accurate and lifelike, they can program simulations and practice their bombing and firing in another fashion that doesn't harm the environment. We are a small volcanic island in the middle of the Pacific Ocean. There will not be much of Hawaiʻi left if Pōhakuloa is given back to the military. And I am recording my statement so that I can share it on my platforms as well to ensure that my point of view is heard. Mahalo.

Jim Albertini

Aloha. I'm Jim Albertini, President of Malu 'Āina. I've been an organic farmer in Kurtistown for 47 years and a school teacher and a coordinator for University Peace Education project on Oahu for 10 years before that. First of all, I want to say, Colonel, you repeated the big lie in your introduction that the military is good neighbors and that you're stewards of the land. It's the same thing Lieutenant Colonel Alvarado said on the day he was brought in in the command in June of last year, "We are stewards of the land." The land at Pohakuloa is zoned state conservation land; the highest protected land status. The land may not have been zoned conservation in '64 when the lease was first issued, but it is state conservation district now. So no lease renewal, no action alternative, no land swaps. Stop the bombing and desecration. Make the military clean up its toxic mess. Return the land to the Kānaka Maoli and pay reparations for destruction of the land and psychological injuries caused by your 75 years of bombing Pohakuloa. Millions of live rounds are fired annually at Pohakuloa by the Army, Navy, Air Force, Marines, and foreign troops. A conservation district is not for firing bombs, rockets, mortars, et cetera. How more basic can you get? Right? Depleted uranium is just one of many toxins that have been used up there at the 132,000 acre base for more than 75 years. DU oxide particles can be carried long distances in the wind and when inhaled can cause a wide range of cancers, birth defects, and probably the worst thing, genetic damage that can be passed to future generations. For years, the military lied saying no DU weapons were ever fired at Pohakuloa; then you were caught in the lie in 2007. And they have continued to try and downplay both the number of DU rounds fired and the potential health hazard, health risks to troops and civilians. The Army has failed to comply with Hawaii County Resolution 639-08 passed by a vote of eight to one that called for stopping all live fire at Pohakuloa and all activities that create dust until there is a comprehensive independent assessment and cleanup of the DU present at Pohakuloa. You haven't taken that action and the seven other actions that were called for in that county resolution. The county also named Dr. Lorrin Pang, MD as the official county liaison with the military. Dr. Pang spent 24 years in the Army Medical Corps and was named in the who-is-who top 3 percent of America's best doctors. The military has refused to consult with Dr. Pang. There's a lot of other points I'd like to make, but let me add this one. Pohakuloa is a Lahaina firestorm in the making for Hawaii Island and the danger is increasing with climate disaster. In the EIS draft 2, it states, "There have been 892," let me repeat that, "892 recorded fires attributable to military activities at PTA since 1975 according to the military. But the military also says that many fire records prior to 2012 have been lost." That's page 354 for anyone who wants to look. One year to the day of the Lahaina fire, there was a fire at Pohakuloa that wasn't named the Pohakuloa fire, it was called the Leilani fire, and it burned over 17,000 acres, including more than 12,000 acres off the base, destroying native endangered species and cultural sites. Issues of land ownership, the military needs to be reminded, time and time again, you are not good neighbors. You are not stewards of the land. You are illegal-occupying powers who participate in an illegal overthrow of Hawaii. In 1893, they've been illegally occupying. I wrote a book entitled "The Dark Side of Paradise," about the military in Hawaii. I recommend that you read that. I'll conclude with this. I recall a high-ranking German Nazi officer at the Nuremberg Trials being asked, "How many people tried to escape Auschwitz?" And he said, "Well, nobody tried to escape Auschwitz. Why would they want to escape? Auschwitz is a family camp." Right? By you saying you're good neighbors and stewards of the land, you're repeating the big lie.

Evelyn Navas-Aron

From: Loke Aloua <[redacted]>
Sent: Thursday, June 6, 2024 7:51 AM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa Comments

Greetings,

My name is Loke Aloua I am a resident of Hawai'i Island and **I oppose any land retention by the U.S. Military and support the "No Action Alternative."** The U.S. Military conducts harm here on our island and abroad. The activities that take place are in no way in alignment with what is pono for the land, water, and people.

Findings in Ching v Case (2019) concluded failures of the military to abide by lease conditions and too the State to ensure that lease conditions were indeed being met. The court further concluded that the State has breached its constitutional trust duties to beneficiaries. Prior to any or all portions of lands considered for sale, lease, or appraisal conclusions of the court remain to be met. Any action otherwise would again be a violation of the State to act in duty to the trust and its beneficiaries. Thus, I have the following questions:

What actions has the military taken to comply with the Ching v Case (2019) court conclusions?
What documentation is available to demonstrate that cleanup has commenced and been completed?
What is the financial assessment of the cost for the cleanup of exploded and unexploded ordinances, trash, etc within the leased lands?
What were the criteria and measurables that guide and inform any cleanup efforts?
Since the Ching v Case (2019) court findings how much money has the military spent on conducting a clean-up to comply with Ching v Case (2019) findings?
Should these lands be retained in entirety or partial what are the environmental impacts to the aquifer and groundwaters?
How does the seismic impact of training activities produced by the use and access of these leased lands impact the aquifer system?
What scientific evidence suggests that the impacts to the groundwater and aquifer system is acceptable and determined to mitigatable?
What determinations by the Commission on Water Resources Management have been made to ensure protection of water resources?
Use of these lands operate as a component of a much larger training center, thus what are the cumulative environmental impact to the 132,000 acres of lands by PTA?

These lands are zoned as conservation lands and should remain classified as such. Current use of these lands for military training activities are in conflict with this conservation land use.
Furthermore, these are stolen lands that were illegally seized by the U.S. government and branches of their extended arms.

May these lands be set free, may the people rise, may the akua reclaim
Loke Aloua

Nicole Kuwala Anakalea

Aloha mai kakou, o wau Nicole Kealohalanikuwaluikapoleiokawahine Anakalea. Nicole Anakalea Kuwalu they call me. I look at you guys and I see my warriors. I see my soldiers. I see the demise of my time period warriors. And so I sit here and I -- I want to aloha you guys for your patience. And aloha to just to sit and listen. I'm originally from the island of Maui. I am -- I am a child during the time of PKO, Protect Kahoʻolawe ʻOhana. I witnessed Kahoʻolawe being bombed. I witnessed my kupuna crying for that island to be saved. I saw the island be saved by PKO, and we were proud and everybody was celebrating that we got Kahoʻolawe back. And what we didn't know and what they didn't teach us was that they gave us five times -- they gave away five times the size of our island someplace else. I moved here to this island and that's when I learned that Kahoʻolawe actually existed right here, and I was living on an island that I saw being bombed. I live in Waimea. I come here today, because of my kupuna who sit on the beaches of Maui for Kahoʻolawe and I stand for my two sons who will become the next generation who will live in this space and place. My time is short, and I know my minutes is short. So a couple of things I just want to -- I, you know, I was trying to write notes. Sorry. Never mind. I share what -- what Kalani had talked about a little bit and this is where it's wahi pana. And the word wahi pana has to do with sacred places. Wahi, meaning a place. Pana, more importantly meaning a pulse. And so when Kalani talks about those energies, that -- that place has a pulse and it's something that we all feel. Aloha to you who have been here 10 months. You haven't been long enough. You haven't been here long enough to feel the pulse. And that's part of the problem is that in two years, probably going to get someone who is not a general sitting over here and not going to be the same person. So how do we create a relationship when we don't have consistency in our pilina and the relationships that we build. With that, that's been the story of us since, again the overthrow -- since the occupation -- since everything that's been happening to us, it's just been consistent. So we kind of have this thing that the kupuna tell me, well the first time shame on me or shame on you, the second time, shame on me. So the first time, shame on you for allowing Kahoʻolawe to happen. Now, shame on me for continuing this and allowing this to happen. So if we don't stand up and we don't say something, then it is shame on me because we are repeating history all over again. And I don't care what other people really say about how good you guys is. So I'm going to tell you, that's another thing I want to share my feelings about that. Mahalo for all the positive things that you've shared, but what you don't put in your report, and what you don't tell the people is all the stuff that they're grumbling about and all the truths of the damage that's been done. I don't see none of that on your posters. I don't see the devastation and then I don't see the reparation. I take offense, especially to action four when it says that if we leave -- you're not our welfare. You came over here, you give us all these things that you list over there. Here, we gave you this, we gave you this, we gave you this, we gave you this, as if we're supposed to feel like -- like privileged for that. No, we're not. You owe that, and yet you still haven't done any reparation for all the damage that's been done. So my question to you guys is, why can't you share what you know you've done wrong, then tell us, what is your plan to make it better. More importantly, as well, is, where is the due diligence in making sure that our -- our community is seeing your actions in this reparation. You're talking, you helu about all these things. You count out all these things, but we're -- again, she's talking about, you couldn't even put out one flyer or something like that in the mail. We get them from other representatives, hundreds of rubbish in my -- that was not rubbish. That's something that I would like to know.

So you give so many solutions in how you can actually create a relationship here, but that's not happening. Sorry. My thing is, you also say that this is the only place in the whole wide world where you can, like have this kind of training, then keep it special. That's your job. How come you're not doing that? If you're saying this place is so great, then why are you not making that special? My biggest offense really, was when you said, if we're going to action four, I don't believe in -- in selling my land. I am Aloha ʻĀina. I don't believe in that. I had to -- we are going through all of this right now in -- in the pae ʻāina. But what I got offended by, and I want to say this with all my aloha is, when you said if we do action four, we leave, we do nothing, we get no cultural aloha, we get no environmental aloha. I'm like, wow, brah. Really? So even if it doesn't go your way, you're going to be the cry baby that can walk away and make like nothing would happen. I have a problem with that. Fix what you guys did. Whatever you guys choose, fix it. That is your guys' kuleana. Mahalo.

Shani Anderson

Stop bombing Pohakuloa. The military must clean up the sacred lands it has desecrated and leave Hawai'i. No new lease or land swap.

Sven Andes

Stop destroying Hawai'i for the purpose of training the next generation of poor folks tricked into joining the US war machine.

Leave Hawai'i. Freedom and respect for Hawai'i.

Luna Animisha

Please, give this land back to Hawai'i and Kanaka Maoli. Now, more than ever, with the global plastic crisis, oil pollution crisis, and soil degradation crisis worldwide, it is important to shift our focus from military-industrialization to sustainability. There are people living in Hawai'i with no homes, and who have been pushed our of their homes, and some of these people have lived here for generations. I urge you to do the righteous and just action, and uphold the ideals which the founding fathers of America asked for: liberty and justice for all. These ideals will only be upheld if this land, which was wrongfully taken and not contractually honored, is returned to the people and to Hawai'i. Thank you and God Bless.

Kyhl Austin

I strongly OPPOSE the retention of Pōhakuloa by the U.S. Army. The proposed lease should NOT BE RENEWED. The. U.S. Army should be responsible for remediation and environmental clean-up of all land damaged by its use by the U.S. Army.

Kalia Avery

My name's Kalia Avery. I've lived in Hawaii for 45 years. I came from America and I was a child of the Vietnam War. And I knew from a very small age that the military was -- was not our friend. I moved to Hawaii and I've been very grateful for all the Kānaka Maoli for welcoming me, for treating me with respect and kindness. And I have learned so much since I've lived here about how they were treated. And, basically, America came in with a bunch of businessmen and stole their own -- their nation, and they were backed by the US military. The US military has poisoned the lands here. We do not want you here. It's time for people to really tell the truth about the history of Hawaii and hear that -- the people need to be heard that live here. These are a strong people, and as much as America would have loved to squelch and squash, these people are strong and they're coming back and they're rising up. And as we can see from these beautiful children that have spoken tonight, we have such a great future to look forward to and we hope that that future does not include you on Pohakuloa or any other beautiful place that is -- is a respectful, you know, spiritual place in Hawaii, which is all of Hawaii. So please pack your bags and we don't want you here anymore. Mahalo.

Leilani Badamo

Aloha mai kākou. 'O Leilani Badamo ko'u inoua. O kūpunawahine mai Hana, Maui, o makuakane mai Wailuku, Maui. My mother was born and raised in Mākaha. My father was born and raised in Brooklyn, New York. My father was in the military in the Marines. That's how he met my mother. Three generations back my family, I am literally a product of the military, the colonizer, and the "colonized." So -- and -- and that goes three generations back in my family. I was here in Hawai'i nei until I was about three. And then my family moved to New York. My father being in the Marines, right, he raised us really rigidly. When we were scolded, we were put the three of us in a line by height order. He would -- we didn't -- so we got the belt, leather belt, metal buckle. We got the shit beat out of us when we were misbehaving. However, the worst part is when he would give us a four-hour lecture and dehumanize us. So I understand as an adult later on from being physically abused and a bar soap put in my mouth when we were cursing at each other that he was brainwashed from the military. And that was how he was taught maybe as a child and I don't know in the military, like, that was discipline. Anyway, one thing that he did with all of us before we were able to reach the sink was to learn how to wash dishes. That was one of the things that we went through. But my parents taught me that when you make a mess, you clean it up. When you make a mess, you clean it up. That's your kuleana or responsibility, if you don't know that term. My daughter's here with me today and I asked her if she wanted to speak and she didn't want to speak. She didn't actually even want to come because, like, "Mom, what is this about? I don't want to go." And so I was telling her what it is about because it's important for her to know. So I'm hapa, mixed, right? Hawaiian, Chinese, Portuguese, Italian, Dominican. From all parts of my family, I learned about taking care and having responsibility for the things that you do, the actions that you take. Now I'm asking you as humans in front of me, I'm sure you have families, I'm sure you eat food, and I'm sure that you drink water. So when you do these things on a daily basis, put yourself in the shoes of the Kānaka Maoli and think about what you're doing to our ʻāina, what you're doing to our water. Because our water is not just our water, it's your water. It's water you drink. The people in Red Hill, they're drinking that poisoned water that the -- the -- the military poisoned, that -- that's water everyone drinks, right? So I -- I know you probably have a nice, you know, it's -- I was a -- I'm a trained welder, actually. I worked seven years as a welder for the Boilermakers Union. I could have taken a job on Oahu making a ton of money with the military, but I chose not to. I'm studying agriculture and I will leave my statement with this. If you study anything in nature, you can google it very quickly, tsunamis, mudslides, everything in nature will destroy anything manmade. And I'm telling you now that the lāhui is strong like nature. Thank you.

Christoph Baranec

I support Alternative 1: Maximum Retention. Mahalo!

Julie Barreto

Please do NOT extend Army authority over Pohakuloa!

Kristin Barrett

Comments PTA Second Draft EIS -Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai'i.

Submitted by Kristin Barrett, Individual, 12-7004 Kamelewai, Pahoa, HI 96778
krissysmoto@gmail.com

Comment 1
The term "reasonable action" is used throughout all three documents frequently to describe how the Army might mitigate an impact. For example, on page 3-18 of the Second Draft EIS, Volume 1, it was used to describe how the Army might mitigate light pollution. Using the term "reasonable action" allows for massive loopholes in following through with those actions. Any planned mitigation actions can be easily written off as not reasonable and therefore not required. For all occurrences of the words "reasonable actions," re-word to state exactly what will be done and when. The term 'reasonable actions" is too vague and non-binding.

Comment 2
The EIS is referred to as "an administrative environmental Impact Statement" that is just a real estate agreement. There is no such thing as an administrative EIS. Saying that it is administrative or that its just about a real estate transaction is untruthful and very misleading. Strike all references to administrative EIS that is only about a real estate transaction.

Comment 3
Provide a list of all hazardous waste collected and shipped off-site or stored on-site in the last year. Describe exactly how you comply with Federal hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Simply stating that the Army has similar regulations is not enough. State how you comply with the Federal regulations. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 4
Provide maps showing all sites that contain toxic, hazardous and/or radioactive substances that have been placed on site since the inception of the lease. Provide a detailed description of each toxic element and how each will be cleaned up and properly disposed of and a timeline of when. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 5
Provide a detailed description of how hazardous waste, as defined under the Resource Conservation and Recovery Act is currently managed. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 6
Provide a list of all toxic substances in use at the facility and the amount released annually to the

air, water, land or sea.Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 7
Provide a map of aquifers under the entire training site, perched or otherwise. Provide all monitoring data to demonstrate that these aquafers are not contaminated.Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 8
Provide a detailed description of how drinking water for military personnel and contractors on the site is monitored and how compliance with Safe Drinking Water Standards is ensured. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 9
Provide a map showing the location, age, and size of all storage tanks on the site including underground storage tanks. Provide monitoring data to prove these thanks are not leaking. If they are leaking, provide a contaminant cleanup plan with measurable goals and dates of completion. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

Comment 10
Provide a copy of your Stormwater Management Plan. Simply listing that these regulations are required is not enough information for the reader to understand your impacts.

From: Ashley Baxter <[redacted]>
Sent: Friday, June 7, 2024 5:18 PM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa renewal

Hi, I heard that tonight is the deadline for public comments to go in regarding the lease renewal for Pohakuloa base. I do not like that the shelling has been going on, that various undetonated bombs are scattered all over and that chemicals/toxins that seep into the land and water here as a result of that so I oppose that.
Thank you,
Ashley Baxter, Hilo resident.

Rosemary Bearden

I strongly oppose the Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai'i. Pōhakuloa is a wahi pana of great importance to Kānaka Maoli. The bombing of this scared land for the sake of war games is unacceptable. The Army's history of destruction in Hawai'i should come to an end-- the lease should not be renewed. I strongly oppose the renewal of the Army's lease at Pōhakuloa.

BETSY BEHNKE

I understand that the military needs areas for training. I also know the military has done a very poor job of cleaning up the areas it has used. In seeing how the Navy is back tracking on some of the damage it caused in drinking water on Oahu my inclination is to move the military out as much as possible. I have very little trust in the military. For the military that uses parts of our state I would expect payment as from any other source, not a reduced fee. The military must clean the areas it has damaged. I definitely would like the military out of Makua.

From: Lana Hunter <[redacted]>
Sent: Sunday, May 26, 2024 6:42 PM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa Training Area Testimony

Aloha,

This testimony is in favor of the No Action Alternative for the Pohakuloa Training Area Lease. I support:

* An end to the current lease so the army retains none of the 23,000 acres
* Hiring a third party consultant to evaluate all 132,000 acres the Army occupies
* An IMMEDIATE ceasefire on all conservation lands in the PTA
* That conservation lands are NOT allowed to change zone classifications
* Implement an immediate cleanup and restoration funded by the Army

The Army's destruction of Hawaiis lands needs to stop. The US military has proven over and over that they are incapable stewards.

Please confirm this testimony was recieved

Thank you for your time,
Lana Bilbo

Leonia Binda

Hi, we would like to help build and do donations with are company. We have inherited from Hawaii. My name is leonia Binda and John Noti is my fiance (retired from white house and us Marines retired. Are friends still work there. Which will be working with everyone. I haven't meet the president or vice President yet.

Daniel Bishop

Aloha
My name is Daniel Bishop
First; I believe that All Activities by a Belligerent Illegal Occupier, the United States of America, and their Military representatives shall cease on Stolen Hawaii Kingdom Lands and Waters.
Second; Said Illegal Occupant shall start the process of Restoration of All Lands and Waters ,and return these Lands, and Waters, to the condition found prior to the use by the Illegal Occupant.
Third; Illegal Occupant shall start reparations in the form of just monetary compensation for the Abuse of Lands, Water and Beneficiaries of the Hawaiian Kingdom. This monetary compensation should be held in trust for the beneficiaries of Kingdom Subjects until such time as a qualified representative be appointed to administer these funds to beneficiaries.
Fourth; The process, as prescribed by the United Nation, shall be initiated to Restore the Hawaiian Kingdom as the Steward of All Assets of Hawaiian Kingdom subjects as well as their beneficiaries.
Fifth; During the implementation of the aforementioned steps the Illegal Occupier should reduce its presence within the recognized borders of pre 1893 overthrow, to also include any lawful adjustments that have been made during modern times (ie especially, but not restricted to International Waters) Upon completion of the above demands, the Illegal Occupant shall Remove themselves from the Hawaiian Kingdom until a fair and just agreement be made between the United States and Kingdom representatives about the scope of relationship between the two States.
Sixth; The United States shall abide by the Treaty of First Nations signed by their Representative in 1843, prior to the illegal overthrow
Respectfully Submitted

Daniel Bishop

Patricia Blair

I strongly oppose any extension to the army's lease at Pohakuloa. Millions of live rounds fired annually at Pohakuloa result in depleted uranium as just one of many toxins used. Particles can fly long distances in the wind, inhaling can cause cancer, birth defects, gene damage to humans. Why would you want to do that? Just as the Navy has/ is destroying Hawaiis water, this training destroys the land. So what's the purpose of this military if it's destroying what is precious.? Better Hoponopono, diplomacy is used to settle disputes. Invasions are immoral.

Lawretta Blanch

The white man has taken so much already from the Hawai'ians. Taken, by force. I live on this Island, I am white, I vote in EVERY election. I have lived Big Island for decades, I pay taxes. I say do not continue to take from the Hawai'ans... AND YOU ALREADY KNOW ALL THE REASONS WHY! I have sent so much testimony and spoke at every meeting... you come, you listen AND NOTHING EVER EVER CHANGES. THE GOVERNMENT CONTINUES TO STEAL MORE FROM THE HAWAIIANS.

If anyone ever reads this please know, if you could have done something, and you did not help, you are as bad as those who stole everything from these people. You may receive benefit in this lifetime, but I am sure in my heart that you will face the consequences of your actions after you pass.

As sure as I am that the military will continue to bomb this Island. Because we can COMMENT until we are blue in the face, you do not care. The military will grab more, they always have. The people begging to have their land returned are ignored once more. Shame.

Kaysie Blersch

The use of these lands by the military will be devastating to both the environment and population of Hawaii. Please do not renew the lease at Pōhakuloa. In fact, it would be best if there were no army bases at all on the Hawaiian islands, as we've seen time and again large fuel spills, construction, and weapons testing hurt all living things on the islands. The ecosystem there is quite delicate, and the Hawaiian Natives have had too many tragedies recently. Their lands and livelihoods need to be protected.

From: Shantee Brown <[redacted]>
Sent: Friday, June 7, 2024 2:48 PM
To: G70 - ATLR PTA EIS
Subject: PTA Draft EIS Shantee Brown Public Comments
Attachments: PTA Draft EIS Shantee Brown Public Comments.pdf

Aloha, My name is Shantee Brown. I live in North Kona and was raised below Pōhakuloa in Waikōloa Village. I support No Action Alternative for Pōhakuloa Training Area. Remediating the land in preparation of the end of the lease is the only action that will benefit Hawai'i Island. I also recommend that the Hawai'i State Department of Land and Natural Resources reject the 2nd Draft Environmental Impact Statement due to insufficient improvements made to the 1st Draft EIS.

My concerns are related to environmental justice, wildfires, improper use of conservation lands, and lack of independent studies on cumulative health impacts related to the spread of aerosolized contaminants such as lead and depleted uranium.

I have many more concerns but the 45 day public comment period makes it impossible to properly address every section in the EIS.

Listed below are the Executive Orders from the EIS that the Army is required to follow. The Army is doing a poor job at honestly following these regulations.

Table 3-23: Environmental Justice Executive Orders	
EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994)	Directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks (April 21, 1997)	Specifically indicates that environmental justice analysis should consider environmental risks to health or safety that are attributable to products or substances that a child is likely to come into contact with or ingest.

Table 3-23: Environmental Justice Executive Orders	
EO 14008, Tackling the Climate Crisis at Home and Abroad (January 27, 2021)	Amends EO 12898 to create, within the Executive Office of the President, a White House Environmental Justice Interagency Council (Interagency Council) and calls for the Interagency Council to provide recommendations for further updating EO 12898.
EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021)	Directs agencies to evaluate whether their policies generate racially inequitable results when implemented and to make necessary changes to ensure underserved communities are properly supported. Acknowledges that this work will require a multi-generational commitment and whole-of-government approach. The 2022 *Department of Defense 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.
EO 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.
EO 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (February 16, 2023)	Builds on EO 13985 by mandating a whole-of-government, multi-generational commitment to extending and strengthening equity-advancing requirements to support underserved community workforces, economy, housing, equity in health (including mental and behavioral health), civil rights, and equal justice under law.
EO 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All (April 21, 2023)	Directs all federal agencies to prioritize outreach to communities with environmental justice concerns, which can include all demographics, and possible legacy pollution and systemic treatment. This involves providing and encouraging engagement opportunities for the public to share concerns and participate in decision-making such as revising agency procedures, which is especially encouraged for people affected by federal actions. Those who do not normally engage will be notified and provided tools to further assist in the decision-making process.

I disagree with the Army's statement of "No Disproportionate Adverse Environmental Justice Effects" in Table 3-28.

Table 3-28: Resource Areas With No Disproportionate Adverse Environmental Justice Effects	
Resource Area	**Reason for No Environmental Justice Effects**
Biological Resources	Impacts would be limited to PTA. Due to the distance between the State-owned land and the closest residential area (4 miles), there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Hazardous Substances and Hazardous Wastes	Impacts would be limited to PTA and the roads used to transport hazardous substances and hazardous wastes. Due to the distance between the State-owned land and the closest residential area (4 miles) and because the hazardous substances and hazardous wastes would continue to be managed in accordance with applicable federal and state regulations, there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Air Quality and Greenhouse Gases	Impacts would be predominantly localized to PTA. Given the distance between the State-owned land and the closest residential area (4 miles), no disproportionate adverse impacts on communities with environmental justice concerns are anticipated.
Noise	LUPZ, Zone 1, and Zone 2 noise levels would extend up to 0.6 mile beyond the PTA boundary (north of the State-owned land). Due to the distance between the State-owned land and the closest residential area (4 miles), there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Geology, Topography, and Soils	Impacts would be localized to PTA. Due to the distance between the State-owned land and the closest residential area (4 miles), there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Water Resources	No impacts on groundwater are anticipated and the potential for introduction of sediment and contaminants into the limited nearby surface waters would continue to be addressed via existing procedures. Additionally, there are limited surface water and groundwater pathways on PTA because of low rainfall, a lack of perennial streams, and the considerable depth to the groundwater aquifer. Consequently, no disproportionate adverse impacts on communities with environmental justice concerns are anticipated.
Socioeconomics	Adverse impacts from reduced spending due to the land not retained would include reduction in permanent personnel at PTA and indirect impacts from less spending by personnel working and training at PTA. Overall, no disproportionate adverse impacts on communities with environmental justice concerns are anticipated.
Airspace	The restricted airspace at PTA (R-3103) would continue to be inaccessible to all unauthorized aircraft throughout the region when activated. The Army would continue to coordinate with the FAA and notify the flying community of planned activities to ensure deconfliction and safe flight operations. Consequently, no disproportionate adverse impacts on communities with environmental justice concerns are anticipated.
Electromagnetic Spectrum	EMS emissions would continue to be localized to PTA and not affect off-installation populations; therefore, there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Utilities	The local public utility capacities and services would not be affected; therefore,

Table 3-28: Resource Areas With No Disproportionate Adverse Environmental Justice Effects	
Resource Area	**Reason for No Environmental Justice Effects**
	there would be no disproportionate adverse impacts on communities with environmental justice concerns.
Human Health and Safety	Impacts primarily would be limited to the State-owned land retained. APZs I and II and the hazardous cargo pad ESQD arc would extend onto the land not retained. The public is very unlikely to be in these remote areas, aircraft mishaps are improbable, and the Army would continue to adhere to applicable Army, federal, and state health and safety and wildfire management regulations and policies. Additionally, the closest residential area to the State-owned land is 4 miles away. Consequently, no disproportionate adverse impacts on communities with environmental justice concerns are anticipated.

The Army repeatedly makes statements such as, “Due to the distance between the State-owned land and the closest residential area (4 miles), there would be no disproportionate adverse impacts on communities with environmental justice concerns.”

This does not reflect the 2022 + 2024 public comments made by residents of Waikōloa and Waimea stating that they can feel the bombings and worry about what contaminants may be in dust from Pōhakuloa. Both towns are 14 miles away. Residents from across the island experience distress knowing that Pōhakuloa is repeatedly bombed and not cleaned up. On May 22th, 2024, a Native Hawaiian woman shared a video on social media, completely distraught, verbalizing that she was trying to correctly harvest ʻaʻaliʻi and all she can hear is her island being bombed. There were 120+ comments expressing sympathy, solidarity, and statements such as, “I was one of them in the 80’s being in the army NG field artillery. I am ashamed of myself not knowing any better back then. I’m born and raised on Oahu.” There were 170+ shares and 1,350+ like’s on this Instagram post as of May 28th, 2024. Pōhakuloa’s impact is much farther than 4 miles. This EIS is distorting the lived experiences of those affected by Army practices.

The EIS is also incomplete because it looks only at the “State controlled lands” and not the impact areas, which are littered with munitions debris + Unexploded Ordinances launched from the State controlled lands. Artillery training from the state controlled lands continue to aerosolize the debris on federal controlled lands. An EIS for an airport or landfill would need to include ALL heavily impacted surrounding areas. This EIS does not take responsibility for the heaviest impact of the firing range. UXO is noted in the EIS as the reason for the lack of containment for the Leilani fire of 2022, yet they have never cleaned UXO in the Impact Area in 60+ years. Uncontrolled fires from the Impact Zone have the potential to cause catastrophic loss of life down the mountain. This EIS makes it clear that the Army doesn’t intend to change its practices. Extra training for soldiers and fire breaks doesn’t cancel the risks of having an uncontainable + heavily contaminated tract of land in the most fire prone part of our island. This is a reckless use of our small island home. The Leilani fire reached beyond PTA borders burning 12,458 acres. The Army’s updated policies in the BO’s of 2003, 2008, and 2013 did not prevent losing 50% of Pu’u Anahulu Game Management ʻōhiʻa/endemic forest or the burning of 5,254 acres of threatened and endangered species habitat in PTA. There have been 800+ fires during their

lease, that we know of since records from before 2012 have been lost. All of PTA is classified as a conservation district under the State's 1961 Land Use Law. It would therefore stand to reason that a future lease agreement or purchase from the State would be unlawful, since military activity on conservation land is not legal.

Relevant Federal and State department members made public comments in the 2022 draft EIS questioning the process and/or legality of the EIS. In my opinion, the Army's revisions and response in 2024 to those concerns do not show meaningful improvement.

I have additional concerns for the wellbeing of military members as I did not see a section for the impacts on soldiers from repeated blasts. Many groups have been sounding the alarm on risk factors for troops, such as the veteran founded HunterSeven Foundation which has been bringing awareness for non-combat veterans with debilitating illnesses caused by training and hazards on base. Linked below is a recent article they shared from the New York Times on brain injury in mortar soldiers. This is the time for the Army to take responsibility for all impacts and to resolve long standing health concerns.

Signs of Brain Injury in Mortar Soldiers: 'Guys Are Getting Destroyed'
Soldiers exposed to thousands of low-level blasts from firing weapons like mortars say that they wind up with debilitating symptoms of traumatic brain injury — but no diagnosis.

Published May 2, 2024 Updated May 3, 2024

The Army Sees Mortars as Safe. Troops Report Signs of Brain Injury. - The New York Times (nytimes.com)

Since the first Draft EIS in 2022, we have seen worst case scenario type outcomes related to wildfires + destruction of native habitat. The real world impacts of Pōhakuloa and lack of responsibility taken by the Army are not reflected in this second draft EIS. Residents spoke of our questions and concerns being ignored at the recent public comment meetings. I've included some formal comments I think have not been adequately addressed.

"The state documents said the Army's draft EIS does not meet requirements and has major gaps. 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 systems do not appear to be consistent with the Conservation District," said the DLNR's Office of Conservation and Coastal Land, in the June 7 document.
The OCCL was alarmed at the number of previous dump sites on the state-leased land. 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 Hawaii."
https://www.hawaiinewsnow.com/2022/08/16/state-land-department-has-scathing-surprising-comments-armys-training-pohakuloa/?outputType=amp

Below are copies of comments submitted in 2022 by:
Jean Prijatel, U.S. Environmental Protection Agency
Sven Lindstrom, Hawai'i State Department of Health, Hazard Evaluation & Emergency Response Office
Lauren Yasaka, Hawai'i State Department of Land and Natural Resources, Land Division
Kamakana Ferreira, Hawai'i State Office of Hawaiian Affairs

Commenter	Submitted By	Comment
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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.

Commenter	Submitted By	Comment
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.
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.
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. ?
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.

Commenter	Submitted By	Comment
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).
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.
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.

Commenter	Submitted By	Comment
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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).

Commenter	Submitted By	Comment
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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.
Jean Prijatel	U.S. Environmental Protection Agency	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").
Jean Prijatel	U.S. Environmental Protection Agency	Recommendation: Include a discussion of wildfire risk, and its relation to drought and air quality in the climate change impact analysis in the FEIS .

Commenter	Submitted By	Comment
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.
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.

Commenter	Submitted By	Comment
Sven Lindstrom	State, DOH, HEER Office	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.
Sven Lindstrom	State, DOH, HEER Office	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.

Commenter	Submitted By	Comment
Sven Lindstrom	State, DOH, HEER Office	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.
Sven Lindstrom	State, DOH, HEER Office	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.
Sven Lindstrom	State, DOH, HEER Office	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 Crocket 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.

Commenter	Submitted By	Comment
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. ?
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. ??

Commenter	Submitted By	Comment
Lauren Yasaka	State, DLNR, Land Division	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. 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.
Lauren Yasaka	State, DLNR, Land Division	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 assertation that fee title ownership results in the greatest impact.
Lauren Yasaka	State, DLNR, Land Division	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.

Commenter	Submitted By	Comment
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.
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..." 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.
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 of 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.
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.
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.

Commenter	Submitted By	Comment
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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."

Commenter	Submitted By	Comment
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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:
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.

Commenter	Submitted By	Comment
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.
Lauren Yasaka	State, DLNR, Land Division	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.

Commenter	Submitted By	Comment
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.
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.
Lauren Yasaka	State, DLNR, Land Division	Please recheck your calculations for the Maneuver Area under Section 1.2.5.
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.
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.
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.
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.

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.
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 (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.
Lauren Yasaka	State, DLNR, Land Division	Please clarify where your assumptions came from in Section 3.3.5.
Lauren Yasaka	State, DLNR, Land Division	Please check your calculations in Section 3.4.4.3, subheading Archaeological Investigations.
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.
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.

Commenter	Submitted By	Comment
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.
Lauren Yasaka	State, DLNR, Land Division	Section 5.2 should also include "Unresolved Issues" in the heading as this is specific to HEPA.
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.
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 though 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 9 normally shown. Please provide the appropriate figures or a reasonable explanation as why that data has been withheld.

Kamakana Ferreira	State, Office of Hawaiian Affairs	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.

Commenter	Submitted By	Comment
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.

Commenter	Submitted By	Comment
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.

Commenter	Submitted By	Comment
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.
Kamakana Ferreira	State, Office of Hawaiian Affairs	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.

Commenter	Submitted By	Comment
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.
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.
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.
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.

Commenter	Submitted By	Comment
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.

Shantee Brown

Hello. My name is Shantee Brown. I was raised below Pohakuloa in Waikoloa Village. I live in Kona. And I want to second the three people before me, all of their statements in support of no action alternative. And I want to add that this EIS is also incomplete because it lacks the human part of the environment, and we are a part of our environment -- humans -- all of us here. And Pohakuloa, being the center of our island, all 200,000 of us are downwind and downstream of Pohakuloa. Pohakuloa doesn't exist in a lab. There's no rainbows and unicorns creating some bubble over the wind after you guys' bomb and all of the things that haven't been cleaned up. And I don't think that the Army has done a adequate or a legal job at informing stakeholders -- all of us here. Just international law, you have to give indigenous people free and informed consent, right, there's -- you guys could send a postcard to everyone on this island about this process and let them know what's happening and that doesn't happen. The people who live in Puna or Hilo that work on -- in the Wailuku resorts, they are not being told what they're driving through. The people who work in the Wailuku coast and or Kohala coast that drive through Saddle Road 10 times a week, are they being informed about what their risk is? And you can't fix what you don't study. And the Army, their own former Army doctor, Dr. Lorrin Pang, Hawaii's own, has said that the Army tests for depleted uranium are inadequate. They can't show the whole picture. They won't show the whole picture and we need independent studies for the depleted uranium. And further, the even larger aspect of what Pohakuloa represents to me, recently in the last couple years, Brown University put out a study for the impacts the last -- of the 21st century war -- wars that the U.S. has basically killed 4.5 million people in occupation of Syria, Libya, Afghanistan, Iraq, Somalia. One million directly through bombings, similar to what is trained in Pohakuloa, and 3.5 million because of their agriculture being decimated, their medical facilities, everything that you need to sustain a society -- sewage, to the point that today, one out of ten Afghani children, newborns, will die. In my family in the last 25 years, if that were applied, I would lose three family members at birth -- three, and that's their norm. That's what happens from this training in other parts of the world. And that's just in the last 25 years. That's not including all of the previous occupations. And the fact that Iraqi people are still dealing with white phosphorus and the depleted uranium from the razing of their city -- of their cities, things that were tested here -- similar weapons, that's not okay. That needs to be part of the EIS. So no action alternative, need to clean up the land, no fee simple transfer of land, none of that, and also we need reparations for what was done here. Thank you.

Skyler Brown

Aloha. It should go without question that our CRITICAL watershed , affecting the entire island , be bombed on the regular. It's a disgrace! A'ole!

From: bonniebrooke lila <[redacted]>
Sent: Monday, May 27, 2024 7:14 AM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa Training Area Lease

Aloha,

This testimony is in favor of the No Action Alternative for the Pohakuloa Training Area Lease. I support:

* An end to the current lease so the army retains none of the 23,000 acres
* Hiring a third party consultant to evaluate all 132,000 acres the Army occupies
* An IMMEDIATE ceasefire on all conservation lands in the PTA
* That conservation lands are NOT allowed to change zone classifications
* Implement an immediate cleanup and restoration funded by the Army

The Army's destruction of Hawaiis lands needs to stop. The US military has proven over and over that they are incapable stewards.

Please confirm this testimony was recieved.

Thank you for your time,

Bonniebrooke Bullock
[redacted]
Kapa'a, Kauai
Sent from my iPhone

Alana Cabello

Do not renew their lease.

Eileen Cain
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eileencain808@gmail.com
June 6, 2024

To: Matthew Fowler, US Army Garrison-Hawai'i

To: Jeff Overton/G70

Gentlemen,

I am writing to **oppose extending US military leases in Hawai'i, including Pohakuloa**. **Live-fire training in the Hawaiian islands needs to stop once and for all. It has been going on for far too long. We all need to be free from it.**

I support the "No Action Alternative" -- the Army's lease needs to expire, and the Army needs to comply with terms of that lease by cleaning up these native lands, removing any ordinance or other forms of destruction caused by military use.

Although I am haole (white/Caucasian), I take a strong anti-racist stance. The proposed terms of the lease would interfere with Kanaka Maoli (Native Hawaiians') access to their cultural and religious practices. **They should not have to ask permission to use their own land and its resources**.

Abuse of power is evident in the US Army's proposal to extend its lease of these native lands. This is a power grab as well as a land grab, and it is a gross injustice. I am completely opposed to the Army's retention of control over Hawaiian lands and the use of those lands.

Racist attitudes pervade this process of land occupation. Some people act as though they like the Native Hawaiians – as long as they stay in "their place," and some white people and people of other races presume to dictate to the Native Hawaiians what "their place" is. This racist attitude holds that Native Hawaiians should just dance their hula and wear flowers and let everyone else make the decisions; they are expected to allow themselves to be co-opted and even participate in their own oppression. **Such racial supremacy over indigenous people is arrogant and abusive, and it needs to stop. No one has the right to determine for the Native Hawaiians what their place is in society or in the islands, how much freedom they are "allowed" to have, what land they are "allowed" to have access to, or under what conditions they are "allowed" to have access to it. It is <u>their</u> land, not ours.**

Native Hawaiians who exercise their freedoms are <u>not</u> the troublemakers. They did not cause this problem on the land. It is abuse of power that has created the trouble.

The return of ‘the āina to the native Hawaiians is long overdue. It is time to give the land back to the native people of these islands.

Mahalo for your attention.

Sincerely,

Eileen Cain

Eileen Cain,
Honolulu

Lindsey Caldwell

The US government and it's military has done nothing but prove time and time again that they are not proper stewards of these lands and should not be here at all. The bombing of native Hawaiian lands for the war games of the occupying government shouldn't have been denied as terms lease and full ownership. Red Hill, kahoolawe and the current destruction of pohakuloa (Hawaiian homes land) should be enough to terminate leases at PTA and the rest of Hawaii. It is clear that the "importance" of Hawaii for military strategy is the reason for the illegal overthrow and allowing the continued military occupancy further perpetuates this crime and the generational trauma that remains because of it. A'ole! Time to give them the eviction they deserve and return the Hawaiian lands to Hawaiian hands to it can heal, if that's even possible at this point.

Army Training Land Retention at Pohakuloa Training Area
Environmental Impact Statement - Comments

Aloha,

As a person who loves Hawai'i and her people, I am firmly opposed to the `Army's retention of any of the "State" lands at Pohakuloa. I support the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed.

Furthermore, the military impacts at Pohakuloa need to be considered in the context of the cumulative environmental impacts of the military in Hawaii, and not as a single program or single area. Hawaii has the most military installations per capita and more percentage of its land occupied by the military than any other State, by far. Many of these military facilities lie within critical habitat for endangered species, and the cumulative impact of these facilities are more than significant.

The U.S. Military has had significant adverse impacts to the most important natural resource in Hawaii, water. The military bombing of Kahoolawe compromised the caprock and aquifer of island, diminishing its capacity to hold water and support life. The military contamination of the Puu Loa aquifer below the Red Hill fuel storage facility has compromised the safety of the drinking water for nearly 20% of Hawai`i's population. Neither of these impacts were foreseen or considered by Environmental Impact Statements, how can we trust the military to consider the needs of the people of Hawaii and steward our most precious resource?

Pohakuloa Training Area, including the State leased lands covered by this EIS, lies above the largest and most pristine aquifer in Hawaii, the Mauna Kea deep aquifer, or Kaohe. This resource could serve the freshwater need of the entire State if other sources are impacted. We know very little about the extent, recharge, and other factors that might make this resource vulnerable to contamination and other degradation. The military has already shown Hawaii how it cannot be trusted to care enough to consider their impact to our water and to steward our resources in the best interest of the people of Hawaii. The only way we can ensure that the military will not compromise Kaohe, is to end military use of the lands of Pohakuloa. Compromising this resource is simply not something the people of Hawaii can risk. The State of Hawaii, Department of Land and Natural Resources, who have a fiduciary responsibility to care for our resources, would be negligent in extending the military lease at Pohakuloa.

Military training in Hawaii is not in the best interest of the people of Hawaii, the beneficiaries for whom DLNR holds the lands at Pohakuloa in trust. DLNR should consider the cumulative impacts of the military in Hawaii when considering the impact at Pohakuloa and act in the best interest of our water, lands and people by denying the extension of the military lease at Pohakuloa.

Me ke aloha aina, Joseph Kualii Lindsey Camara

Louise Canon

Put an end to the harmful destruction of the Hawaiian Islands. Enough is enough. This is some of the most important land in Hawaii and if you keep on destroying it, nothing can flourish except your wage on war. That is not for Hawaii

Jeffree Cary

Aloha, I am a Hawai'i resident and nursing student at UH Hilo. It is because of my deep appreciation of kanaka culture and history and dedication to human rights that I am writing you to voice my strongest possible opposition to the continued military occupation and desecration of Pohakuloa. Clean up your mess and leave!

Pua Case

I'm Pua Case. Mauna Kea is my mountain. And I, like many of us here, really didn't want to come here tonight. And I'll tell you why we didn't want to come here tonight, but we show up. I'm born and raised right here in Waimea. I'm born under the slopes of Mauna Kea. The first time I ever stood for something, I was a junior in high school and it was to protect the Kahoʻolawe ʻOhana movement at that time, and I've been standing ever since. In 2019 I spent nine months on Mauna Kea sleeping in a tent or in a van protecting the water of our Mauna that flows from the Mauna right underneath Pohakuloa. And all I heard as I was sleeping -- I spent many a night thinking I was in a war zone because all we could hear was the bombing constantly as we were laying there. And the one thing about that is that you really get to know -- lying there, you can imagine the destruction, devastating as it is, to the land there. So I'm going to just back up now and say that I think when you folks introduce yourselves, what really gets me right from the very get go of it, is that we are lifelong for the most of us, lifelong Kānaka Maoli, or residents of this place. And yes, if you've just recently moved here, I count you in that, but for those of us who have lived here our whole lives, when you start -- and I would advise you maybe just to think about it. When you start by sitting there and telling us that you care about our culture or you care about good stewardship and that you are taking care of the land and the indigenous plans and the cultural sites, it's really hard hitting for us because I will say this, you cannot -- it's not even in our cultural thinking that you can say you're taking care of something and destroy the area at the same time. There's no logical explanation that can be given and a developer, the military -- you all have the same verbiage. We come here to destroy, to construct, to desecrate, but at the same time, we're going to take good care of it as we're doing it. So I think when you start by saying that you're a good steward to us -- we grew up with this bombing. I wouldn't advise that you go into a Hawaiian community and start that way. Don't tell us that you're taking care of the ʻāina as you destroy it. We have lived here all our lives. And I hope one day you leave. And I'll tell you why that is, because what you are bringing here is war. It's the vibration of war to a island that is aloha ʻāina based. So every day that you are here -- for all the time that you are here, you are drawing attention -- a war vibration attention from the rest of the world right here to our Moku between the highest mountain in the world from the sea floor, our most sacred, to our deep waters, to our land bases, to our people and we are not a part of that and we are not contributing to that vibration, but because you are here, it almost makes it seem as we are. We are very against genocide. We're against war. We are against military actions that decimate people, destroy people, especially the indigenous people that this is happening to. And if you guys are bringing people here to train that are then going out and taking part in that kind of -- well, any kind of war activities, but especially that kind. I hope -- I wish that that were not happening, because in a way that almost makes us contribute to that because you trained here and then you went there and then hell happened. And we are -- we don't want to be party to that vibration, that frequency, that karma. And I know, because I've been in this for a long time, that this is a checking right here. You came here, you're going to walk out of here, you're going to say, oh, gosh, that meeting is over, now what we're going to do with those comments and what she said and you're going to be okay. You're going home. You're going to wherever the barracks and all that and you going to sleep. You're going to put your head on that pillow and maybe some of the comments that we made tonight going to stay with you just a little bit and gnaw at you because you know why, you know it's right because you're guys not cleaning up that mess and it's horrid.

But we -- why we never like come, because when we go home, right kanaka? It's not over for us, right. When we go home, we're going to be thinking about this meeting, right, Hawaiians? Right, residents? Right, local people of this place? We're going home and this going to bother us if we let it. So I try not -- I try to get to a place when I go home, I can sleep tonight, but what I'm going to be thinking about when you go sleep, I'm going to thinking about my ancestors who never had to feel that vibration way before us and our children, who I hope you're going to clean up before a couple more generations come here, and I hope they're not going to have to stand here and say the same things, not to you, because you guys come and go, but we're here every day when you come and go. And when we go home tonight, we're going to be feeling it, our na‘au is not going to be in a place of a high vibration of aloha. We're going to be -- don't -- let's not -- let's not be in distress tonight, everybody. Let's not go home and let this take over us because we came to another meeting and another meeting, because this is only one issue. Pohakuloa is one issue, a very pivotal issue for us, of course, because we're talking about weapons and war and destruction and our health and our wellbeing. All of which seems to be getting bombed at the same time. You are doing way more than you think, but it's one issue in all the issues that we have to stand for for Hawaii. So tonight, I'm hoping that we all can go home and release this meeting and you understand why, unless they didn't know, more people don't come because they don't like to go home and think about, oh, no, they never going to leave, they're going to be bombing forever. You heard them say about the depleted uranium. What is that? And what if they crack the water table? What are we going to do about that? And then what if they get a land swap? And what if they get more acreage? That's the kind of things we think about when we go home. So tonight, I just going to say that I'm going to lay this in the kupuna's hands. I'm going to lay this back to Poliahu, Kukahau'ula, Mo'oinanea, Manaua, Kane, Kanaloa, Lono, and Ku. and I just going to say, just take it, because we still go to go sleep tonight and get up in the morning and we still have to function even though we came here. So this is a lot for us. This is a lot for us to come to a meeting like this. Say the same things over and over. You be on your way and then we got to go home and deal with that and how we're going to purge that because tomorrow is another day for us to stand for our ‘āina. Aloha ‘āina.

Laura Caverly

Aloha,
I am in favor of no action. Please do not continue leasing the land at Pohakuloa for military training. In spite of the declared good intentions of the army it is not possible to bomb land and simultaneously take good care of it. At the EIS meeting I recently attended the army personnel described Pohakuloa as being like nowhere else. This is true >. For that very reason it should be preserved not used as a firing range.
I have live in Ahualoa, Hawaii my whole life. hear the bombing from all the way on the other side of Mauna Kea. At its most extreme it rattles my windows. We have long been used without consideration for the toxicity that comes out of bombs and live fire. Please leave our land in peace. In addition not nearly enough study has been done on the possibility of lead contamination of our aquifer. It is time for the army to clean up and return the leased land.
Mahalo for your consideration,
Laura Caverly

Jacquelyn Chappel

I urge the state to discontinue military exercises at Pohakuloa.

I have been hearing about the military's devastation of land at Pohakuloa for over a decade now. Hawaii is considered a special place by many people all over the world for its natural beauty--its trees, its birds, its oceans, its land.
Inviting the military to conduct training on this precious land degrades the value of this land. Having the military conduct exercises on "conservation" land is even more insulting. The military does not belong anywhere *near conservation land.

The US military has done enough to destroy Hawaii's land and resources, most notably with the Red Hill fuel leak, which has been an ongoing issue these past few years and which remains a threat to Hawaii's water source! That resource that allows us to live here!

None of us can say what destruction the military training at Pohakuloa will result in. While an EIS report can certainly give us an idea, I am not confident that even an EIS report can itemize or predict the entirety of the environmental damage in the long run.

The military training at Pohakuloa does not benefit the people of Hawaii. While it brings in revenue for the state, I encourage the state to discontinue this training at Pohakuloa.
It is in the best long term interest of the people of Hawaii, the land, Oahu's resources.
The US military has unfortunately given themselves a bad name through Red Hill and can no longer be trusted.

Please discontinue US military training at Pohakuloa for any purpose and for any amount. If Governor Green can lower taxes, he can discontinue military training at Pohakuloa.
Thank you!

From: Roger Christie <[redacted]>
Sent: Friday, June 7, 2024 11:07 PM
To: G70 - ATLR PTA EIS
Subject: I strongly OPPOSE the state lease renewal of land at Pohakuloa
Attachments: IMG_6814.jpg

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Dear people, aloha.

I'm grateful for the opportunity to strongly OPPOSE the state lease renewal of land to the military at Pohakuloa. Let's end the military occupation as soon as possible and restore the area. Thank you.

May unexpected blessings and love keep coming to you and from you,

Roger Christie

P.O. Box 1792
Hilo, Hawai'i 96721

@@@

From: Andrew Chun <[redacted]>
Sent: Tuesday, May 14, 2024 2:46 PM
To: G70 - ATLR PTA EIS
Subject: Army Training Land Retention at Pōhakuloa Training Area

I am reaching out to express my staunch support for the U.S. Army's proposed retention of approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on Hawai'i Island. As a concerned citizen who acknowledges the pivotal role PTA fulfills, I firmly believe that the Army's retention of PTA is crucial for the safety of our island community. This is due to its significant contribution to supporting and training the Hawai'i National Guard, local first responders, and law enforcement, as well as its capability to respond to emergencies on Maunakea, Mauna Loa, and particularly along the Daniel K. Inouye Highway.

Andrew Chun

Brenda Chung

As a Hilo resident, and a mother and a grandmother with grandchildren in the schools in Pahoa, Hawaii Island, I am very concerned about the health effect of the many toxins that have been used at Pohakuloa Training Area (PTA) in over 75 years of bombing and shelling by the military, especially the effect of Depleted Uranium (DU). DU oxide particles can be carried long distances in the wind, and when inhaled can cause a wide range of cancers, birth defects, and even genetic damage that can be passed to future generations. Whatever happens mauka comes makai - we are all downwinders of PTA. This is bad for everyone, but I am especially concerned for the well-being of the younger generations. Our keiki deserve better - they deserve to live without breathing in DU oxide and other toxins carried to them from PTA in the wind, unbeknownst to them and most of their elders. Please, for the keiki, do the right thing. I urge you to choose NOT to renew the PTA lease to the military, NOT to swap land for PTA. Simply RETUTN the land to the Kanaka Maoli, to whom it rightfully belongs. Thank you.

Gail Clement

I respectfully submit my comments on the Second Draft EIS as a concerned citizen who honors the culture and natural beauty of the Island of Hawai'i. Sincerely, Gail M. Clement

Second Draft EIS, Army Training Land Retention at Pōhakuloa Training Area
June 3, 2024 Comments, Gail M. Clement

I respectfully submit comments on the Second Draft EIS as a concerned citizen who honors the culture and natural beauty of the Island of Hawai'i.
Sincerely, Gail M. Clement

The Hawaii Department of Land and Natural Resources (DNLR) should not grant a new State lease to the U.S. Army for the State Lands currently within the Pōhakuloa Training Area (PTA). The "no action" alternative should be selected. Please see supporting comments in the following.

General Comments:

The U.S. Army has not been good stewards of the Hawaiian State Lease Lands (Lease Lands). The 1964 State General Lease S-3849 (State Lease) placed minimal standards on the Army, which included:

a. *"…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."* (9.)
b. *"The Government shall take every reasonable precaution to prevent the start of any fire in the areas herein demised and shall take immediate and continuing action to extinguish any and all fires started by or resulting from Government training activities."* (13.)
c. *"…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."* (14.)
d. *"Except as required for defense purposes in times of national emergency, the Government shall not deliberately appropriate, damage, remove, excavate, disfigure, deface or destroy any object of antiquity, prehistoric ruin or monument*." (15.)

Much public testimony has been received that the U.S. Army has not met the terms of the State Lease (public testimony and written comments, including the 1st and 2nd Draft EIS Public Meetings and April 12, 2024 DNLR Board Public Meeting). As evidenced by the Hawaii Supreme Court SCAP-18-0000432, August 23, 2019, decision (Supreme Court Decision), the DLNR's grossly inadequate and extremely limited inspections noted that the Lease Lands contained various military debris over many years. Further, the most recent 2023 DLNR inspection noted that in four of the five Sites inspected, spent shell casings were observed;

and one Site, Site 3, contained additional military debris. (GLS 3459 Inspection Report, August 16, 2023 Inspection). Clearly, even with many years of opportunity and high public concern, the U.S. Army has failed to achieve the minimal requirements of the 1964 State Lease.

In case there is any doubt of the future outcome and condition of the Pohakuloa State Lands, the former Waikoloa Maneuver Area (WMA) serves as an alarming example. The Hawaii Department of Health March 2019 Plan, Executive Summary, Areawide Environmental Hazard Management Plan for the Waikoloa Maneuver Area Island of Hawaii, states, *"The United States Marines used the Waikoloa Maneuver Area (WMA) from 1943 to 1946 for "live fire" training. Approximately 10% of the explosive ordnance failed to detonate, leaving a potential explosive hazard across at least 120,000 acres of land.*

Since 1946, the Department of Defense (DoD) conducted several investigations and cleanup activities in various locations throughout the WMA. Today, the United States Army Corp of Engineers (USACE) and the U.S. Army Garrison-Hawaii continue to investigate and remove UXO from the WMA.

Completing this work in the entire WMA will cost approximately $720,000,000. With the current annual budget of $10,000,000, the cleanup process will take decades to complete. The USACE prioritizes its cleanup efforts based on areas that pose the greatest risk to local communities and those sites with the highest potential to contain UXO. In addition to these fiscal constraints, there are technological limitations in the detection and removal of UXO. Even after a cleanup is completed, today's investigation and cleanup process cannot guarantee that UXO are no longer present. Consequently, despite the government's best efforts to remove all the UXO, a continuing level of 'residual risk' related to UXO will remain in the WMA."

The WMA was only used for a period of approximately three years according to historic records; and the anticipated time for cleanup of UXO is at least 70 years with no guarantee all the UXO will be removed. Considering the decades of live fire training at PTA and the fact that 91% of the PTA Firing Points are located on State Lands, the DLNR must know that the State Lands are severely damaged; and the potential for their full, timely cleanup and restoration is miniscule. It is not logical to approve continue occupation of State Lands by the U.S. Army with the unsubstantiated belief that the Army will be good stewards.

Based on the U.S. Army's current and historic State Lands stewardship and its damage and cleanup of WMA, the DNLR should approve the EIS "no action" alternative. The DNLR should neither lease nor sell the State Lands to the U.S. Government. If DLNR makes the unfortunate decision to either lease or sell the State Lands, full, timely cleanup and restoration should be a mandatory condition.

Specific Comments:

ES.11 Existing Management Measures and Potential Mitigation Measures

*The 2nd Draft EIS states the "*Army would consider*" additional Measures for Land Use, Historic and Cultural Resources and Cultural Practices, and Human Health and Safety. This language is vague and completely unacceptable. The Army should be specific and definitive about what Measures will be implemented. This comment applies to the words, "*Army would consider*" found anywhere within the 2nd Draft EIS.

*Other impacts to Human Health and Safety such as air quality (dust, pollutants) and noise should be considered.

ES. 12 Incomplete Information / Unresolved Issues

*The Army states, "*Lease compliance actions for a new lease or easement are unknown but are assumed to be the same as the current lease*" with a few exceptions listed. The assumption that the absolutely inadequate compliance actions in the 1964 lease would be used for a new lease is completely unrealistic. The DLNR would be negligent if it did not require additional compliance actions that incorporate current federal and State laws, regulations and policies governing military activities into a new lease. And based on the Army's record of contamination and inadequate cleanups, at a minimum, any new lease should include the requirement for ongoing, routine cleanup of all contamination caused by the Army, rather than allowing contamination to remain until the expiration of the lease.

3.5.4 Existing Conditions

The 2nd Draft EIS states, **"***The ECOP concluded that the contaminants detected in site soils [i.e., antimony, arsenic, cobalt, copper, iron, 1-methylnaphthalene, lead, manganese, naphthalene, selenium, silver, total petroleum hydrocarbons (TPH) as diesel range organics (DRO) and residual range organics, and zirconium] have a low likelihood to become mobilized off-site due to the low rainfall in the area, lack of streams, and absence of a developed drainage system across the State-owned land.´* This is absurd. Sheet flow and ephemeral drainages provide pathways for contaminant migration of all contaminants detected in PTA soils. And as evidenced by the inclusion of sediment sampling for its DU License (see below), the Army and the Nuclear Regulatory Commission recognize this contaminant migration pathway for DU.

3.5.4.12 Radioactive Materials

Under the Army's Nuclear Regulatory Commission License, the Army conducts quarterly sediment sampling within an ephemeral stream to detect any off-installation migration of DU. A single ephemeral stream is insufficient to assess impacts from the extensive areas impacted by DU. No other routine environmental monitoring for DU is conducted. Air transport of DU-contaminated particulates is another potential pathway for off-installation migration. Routine air monitoring should also be conducted to ensure off-installation DU migration is not occurring due to contaminated airborne particulates.

Evelyn Clouse

Protect the land

Jackson Coley

I will keep this relatively short and simple, I am opposed to the U.S. armed forces using Pohakuloa for any purposes. I grew up on Big Island and it was depressing as hell receiving warnings in school about UXO because the military fails to properly maintain any of their training grounds across Hawai'i. The military has never done anything good for Hawaii and they don't deserve to be here. Also, if you see any Navy guys, tell them to un-fuck Red Hill ASAP.

Kim Compoc

I write this letter in strong support for the "No Action Alternative" re: the Pōhakuloa Army lease. The way the military has treated Pōhakuloa is a total disgrace. As Circuit Court Judge Gary Chang declared in his 2018 ruling, the Hawai'i Department of Land and Natural Resources "breached its trust duty to mālama 'āina with respect to the lands the state leases to the U.S. Army." I see no evidence that anything has changed since that time. The Army should be apologizing to the people of Hawai'i but instead, it wants to inflict more harm. The environmental hazards due to aerosolized depleted uranium in Pōhakuloa alone is reason enough to cancel this lease, but of course, the list of crimes against the land, the water, and the people is very long. You cannot fool the public with promises of "national security," as we can see this narrative does not include ordinary people's needs for genuine security. The catastrophe at Red Hill made that very clear. We see your agenda for what it is: perpetual land/water grabs in Hawai'i and perpetual imperialist war abroad to secure endless profits for the military industrial complex.

Native Hawaiians are not the only ones who are upset. People around the world are educating themselves on all the harm the military has done in Hawai'i, and why none of the leases should be renewed in 2029. In 2022, AJ+ released this important documentary, "How the Army got to bomb Hawai'i for $1" which has over 67,000 views. We all want you out of Hawai'i, out of the Pacific, out of the Middle East, out of our mountains and oceans.

This Army lease at Pōhakuloa should never be renewed. The Army must admit to its crimes and begin the decades-long task of cleaning up the mess it has made.

Amber Coppings

Aloha, my name is Amber Coppings and I live in Honolulu. I am writing in opposition to the Army's Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State. Below, I outline several key points of concern pertaining to various sections in the draft EIS.

3.9 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 section 3.5, 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 section 3.5, "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 bullet casings are known to litter the landscape.

The U.S. military has built a bad reputation of not following through on promises on use, management, or clean up of areas used for their purposes. In conclusion, I support the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our greater environment. The Army needs to clean up the State-leased lands and return them in better condition. I implore the State to not consider re-leasing these lands or selling these lands to the Army in the future.
Mahalo for your time.

From: Debbie Watson-Correa <[redacted]>
Sent: Thursday, June 6, 2024 3:36 PM
To: G70 - ATLR PTA EIS
Subject: Army Training Land Retention at Pōhakuloa Training Area

I strongly support the retention of the Pōhakuloa Training Area (PTA). This facility is crucial for our national security and regional stability, enabling joint military training with our Indo-Pacific allies. The PTA helps counter the encroachment and harmful practices of the People's Republic of China, which threaten our ocean's ecosystem and Hawai'i's fishing industry. Maintaining PTA ensures we can continue protecting our environment and supporting our local economy.

Thank you for considering my support.

Sincerely,
Debbie Watson-Correa

Have a blessed day!

Rebekah Cryderman

It is so disappointing that an extension of lease is even being considered. Bombs will always have a negative environmental impact. There are cultural and environmental resources being actively destroyed by the occupation of military forces on these islands and at Pohakuloa. There should absolutely be no extension of a lease for the US military on these lands. They should also be forced to clean up the mess they've made. The future is ʻāina, not protecting the military from being accountable to its actions. These lands are worth so much more than the meager price you could ever put on them. Please reconsider a lease of any kind on these lands.

From: Monisha Das Gupta <[redacted]>
Sent: Thursday, June 6, 2024 9:58 AM
To: G70 - ATLR PTA EIS
Subject: Pōhakuloa Draft EIS Testimony

My name is Monisha Das Gupta and I am a Honolulu resident. I am writing as an individual, a community member who has ties to Hawai'i Island, and as a person who cares deeply about stewarding our precious ecology and our neighbor island communities.

I am writing in strong support of the No Action Alternative, which will return the current state-leased lands to the state after the lease expires in 2029.

I am responding to the second draft of the EIS report to state my concerns:
The report is not transparent about the extent of damage done to the biological resources at Pōhakuloa, which is home to critically endangered plants and other life forms. The Hawaiian hoary bat is just one of them impacted by the July 20, 2022 fire started inadvertently by the Army in the area. This is only one of the 37 fires the Army has caused over the years.

As long as the Army retains control of the State-owned lands, native species are threatened by continued mismanagement and negligence of a designated conservation district by the 1961 Hawaii State Land Use Law.

Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The report also indicated that future cleanup efforts may include “emerging contaminants” that are as yet unknown. The EIS fails to lay out a sound plan for cleaning up the State-leased lands. The report's approach to cleanup and reforestation is inconsistent.

The airborne contaminants are extremely detrimental to the community adjacent to and downwind of PTA. On windy days, dirt is kicked up and carried miles from its source point, leading to poor air quality and unhealthy conditions. Additionally, the Army’s use of Pōhakuloa contributes soil erosion and exposes the communities to wildfire hazards.

The Pōhakuloa region is a vital watershed. The draft EIS recognizes that the Pōhakuloa region is a vital watershed and “the uniqueness [of this groundwater] is ‘irreplaceable’; and the vulnerability to contamination is classified as ‘High.’” Given the potential

pollutants listed in section 3.5, these and other pollutants could infiltrate the aquifer. While the groundwater at Pōhakuloa is not directly consumed, it must be noted that all water within our porous, volcanic island is interconnected, eventually reaching water sources that are consumed as well as the water flowing out to the sea. Lead is a particular concern, as no amount of lead is safe for biological consumption. As stated in section 3.5, “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. While the draft EIS states that soldiers are required to collect spent casings, bullet casings litter the landscape.

In summary, the Army has not proven to be good stewards of the land, and the three-volume statement evidences that. The return of the 22,750 acres the Army uses to the state is the only way to ensure that Hawai‘i’s land and water resources, endangered species' habitats, and communities that inhabit the land are protected and restored to health.

Mahalo for your attention.

Monisha Das Gupta
Honolulu, 96815

Mu Decedents

Received via US Mail. See attachment for comment I-853-1.

NEED - NEW TREATY with Hawaii
- MEmorandom of understanding
with the Foreign occupying military

201-45-43-81

Law of the land. U.S. Supreme court Hale vs Hinke
(Yes Soil All land) mineral rights are in ALLODIAL -
ALLodium tite - Heirs - decendents of
Hawaiian Kingdom NOT U.S. Fedral corp.
US code Article 28, section 3002, Line 15 ????
corporation / DISTRICT of columbia - THE
U.S. and STATE of Hawaii OWN NO
land. Defective Latitude and Logitude
in the leap n Bounds Jurisdiction
of Pacific Island NATION. OFFICERS
agent, OFFICIALS, employees of
US citizenship "Illegal migration"
Have NO Bonifide Authourity to
own land. Ommison by Admitance by
Atourney General For Foraging US &
STATE Criminally Indention Acts of
Fraud Charges Filed in International
criminal courts and warrent FOR
Foreign & domestic Employees OFFICERS Agents
Interfering with Cultural Lifestyee
Practices & NORM. US. Law Art I7
Article 1 section 10.1

Bonifide land owners - Heirs
MATHEW Hoapili
SIR LEWIS LeRoy BLACK

OBSERVERS n witness
collected evidence & INTERVIEWS
for ICC.

"We will hold People Accoutible."

~~Traitors~~ THEY will be extradited
and held at FORT ISLAND
penatentry - PRISON until Hearing
also OTHER countries are willing
to take are prisoner. IN Hawaii

ALSO Prison Boat will be used -
Just inside EEZ zone 12 miles
to hold these criminals.

All in order For RETURN OF land
occuppied By FOREIGN goverment
Art 28. 2029 coming up SOON!

Whats your Kuamoo? Piko?
Where you BORN HERE?
what is the NAme of you Leneal
Decendents.
Where is your Royal Potent? LCA?
Only Giving by the King can grant.

Palais des NATIONS
GENEVA, SWITZERLAND MEMORANDOM.

JANUARY 17, 1983 LAWFULL GOVT SHUT DOWN.

(DEFECTIVE Leases by US citizens)
All Leases TO LAND are over 2029
FOREIGN US. occupation will be
address with Leases you do not own
"Jes soil" Land US Propoganda Fraud treason
Arrest warrents will be Issued to
those who Interfer with Hawaiian
People + subjects. Illeegal commerce
Defective Jurisdiction in Latitude N
Longitude of HAWAIIAN Kingdom.
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Color of Law do not have Jurisdiction
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Fullest extent of International Law, HAWAII
Kingdom law + the violation of
US constition Article I setion 10.1
violation of "OBLIGATED CLAUSE".
HAWAII's defective Legistlator + US
congressional delegates also will
Face criminal charges. MAZI hirano
Brian Shoutz, ED CASE, Jill takuda
and PAST OFFICERS tulsi, Kai Kahele.

REGISTERED Bonifed Letters NOTORIZED
And sent to International Criminal
courts with NAME, SIGNATURES,
defective contracts. Evidence.
For future prosecution.

STATE of Hawaii is a US FOREIGN
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THE STATE OF Hawaii OWNS NO land
any agents will be proseeuted NOW
For propoganda in are Jurisdi
Fraud - US Realator association
FAA, ect. collecting more evidence
For court Hearings in GeneVA -
All Air Land and SEA = Hawaii Pacific
Kingdom

NOT U.S. OF US
SUBSIDERY
HAWAII
FAKE

* Illegal Immigration
* Violation of INTERNATIONAL STATE,
commerce Laws. by US Agents
EXTRADITIONS ARE IN order.

CONSTRUCTIVE NOTICE

To Whom It May Concern:

This notice is to advise all persons and agencies that THE NAME OF THE PRIVATE CONTRACT PURE TRUST is a private contract. This private entity is created under common law and protected by the U.S. Constitution and Contract Law. Furthermore, I am the managing director and NOT one of the owners.

If any persons or agencies allege that this Constitutional and Private entity has come under some statute, rule or regulation, please put it in writing then sign it. Furthermore, please specify what jurisdiction your statutory entity has over this Private entity.

In addition, this statement serves as Construction Notice that this Private entity, in the eyes of the Law, is protected under Article 1, Section 10 of the U.S. Constitution and trespassers may be prosecuted to the fullest extent.

United States Constitution, Article I, Section 10.1
"No state shall.... pass any law impairing the obligation of contracts... ."
Burnett v. Smith, 240 SW 1007 (1922) (US. Supreme Court)
"A Pure Trust is established by contract and any law or procedure in its operation, denying or obstructing contract rights impairs contract obligation and is therefore, in violation of the United States Constitution.

U.S. Supreme Court case, also referred to the obligation clause of the **U.S. Constitution, Article 1, Section 10**, states "no state shall pass any law impairing the Obligation of contracts." **Dartmouth College vs. Woodward, 17 U.S. 518 (1819) Chief Justice John Marshall.**

Article 1, Section 10 of the united States Constitution states, "… No state shall pass any law impairing the obligation of contracts." This is supported by the U. S. Supreme Court case Hale vs. Henkel, 201 U.S. 43 at 89 (1906) which was speaking the "Law of the Land". It is the most quoted U.S. Supreme Court case in history, and has never been overturned.

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Office of the High Commissioner for Human Rights
Palais des Nations, CH-1211 Geneva 10, Switzerland

MEMORANDUM

Date: July 26, 2023

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,

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

"VIOLATION
Jurisdiction La
United nations H
environmental

BOMBERS: Pohakuloa wa

Continued from B1

pate in nonstop round-trip training missions from home stations.

"As such, approximately one to two nonstop long-range strike training missions from the continental United States to training ranges within the vicinity of Hawaii are scheduled annually," the command said in an email.

The command did not specify which training ranges.

Strategic Command said the long-range training flights help ensure that bomber crews stay proficient in combat capabilities, command and coordination and familiarity with the area of operations.

The Hawaii bomber training mission was scheduled several months before the announcement of the ASEAN conference in Hawaii, it said.

"Because Joint Base Pe Harbor-Hickam is a prima location for our pilots to conduct contingency/em gency operations," Strate Command said, "it was determined that we woul conduct the airfield famil ization portion of the trai ing at the same time the ASEAN delegation was at Joint Base Pearl Harbor-Hickam to not only train pilots, but also showcase our aircraft capabilities which reinforce commitment to our allies and pa ners."

Since 2004, B-1, B-2 an B-52 bombers have deployed on rotational dep ments to Guam, and the Force sent B-2s and B-52 nonstop "Koa Lightning" ercises from Guam to Ha to drop dummy ordnanc Pohakuloa.

In November, the Unit

seeks further security assessments in the region and takes steps to reassure regional allies.

The Asia-Pacific Region Priority Act also would give

Armed Serv will join Rep Rep. Randy ginia in intr

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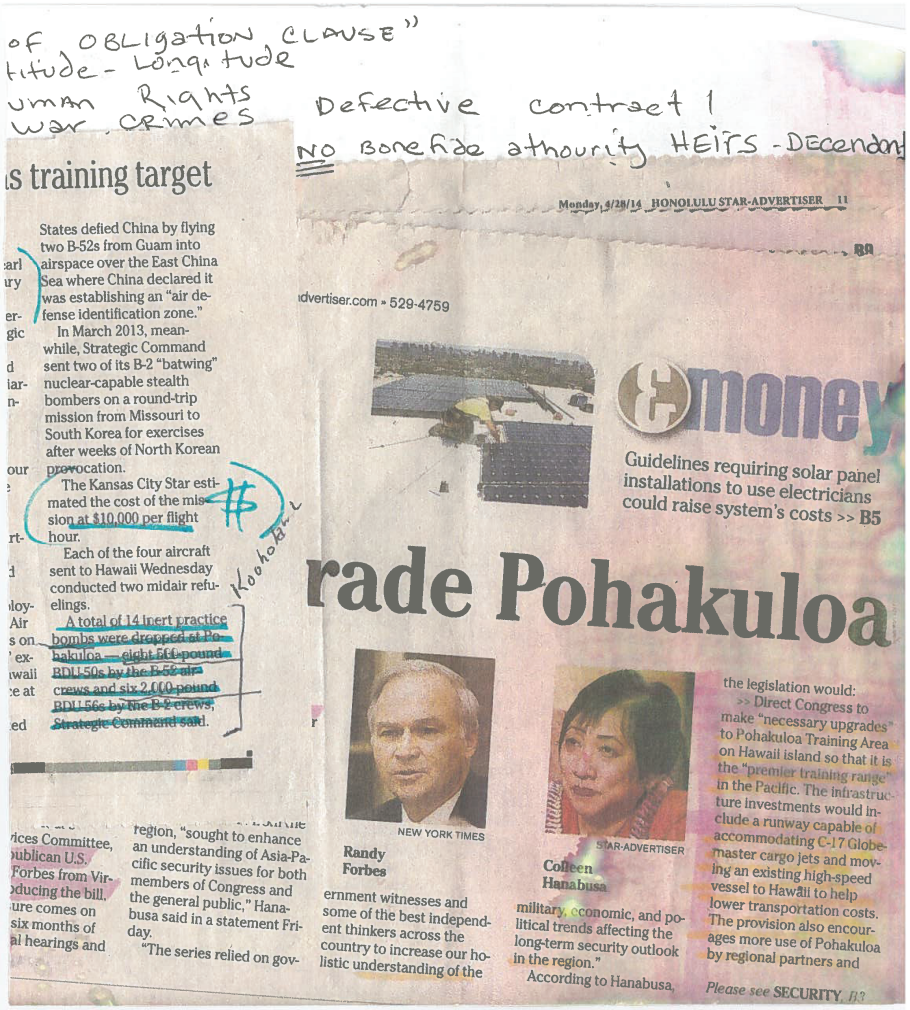

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NO Bonafide athourity HEIRS - Decendant

s training target

States defied China by flying two B-52s from Guam into airspace over the East China Sea where China declared it was establishing an "air defense identification zone."

In March 2013, meanwhile, Strategic Command sent two of its B-2 "batwing" nuclear-capable stealth bombers on a round-trip mission from Missouri to South Korea for exercises after weeks of North Korean provocation.

The Kansas City Star estimated the cost of the mission at $10,000 per flight hour.

Each of the four aircraft sent to Hawaii Wednesday conducted two midair refuelings.

A total of 14 inert practice bombs were dropped at Pohakuloa — eight 500-pound BDU-50s by the B-52 aircrews and six 2,000-pound BDU-56s by the B-2 crews, Strategic Command said.

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B9

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Guidelines requiring solar panel installations to use electricians could raise system's costs >> B5

rade Pohakuloa

NEW YORK TIMES

Randy Forbes

STAR-ADVERTISER

Colleen Hanabusa

ices Committee, ublican U.S. Forbes from Virducing the bill. ure comes on six months of al hearings and

region, "sought to enhance an understanding of Asia-Pacific security issues for both members of Congress and the general public," Hanabusa said in a statement Friday.

"The series relied on government witnesses and some of the best independent thinkers across the country to increase our holistic understanding of the military, economic, and political trends affecting the long-term security outlook in the region."

According to Hanabusa, the legislation would:

>> Direct Congress to make "necessary upgrades" to Pohakuloa Training Area on Hawaii island so that it is the "premier training range" in the Pacific. The infrastructure investments would include a runway capable of accommodating C-17 Globemaster cargo jets and moving an existing high-speed vessel to Hawaii to help lower transportation costs. The provision also encourages more use of Pohakuloa by regional partners and

Please see SECURITY, B3

Sarai Devi Dasi

To whom it may concern,
I strongly urge you to reconsider the retention of army training land at Pōhakuloa Training Area. The original lease was at an extremely low price, and was not ethical. It still is not ethical. Native Hawaiians, whose stolen land is being used as a training area, have repeatedly expressed that they wish the land to be returned to them. Not only is the land being used to train an army which is to blame for many harmful colonial practices, but the training area is also negatively impacting the island of Hawaii and the surrounding habitat. The negative ecological ramifications are serious and need to be addressed.The island of Hawaii is only so big, and to use part of it as a military training facility seems to be extravagant and unnecessary, especially considering the land could be used to house native Hawaiians, many of whom are facing extremely high rents and are forced to leave their homelands.
I sincerely hope that you do not move forwards with the retention of the land, and that you give it back to its original keepers.
Sincerely,
Sarai Devi Dasi

Lehuanani DeFranco

Aloha, in the FAQs, there is a line that says "Loss of this land would substantially impact the ability of USARHAW and other service components and local agencies to meet their training requirements ad mission of readiness." The other said of that is that the land has been lost according to Native Hawaiians. The loss of this land has ALREADY substantially impacted the ability of Native Hawaiians to meet their training requirements and mission of readiness to continue protecting and preserving this place that we all call home.

Another quote: "The Army is mandated by Congress to preserve the peace and security of, and provide for the defense of, the United States, its commonwealths, and its territories; support national policies and implement national objectives; and overcome any nations responsible for aggressive acts that endanger the peace and security of the United States."

How is the Army protecting their citizens in Hawai‘i? The Army has made Hawai‘i a strategic target for others to attack us. The Army has continued to bomb and destroy our landscape with a very poor "attempt" at cleaning up debris. This is not your priority and so it‘s difficult to see why you all should be allowed to continue holding this lease.

Reading the Second EIS Draft, I‘m struck by how your use of our history is so quick to say "yes, this was illegal but here we are". For people who are so sure they are "protecting our country and protecting our rights" you seem to be okay with trampling on the rights of others. You acknowledge the Nation of Hawai‘i was overthrown but you don‘t mention the protest against it. You acknowledge the statehood vote but you don‘t mention the fact that there are supposed to be three options on that vote: 1. Statehood, 2. Stay a territory, 3. Return to Nationhood. That third option was NOT on the ballot and the manipulation of treating territories poorly pushed many people to vote for Statehood. Then you acknowledge Hawaiian Homelands and the fact that these lands are supposed to be held in trust for Native Hawaiian people. I do not understand the acknowledging that and saying "but oh well, the fake state illegally gave us the land and we will practice our war games there." Hawai‘i is nothing without Native Hawaiians and every time you think you are working to protect, know that you are bombing land, bombing our homes and destroying all efforts to TRUELY protect.

I want to end this comment by thinking about your mother, your father, your children, your siblings, your church, your god. Think about all the people who you love and care for and now imagine their home and their customs being torn apart. I know there is a belief that you are protecting the US by using this land as for your training but in reality, you‘re destroying, you‘re sacrificing the people who live on this land for the benefit of "protection".

We have had to live without for so long, for once do the right things and start to pull the military out. Even by shrinking down the amount of land. Please, do you job and finally protect.

From: Beth de Young 2 <[redacted]>
Sent: Thursday, June 6, 2024 2:26 PM
To: G70 - ATLR PTA EIS
Subject: Army Training Land Lease renewal at Pōhakuloa Training Area

I strongly support the extension of leases of the Pōhakuloa Training Area (PTA). This facility porvides jobs, support for security and roads in the area. It is a very important employeer on Hawaii Island. Maintaining PTA ensures we can continue protecting our environment and supporting our local economy.

Thank you for considering my support.

Sincerely,

Beth Roney deYoung
[redacted]Hilo Hawaii 96720

1

Christopher Diaz

Demilitarize Pōhakuloa.

Thomas Kevin Kekoa Dolan-Ma

It is time, long overdue, that the US Army stop destroying the aina of Hawai'i. The impact of its dangerous practices are well known as are the suspicious tactics it uses to illegally occupy this territory. I do not support the US Armies occupation of Hawai'i on any of its islands.

From: Cyn Doyle <[redacted]>
Sent: Friday, June 7, 2024 12:01 PM
To: G70 - ATLR PTA EIS
Subject: PTA retention- No Action Alternative

aloha mai kakou, o cyn kauanuialeimaka doyle kou inoa. o noho o lanihau, kona, motu o keawe au.

First I want to make it absolutely clear that I am supporting the **No Action Alternative- No retention of 'state' owned land after 2029.**

Clean up, pack up, leave. Go home already.

As a reconnecting kanaka returning from diaspora it is incredibly disappointing that I must spend my free time protesting the continued occupation and desecration of my ohanas aina. But it's not surprising. You are one of many entities that has contributed to the displacement and death of my ohana- and thousands of others. I should be spending my time learning olelo, hula and oli, hala weaving, growing our traditional foods, caring for our tupuna and aina. Instead- I have to educate myself on the deception and hewa nature of the US military- and by association the BLNR.

This is a foreign military base set up on Hawaiian Crown Lands, us Kanaka Oiwi are the direct beneficiaries of this aina that you are continuing to desecrate with your bombs. All in the name of 'readiness'? Readiness to drop these bombs on other occupied nations and oppressed peoples? Aole to imperialism, aole to continue occupation.

You are poisoning our water and our air with every munition you fire and bomb you drop. You are desecrating sacred sites including heiau and iwi tupuna. Hewa.

The line of PTA being 'necessary' to defend the imperial core (aka the 'united' states of america) is just that- a line. A line you peddle to instill fear in people. You said the same about Kohemalalama o Kanaloa (Kahoolawe). It was necessary until you cracked the water table and went to PTA. You'll find other land to desecrate once you leave PTA. Although I wish you wouldn't. More and more people are waking up to your sinister existence. More and more people are waking up to the absolute destruction militarism and imperialism cause.

I am requesting complete disclosure of all water tests done on the well you drilled years ago. Where are they? Why are you still hauling water from Waimea? Where is the impact assessment on the water aquifer which sits beneath PTA?

I am also requesting the BLNR hire a third party consultant to evaluate the environmental impacts on ALL 132,000 acres currently occupied. As well as an immediate ceasefire on all conservation lands in PTA- and that they not be allowed to change zone classifications. Also requesting an IMMEDIATE clean up and restoration effort with the millions of dollars you are annually allotted.

We have said aole so many times. And we will keep coming back to tell you no as long as it takes.

Leave PTA, Leave Hawaii, Leave Oceania.

With absolutely no aloha,

Cyn Kauanuialeimaka Doyle

Margaret Duka

Please note that I stand with Kanaka in opposing the military occupation of Pōhakuloa. Please note that the environmental and cultural impact is too high. I urge a withdrawal and return of Pōhakuloa.

patrick easterling

I am against extending the lease in any form. The military has ruined much of Hawaii's environment, for instance Pearl Harbor was known as the breadbasket of O'ahu. Pohakuloa's military activities has ignited over 800 fires! Rare species were being bulldozed until the Sierra Club threatened suit!

Patrick Easterling

Hello. I'm Patrick Easterling from Hilo, Hawaii. And I -- I'm against extending the lease in any way, shape or form. 62 years ago, I was living in Saigon, Vietnam. My father was Chief Navy. Then we had to move quick because he told the Joint Chiefs that we were losing the war and we had to change strategy. So the Joint Chiefs in the Pentagon, McNamara, got rid of him, cashiered him. More recently, 2003, Thomas White secretary of the Army was fired. Shinseki was shut up and locked into a small room when they opposed the idiotic invasion of Iraq. I'm just saying this because while I know many officers like my father were honorable men, the military is not honorable. The military lies. They do whatever they want. And usually, it's -- well, in my lifetime, it's consistently been wars of imperialism, things that are looked back on as mistakes like, you know, bombing Laos with more bombs that were -- than were dropped on Germany in World War II. That was quite a mistake. They're still being blown up by this children usually. But I question because things like the bulldozing of some of the 10 rare species was only stopped because the Sierra Club filed suit. It wasn't a volunteer. When you guys have your Pohakuloa day and you invite all the children up, to me it's like, you know, painting lipstick on a pig. The -- it's the -- it's going back to the depleted uranium. They -- we found out -- squeezed some of the truth out in 2008 that at least 2,000 rounds of depleted uranium were used for the nuclear training for the DV rocket program, where they were spotting shells, at least 2,000. And -- and who knows how many more? You know, we know there's, what, over 7 million bombs set off. And then we know that training for nuclear war has taken place and is likely still taking place at the PTA behind a wall of secrecy. And they're not going to tell us what's going on. But it has been confirmed that B-52 and B-2 stealth bombers fly monthly nonstop from Louisiana, Missouri, Guam, to bomb Pohakuloa and return home without ever touching down in Hawaii, except for their bombs. B-52 stealth bombers are now deployed from Hickam. One B-2 bomber is named Spirit of Hawaii. Thank you.

Harald Ebeling

To Whom It May Concern

I am writing in strong opposition to the US Army's proposed retention of the lease for the Pōhakuloa Training Area (PTA).

While the US Army has argued that their decades-long (ab)use of the PTA (characterized by a total disregard for the environment) is lawful since the current Conservation District Zoning was not in effect at the beginning of the lease period, this zoning will most certainly be in effect when the lease terminates in 2029. It follows that any continuation of the current practices would be a violation of zoning regulations of unprecedented magnitude. Live-fire military exercises in a critical plant and animal habitat? Any consideration of a variance for such flagrant misuse would be ludicrous.

Anyone driving along the Saddle Road has seen the result of 60 years of relentless abuse of the land. The Army's proposals of Maximum Retention (22,750 acres) or Modified Retention (19,700 acres) are close to indistinguishable in their blatant disrespect for the environment. The only acceptable outcome is the "No Action Alternative": 0 (zero) acres once the current lease expires in 2029. Enough.

Aloha,
Harald Ebeling

Lila Edwards

Aloha. My name is Lila Edwards. I'll make it quick. I'm here today to -- I want to contribute to this testimony on the behalf of children in Hawaii. I'm someone -- I'm not speaking on behalf of my company, but I'm someone who's been to every school in Hawaii, every room, looking at safety of buildings and also environmental air quality and things going on in Hawaii. And I went to the schools talk -- I've talked to over 200 custodians in Hawaii and I went to the school that was inundated with jet fuel. I know the environmental scientist that worked in the cleanup. And what I want to say is, as jet fuel was streaming through a elementary school on Oahu, it blew all the gaskets, exploded the toilets. There -- this -- the extent of poison is very real in the impact of military occupation and testing here in Hawaii. And it affects children, it affects schools. Army Corps of Engineers has been a big part of how schools were created here. There's a long history of neglect. And just so you know, directly from custodian's mouths to me, gaskets are still rotting away. There's still -- they can say that there's no jet fuel and there's a -- it impacts children. So I just want everyone -- I just want this to be on record that you really need to clean up. I -- I just want to get this on record, like, I'm against the extension of the lease. And there needs to be a focus on cleanup. The playground at Saddle Road is radioactive. These are places that house children all throughout Hawaii. And I want to be -- I want this on testimony that you have not done a good job and I know. So thank you.

E. Kalani Flores

And due respect to everyone, I'm going to be more than three minutes. Sorry about that but that's -- My name is E. Kalani Flores, representing the Flores-Case ʻOhana and I reside here in Puʻukapu, Waimea. I was here last -- and two years ago to give an oral testimony. And you know when I came up here -- here -- here's my comments. It's -- my comments are on -- in volume II, page I-89, and this is what I said when I came the last time. I wasn't going to come tonight because we -- because we come to all these hearings and give testimony, and nothing ever comes of it, so why ever come. I'm just going to resubmit these comments again. In addition to that, besides my oral comments, I submitted written comments, nearly 40 pages, along with a -- it doesn't include attachments either and that was pages -- in -- in volume II, I-93. Going back to question, why even come. Yeah. You give your comments, you get some inadequate responses to the -- to our comments, it's just like a -- it's just -- you guys going through the process of checking off the box, like, oh, we have a hearing, scoping meetings, turn in comments, look at them, and cut and paste your responses to it. They're inadequate. They're inaccurate and inadequate. The responses to the comments that was previously submitted. I want you to document. I sent almost 40 pages of comments. Okay. That's the first thing. First all, I was going to kind of reiterate, I'm -- I'm -- I'm going to be real concise on -- so if I go over three minutes -- I'm going to be as concise as I can be, but it's basically reiterating what was previously in the -- in my written and oral comments the last time. The draft EIS is incomplete, inadequate, and deficient and fails to be in compliance with the National Environmental Policy Act and Hawaiian Environmental Policy Act, as well. It's also not in compliance with the National Historic Preservation Act as such. One of the things when you look at the -- the region of influence, you guys trying to reduce the -- not trying to -- you already reducing the region of influence to just the state-owned lands. It's not, because when you -- when you look the process and you look at the laws, you're supposed to take a look at it entirety, not just those few acres, but how those acres relate to the rest of what's happening at Pohakuloa. So a comprehensive EIS has not been done and is inadequate as such. You guys haven't done section 108 -- excuse me. You haven't done section 106. You didn't do a section 106. You guys make reference that you did a section 106 to something else in 2018. You didn't do a section 106 to this. You guys are also not in compliance with this whole process here. Responses to comments, there were -- there were just cut and paste responses. Some of them were inaccurate. They -- they're not comprehensive in responses to our comments that were given. Overall, the -- And some of the inadequacies in this project is the cultural impact assessment, referred to as a CIA. It's not comprehensive. In fact, this time around, you guys actually trimmed it down and it -- I did a -- a document in comparison with the last CIA and with this CIA, you guys like trimmed everything down, so it's -- it's not comprehensive. It's inadequate. It doesn't have sufficient information in this CIA. You guys should be making it more thorough, not trying to trim it down for your -- for this whole process. Also, the last time around, I did make an -- comments and I also contacted the contractor for the CIA. I sent two emails and I'm going to read part of my emails because I never got a response back. You see, you ask us for response to -- into this -- this process, but I never got a response back. Here is my second -- here is my second email. Aloha. I'm submitting -- I'm resubmitting comments previously emailed to your firm on June 2nd, 2022, pertaining to the CIA for the PTA ATLR, see email below. I never heard back from anyone in your firm, whether you received these comments or not. We wish to be consulted regarding the CIA, preferably at Zoom meeting

or face to face instead of the online survey form. I didn't hear anything back in June. I didn't hear anything back in December. Here we area again, back again. The CIA is -- it's -- the -- okay. The first CIA, had only one interview. This one has three other interviews, so four interviews. Four interviews of people regarding what's happening out there. And we offered to be interviewed, but there was no -- no response, no reply. And then it reads here, part of my initial email says, it's not our intention to be critical or point of the various deficiencies of the culture impact assessment prepared by Honua Consulting for the DEIS. However, such reports should be expected to be conducted at a high standard of accuracy and completeness, because they often reference -- become a record of cultural resources and native Hawaiian practices and traditions that will be referenced and often regurgitated in future reports. The archeological reports are inadequate. There is no comprehensive archaeological report done for PTA. There is no comprehensive TCP, traditional cultural properties report done for PTA. I've been mentioning that time and time over and over and many other projects. It lacks a comprehensive archeological report and so we come back to the -- to the -- the region of influence. You guys are trying to narrow the region of influence, but you're not supposed to that when it comes to historic and culture resources according to these historic preservation laws. You're supposed to look at the whole scope, but you guys haven't even done anything to that effect. I also requested access to the archeological reports. You referenced all these reports. What's in the -- the -- the draft EIS, is a -- is a literate review of archeological sites. So you have all these reports, but the public does not have assess to these reports to even determine their accuracy or not. I'm requesting, once again, access online or some other means that we, as a public. And we as Kānaka Maoli's, Native Hawaiians, when you're talking about our cultural sites and our culture traditions, we want to see what's been written and I just -- not just a bibliography as such. Okay. I'm going to resubmit my comments again. Basically, I'm just going to change the date, put a -- a new date, 2024, resubmit it, and I don't expect anything to change. That's basically it. It comes back to my -- my comment the last time. Nothing ever comes of it, so why even come. Okay. With all that said, let me give you the -- what's the significance of Pohakuloa from our cultural perspective. Pohakuloa in the center of the island. Puʻu Koʻo, Puʻu Kole is the center piko of this island of Moku o Keawe, the island of Hawaii. It's the energetic piko of the island. If you go there, you'll know why. It is ahu there. As through ʻike kūpuna ancestorial insight that was shared with us when we went there and civil ceremony and other times, it holds the center of the island. The piko there, their energy lines run from east to west. It goes from Hāʻena to Ahu'ena. Those are north to south. Near Kapulani down to near between -- near to Honuʻapo . It crisscrosses at that place. None of the energy lines crisscross at that center of Puʻu Kole but -- and from the top energy lines from the rounds of above Wākea to the Piko o luna to the Piko o waena, the Piko o lalo to Papahānaumoku the energy lines go from above there. They're also multidimensional. It holds the energy, not just of this island, but in the middle of the Pacific. So every time you're bombing up there or doing war activities up there, you're disturbing these energy lines that hold, not just this island, but hold this earth intact in some capacity. And so what's going on up there? There's two things going on up there. One is the physical destruction of our ʻāina, with everything that's going up there. And another part is the -- the disturbance, the -- you're causing disturbance on the -- the -- you're -- you're bringing in a imprint of fighting, war, hate, anger, killing on the land. You're -- you're putting in an energetic imprint on the land. Those are two things that's been impacted up there. Physical impact, energetic impact, and you're impacting us as a peoples on this lands, and you're also impacting everything else connected to them. So E ka piko o ka pu – pole – puʻu kole a, e

ka piko me ke aloha me ka mana, i ka lōkahi e pili no tātou a pau loa, mahalo nui no teia hui ana, mahalo nui no teia hui ana, mahalo no tatou.

E. Kalani Flores

Actually, you know, there was a mention about Kahoʻolawe and many of us grew up in the movement of Protect Kahoʻolawe. And I remember going to the hearings and the testimonies and the admiral of the Navy would say, Kahoʻolawe is important for the national defense. I hear you guys say the same thing about Pohakuloa. It's not really that necessary because you left Pohakuloa -- I mean you left Kahoʻolawe. This Navy is still functioning. The military is still functioning. You guys leave Pohakuloa, you're going to still be functioning. You're going to figure out other ways to do things. It's not necessary. It's not necessary to be up there -- to be destroying the land and the ʻāina. It's not necessary to be there. Even though you guys say you need it, you don't really need it. You don't have to be there. I just wanted to say that because we heard the same spiel from the -- before in other hearings when we -- when we in the Protect Kahoʻolawe movement. And so with that said, I would just to end -- quote George Helm, in which he says, “Man is merely the caretaker of the land that maintains his life and nourishes his soul, therefore, the ʻāina is sacred”. Mahalo.

Shelley Fritz

Aloha,

I witnessed the 2 public comment periods, and as someone who has lived in Hawai'i for nearly 2 years, and who has a family history of military service through many of the wars fought in the centuries since the founding of the United States, I implore you to listen to the vast majority of the people of Hawai'i and end your lease.

There are many valid and important perspectives that have already stated why ending the lease is the right thing to do. I support these comments and agree with this perspective.

The United States has disgraced itself by exercising military might with an unjustified approach that has poisoned the land, water, and air of Hawai'i and many other places.

My ancestors, their lives, sacrifices, and the sacred words on which the founding of the United States is founded upon are not being honored by the lack of care and respect the military has shown Hawai'i and United States citizens. History will tell the truth about what has been happening and nothing will go unaccounted for.

I urge you to hold yourselves accountable and do what is right, so that me may all live in a truly free and just world free from the violence and military imposed terrorism that war profiteering engender.

Mahalo

Ronald Fujiyoshi

My name is Ronald S. Fujiyoshi. I live at 1196 W. Kawailani St., Hilo, HI 96720. I am 84 years of age, old enough to be considered a "kupuna." Although I was born in Los Angeles, CA I came to Hawaii to live at the age of 1 1/2 years. My family moved to Hilo in 1957 when I was a junior in high school. I attended the University of Hawaii in Hilo for one year from 1858 to 1959. Thus, I have called Hilo my permanent home since 1957, about 67 years. I did serve the United Church of Christ as a missionary in Asia from 1968 through 1988, returning to HIlo in February of 1988. I have lived in Hilo continuously since that time, so I am very aware of the Pohakuloa Training Area (PTA) for a long time.

I was the pastor of the Ola`a First Hawaiian Church from 1992 through 1999 and have been active in the Association of Hawaiian Evangelical Churches of the Hawaii Conference of the United Church of Christ. I am also the treasurer of Ohana Ho`opakele, a Hawaiian organization that the PTA lists as one of the Hawaiian organizations with advisory status to it. Over the years I have done as much research as possible concerning the PTA and have been on base a number of times.

I am opposed to the PTA continuing its lease on Hawaii Island. My reasons for this are as follows:

1. The expressed purpose of the PTA is to prepare US military for war. I am opposed to war as a Christian. The US has been involved in a continuous violent conflict at different places in the world which I oppose as well. The Hawaiian Kingdom as a nation was considered a "neutral" nation and took a stand to oppose involvement in any war.
2. The firing of military weapons using live ammunition has destroyed much of the plant and animal life and left large areas that will not be able to grow anything for a long time. It probably has polluted the underground water that will have negative effects on people and animals drining the water.
3. The supposedly legal basis for the U.S. military to use the PTA area is questionable. President Bill Clinton signed Public Law 103-150 into law in 1993 which clealy admits that the Hawaiian Kingdom was illegally overthrown with the landing of U.S. military forces in January 1893. From a perspective of international law, if the 1893 overthrow was illegal, than any decree by a U.S. president or a Governor of the Territory of Hawaii to give the land to the U.S. military or to even lease the land would also be illega. Thus, the basis upon which the U.S. military is using the PTA is questionable.
4. The original designation of lands in Hawaii was done in 1848 under the Great Mahele. Some of the land that the PTA uses is admittedly land that was disignated as "Crown Lands." Under an international understanding of land, when a foreign government takes over a country it cannot take possession of "private lands." Under the Mahele of 1848 the "Crown Lands" wer the private lands of the King and therefore cannot be under the control of a government other than the Hawaiian Kingdom.

For these reasons, I oppose the renewing of a lease of any land at the PTA to be used by the U.S. military. I am also opposed to a land swap for any other land on Hawaii Island. End the lease and withdraw from Hawai`i. Thus, of the alternatives provided I am in favor of the "No Action Alternative."

Thank you for allowing me to comment on the second draft of the EIS.

Kamamalu Garmon

My name is Kamamalu and I belong to the Kanaka'ole family. I will also repeat my lineage to you. My great-grandmother is Edith Kanaka'ole and my great-grandfather is Luca Kanaka'ole. I'm granddaughter to Colonel Thomas Joseph Killian and I am daughter to Christopher Paul Killian, who served in the Air Force for 20 years. My mother is Native Hawaiian and my father is Haole. I'm 15 years old and I'm a freshman at Ka 'Umeke Ka'e'o. My father worked at Pohakuloa for a while before realizing that he did not want his keiki to be choosing between our culture and his paycheck. We kānaka have asked nicely for you to leave and go somewhere else, but I'm pretty sure I can speak for most kānaka when I say that we are pau asking nicely. Understanding the need -- I understand the need for your training, trust I do. I'm a granddaughter and a daughter to multiple people who served in the military, multiple branches, but you do not need to do that here. You really don't. I am not sorry to say that I do not care about what moderations you prefer to do on land that doesn't belong to you in the first place, that you continue to trash like we can just get a new Pohakuloa. I will -- you claim, time and time again, that it is to help and to support our people but you have proved that that is not that. But beautiful Hawaii, yeah? Beautiful Hawaii. "So beautiful. I love working here. Let's bomb it, huh? Yeah, let's bomb it." 'A'ole. So shame. You are working near our elder mauna, which is also our water source. Was what Hui Ololoa doing on Kaho'olawe not enough for you to know that we kānaka do not support you wrecking our ʻāina? We have not grieved Kaho'olawe, and I refuse to have to grieve another part of our ʻāina, Pohakuloa. I fear by the time I have my kids, they'll have to do projects on how we used to have Pohakuloa like how we now do projects on how we used to have Kaho'olawe as a whole. And I refuse to have that happen. If we do not fight now, who will? I nā ʻaʻole na kākou, na wai? My whole life, which has not been very long, so take of that what you will, Mr. Military Man, I have been fighting for what's right for my people and my country. I hope by standing here tonight will teach my -- will teach keiki my age, younger or older, that they have a voice and their leo matters because I and many refuse to sit here in silence. I do not care if you do not have the power to change this. When you leave here, pick up your rubbish. Seriously, this is what we have been taught since keiki days, when you make a mess, especially one that you should not be making, clean it up. You go and tell your Mr. Boss Man to get off our ʻāina. And unless you can show me a treaty, stop calling us a state and leave us alone. I will stand with my culture and my ʻāina 'till the day I die. Mahalo for your time. Thank you.

Keao Garmon

Aloha nui kakou. Pākahi a pau. O wau no hoʻi o Keao Garmon, moʻopuna kuakahi o Edith Kanakaʻole, moʻopuna o Pearl Ulunuiokamāmalu Kanakaʻole Garmon. I repeat my lineage to you guys. Sorry, let me repeat that in English for those of you who don't understand the Hawaiian language. Aloha. My name is Keao Garmon. I'm 15 years old. I attend Ka'Umeke Kāʻeo Public Charter School and I come here to oppose of what's going on in Pohakuloa right now. I repeat my lineage to you guys because my great-grandmother, Edith Kanaka'ole, did not fight not only for our language to be taught in school, but she taught everybody that the aloha for our ʻāina should always come first. And that is passed on from generation into generation in my family. She's three generations above me. So now that I know that, so let me repeat my lineage on my father's side. I am grandson to Colonel Thomas Joseph Killian (phonetic); I am son of airmen of 20 years, Christopher Paul Killian. So now this is -- this -- this makes a little bit of conflict, right? You can see right here I'm shaking. So I come up here and when -- when both of you Mr. -- Mr. Colonels was speaking, I -- I heard, and I'm -- I'm going to just say this, I heard two things that was complete BS. Number one is that you guys are -- I -- I forget what I was going to say, you know. (speaking in Hawaiian), you know, I -- I stay coming up here for -- for giving my mana'o from my -- from my na'au and from my pu'uwai. So the first thing you guys said was that you guys care for the land. I'm going to tell you guys right now, you guys don't, because if you guys really cared for the land, you guys wouldn't do that. What you guys doing up there, you guys stay training, you guys stay firing guns, doing missiles, and I don't know what's going on up there. I don't know how long it's been going on up there. Probably since before I was even born. Guarantee since before I was even born. But I know it's been far too long because the moment you guys started training up there, you guys been doing it for far too long. Now the second thing is, you, Mr. Colonel McGunegle, said that there's no other place that you guys could be doing this. I've been to the mainland twice. Actually, no, I'm not even going to say it's the mainland because this is our mainland. This is our mainland right here. That is the continent, Ua lawa mākou i ka pōhaku; i ka'ai kamaha'o o ka 'āina. We don't need these ships. We can survive off the land. So, anyway, my point is, I've flown to the continent twice and what have I seen going over all these ridges and mountains? Nothing but open land, nothing but open land for hundreds of acres and miles. So why you guys got to do more here? Why you guys got to train your military over here? And, honestly, all of this would never be happening if back in 1893 you guys never invaded our homeland. Aloha, mahalo nui no ka hoʻolohe ana mai, mahalo.

JackLyn Garnick

See attached PDF File
Respectfully submitted,
JackLyn Garnick

To DLNR
From JackLyn Garnick
June 6, 2024
RE Pohakuloa Training Area Lease 2nd Draft EIS Comment

I appreciate all of the work put in to compile and coordinate this information in order to meet the regulations set out for NEPA and HEPA. There is a wealth of information here, so much so that it is overwhelming. Thank you for the opportunity to comment and ask for additional clarification.

Respectfully requesting DLNR choose the responsible alternative of the NO Action Alternative where the Army would not retain any State-owned land at PTA after the lease expires

I am grateful that through the comments from agencies and the public, regarding the Draft EIS published in April 2022, it was recognized that there are some blaring issues here that still need to be responded to appropriately. I appreciate that many of the concerns were addressed in the second draft of the EIS though I wonder how much of it is just lip service?

At the public meetings held in May 2024, the Hawai'i Garrison Commander talked about the responsibility of being "good neighbors and stewards of the land that they train on." It felt like a harsh slap across the face when looking at and experiencing the way the military has handled its responsibility here on this beautiful and amazing island.

I do not understand why the lease, signed August 17, 1964, was not delayed six weeks, until the enactment of HRS Chapter 183C went into effect October 1, 1964. Government work, no matter what level it may be, does not happen quickly. The Army and DLNR had to have known this change was coming. Why not wait six weeks rather than allow a nonconforming use? Who or what was the Army and DLNR looking out for, not the people or land of Hawai'i. Where is the Malama 'Aina? I don't know that you can answer my questions, but it makes no sense to me, which makes it almost suspicious. Was the Army, already at that time, covering over the UXOs and the disrespect they were showing as they littered and polluted our island?

Section 14 of the 1964 lease agreement states "In recognition of the limited amount of land available for public use, of the importance of forest reserves and watersheds in Hawaii, and of the necessity for preventing or controlling erosion, the Government hereby agrees that, commensurate with training activities, it will take reasonable action **during** its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources." Anyone can write anything they want. Where are the forms, dated, signed off on, pictures included?

The Government has not held up its end of the bargain, yes a 65-year lease for $1, yes one dollar, is a bargain! The County of Hawai'i passed Resolution 639-08 asking for testing and monitoring of the area due to the depleted uranium used in live fire training with the Davy Crockett equipment. This Resolution was totally disregarded from what I can tell. It took a lawsuit with a Court-Ordered Management Plan to get the attention of the Army. I could not find where even

that has been followed as ordered other than in words and acronyms. COMP. The first two letters being Court Ordered. Where is the documentation of compliance?

The Mission statement states "environmental and cultural stewardship in support of the USARPAC training strategy while maintaining an enduring partnership with the Hawai'i Island community." Not keeping their end the lease agreement is not enduring. It's hard to believe that with the history of the Army's actions, they would have the audacity to ask for an extension to the lease. DLNR has the responsibility to do what is necessary to encourage the Army to start clean up now in preparation to vacate at the end of the lease. The EIS talks about it, but I don't see it clearly documented.

Pohakuloa Training Area is in a conservation district "established to conserve, protect, and preserve important natural resources and historic and cultural resources of the State through appropriate management and use to promote their long-term sustainability and public health, safety, and welfare." Conservation districts are intended for uses such as park land, lands for growing and harvesting commercial forest products, and outdoor recreation. Military use is not included as an allowable use for any conservation district subzone. It is only legal because of the six-week jump on the preservation and protection ruling, which puts the Army's use in a grey zone. Legal but nonconforming. It's time they return the land, in as pristine of condition as possible. Is there anyone monitoring them from DLNR, or any other state agency?

If the Army was truly a good neighbor they would not have had to be sued in court in order to do the monitoring and cleanup they agreed to in the lease agreement of 1964. Thank. You for including those documents in the EIS for easy access.

As the Environment Caucus of the Democratic Party of Hawaii commented "The U.S. Military has historically and systematically abused and degraded the environment and has not been environmentally sound in its cleanup and restoration." With a history of neglecting responsibilities to the lands the Army's actions have used, have safeguards been discussed and enforced or at least documented? I see over the years testing was done for a year here another montoring effort done 210 times from different locations. Where is the map that would show these?

The environmental conditions at PTA (landscape in general) have been continually degrading for a variety of reasons from what I can tell. The EIS states "Range Operations personnel oversee the cleanup of ranges when the soldiers have completed their training. Military personnel endeavor to remove or deactivate all live and blank ammunition upon completion of a training exercise and prior to entry by the public in compliance with the lease and *Pohakuloa Training Area Range Operations Standard Operating Procedures*." However, in this same EIS is testimony from eyewitnesses that this is not true. Bullets, gun components and other litter has been found. Limited cultural access will continue to be constrained for the rest of time in the project area do to unexploded ordinances and spent casings that make it unsafe for personnel or locals to be there. That is alarming. Where is the budget for the clean-up? For the monies spent, what was done?

So is this "The use of military munitions potentially leaves behind MC that may represent a

potential threat to soil and groundwater quality. Lead is the primary COC from small-caliber munitions, while copper, antimony, zinc, and tungsten are other contaminants commonly associated with small-caliber munitions. The high explosives used in medium and large-caliber munitions may result in the release of compounds such as cyclotrimethylenetrinitramine, cyclotetramethylenetetranitramine, and trinitrotoluene, and the propellants for these munitions may release 2,4-dinitrotoluene, 2,6-dinitrotoluene, and nitroglycerin. Perchlorate compounds are commonly released from the use of pyrotechnics, and white phosphorus is commonly released from many obscurants. Pentaerythritoltetranitrate is a component of detonation cords and is possible on ranges where demolition training has been conducted.

Soil sampling has not been performed on all the TAs, FPs, and ranges to determine the presence or absence of MCs."

Then we come to the depleted uranium issue. The deeper I looked into the what has/is going on up at Pohakuloa, the more alarmed I become. I feel the seriousness of this has been downplayed. I didn't see any creative ideas on how to restore the area, only who wouldn't take the blame. And then the fugitive dust is feathered in., Did I miss something?

I am concerned about the health of our people, which is a reflection of the health of our island. It is all connected. What happens Mauka happens Makai. I am concerned for our air, water and land and though the EIS is choke full of information, Malama 'Aina has not been demonstrated consistently.

Reading about soils and water, it felt like lack of concern about contaminants being mixed into the water as it is an arid location. Then it talked about climate change in another section with concern for the extremes of dry causing wildfires and flooding during Kona lows. Just this past spring we watched the flooding effects of a Kona low where flooding cut a wide swath from Mauka to Makai in the Kawaihae area. How many pollutants from PTA ran downhill, into the streams and on in to the ocean? What kind of testing is done? When there are brown water advisories after a storm like that, is any special testing done?

When reading through the EIS it didn't feel like the cultural resources were of much importance and it kept referring to the CIA. I would like to commend the folks who worked on this document. I wish I had read it early in this process and skipped over some of the other things that I have spent days reading. This tome has been amazing to spend time with. I will not claim having read it all but for what I have been able to get through, thank you for the education.

Regarding the cultural resources and traditions, I knew they considered the mountains Sacred. Now I understand to a greater level of love, admiration and respect. Because of that I say with even more passion, it is time for the Army to vacate this island - after cleaning up its mess. Start the cleanup NOW. It should have been an ongoing process as agreed by the Army in 1964 when it signed the lease. Time and time again the Army has been asked, then told via court order to clean it up!! Please demonstrate in the EIS how DLNR is attempting to hold the Army to their agreement.

Another thing that has opened my eyes through this process is reading former military personnel

and civil contractors stating that the Army doesn't really need this land for this purpose. One of the commenters said Colorado has space for you. Has the Army considered this? The local kahuna perspective has helped me understand how the Army brings the energy of war to these islands. Many of us are peaceful people, heart-centered earth loving sharing Aloha with our Ohana as we Malama the 'Aina. Killing innocent people and children is what we see in your kind of wars. I have always felt that war is not the answer. I chose Alaha. I pray you will clean up your mess and go away. Decommission Pohakuloa Training Area.

If the Army was a good neighbor as they claim, they would be working in partnership now to mitigate any "new short-term, moderate, adverse impacts on historic and cultural resources during the transition period for CRM programs from Army to State management," rather than waiting till the end of the lease and abandoning their mess. I feel like I keep saying the same thing in a different way. This is so complex and far-reaching but I am sure there are a lot of good people involved that also want to see the right thing done, the one that protects this amazing and alive island many of us call home.

Throughout the EIS when describing the Alternatives, under "Potential Mitigation Measures," it's almost like you have a rubber stamp that says it "does not include proposed Army actions," My question to you is did I miss a section where you talk about what the Army will do to mitigate the issues they have created and intend to leave behind?

Do you, the contractors for G70, feel that is appropriate, that the Army just skate off "Scott free"? I can NOT understand how DLNR can continue to support and endorse bad behavior and harm to our islands, our future health, our Keiki's health, and their Keiki's health when they are the one department in the state tasked with protecting the 'aina. Am I to understand that DLNR is going to take full legal and financial responsibility for the privilege of allowing the Army to trash the Pohakuloa area? I am sorry if you don't like the way I worded that. I am tired of reading how the Army doesn't care, nor does it seem like DLNR does either. And no one is taking full responsibility for what has been created up there. Shame on all, do they not know what pono means?

Fugitive dust from DU, it appears, has triggered monitoring and testing which the Army is unable to avoid or push aside. The more I have read in this EIS, the more disgusted and educated I have become. So my question is, where are the results of these tests posted where the public can access them anytime, not just as part of an EIS although I can't seem to find them here in this tome either. Where are they? Why is Appendix III included but not completed "Semi-Annual Inspection Report". Where are the test and monitoring results that are mentioned in this EIS? Where is the transparency that being a good neighbor would reflect?

You talk about the COMP but where are the results/reports? DLNR? NHLC? Why are these not included here in the EIS?

Two last things. First off, for whom ever contracted with G70 to work on this EIS, please explain to them the importance of the Bill of Rights, the First Amendment and freedom of speech and peaceful assembly. Please include it in the HR packet for future contractors as well. A group of peaceful protectors at the Hilo meeting in May were told to leave by Jeff Overton.He

said they could not be there with their signs. The other thing is for the webmaster for the project homepage. Why list only one public meeting video listed? Some people may not have realized that the video of the Waimea public meeting was also on video and available. Open transparency is a good thing.

Thank you for the opportunity to learn and ask questions in the quest to understand and find solutions. As a wise man recently said, we are all in this canoe together.

Respectfully submitted with support for the No Action Alternative

JackLyn Garnick

Kiaka Gaughen

Aloha. My name is Kiaka Gaughen. I'm here representing my family, my kupuna, from past and my future -- my kids and my grandkids in the -- in the future. When I was a little kid, I was raised up in Waimea. I remember playing in the Waimea playground, jumping on the fence, watching the military drive up, and so excited about seeing all that, you know. It's like all right -- all right. And then as I grew up, I saw all of the -- the negative impact of colonization or overthrow on Hawaiians -- us Kānaka Maoli. I went to University of Hawaii, got a bachelor's in geography, worked with Haunani-Kay Trask. And we just kind of, you know, learned a lot about what's happening to us and the impact of the occupation, the overthrow, all of this stuff on Hawaiians. And then my -- you know I have a lot of family that was in the military and so I understand the training and all that, but I've got another awareness as I slow down and understand my intuition inside me or -- understanding that the future is so important for us to take care of the land. My bachelor's in geography was really important. I learned about the land, how it all works and all that and -- and then I got my master's in counseling because I wanted to help my kānaka because we have so much trauma going on. We load the prisons. We load every statistic out there and it's all related to the land. And as I live here, and I hear things going off up there -- and I hunt up there and I see things just getting destroyed. I mean giant things just blowing up and noise just shaking everything and -- and I see the devastation of our piko. And I think about my grandparents from Kawaihae to Hoʻokena growing up without that and seeing the piko healed at that time, but now the piko is just getting all buss' and blown, cracked -- just destroyed. And it's looking worse for our kānaka because the land is just getting tortured. And as a native Hawaiian waiting on the Department of Hawaiian Home Lands list, seeing land that I can access even near that area or land getting swapped or ideas or of swapping or changing or selling -- and I'm still on the list and I can never get land until maybe 100 years from now, which is when I'm going to be passed. I hope the government and everybody understands the reality of Hawaiians waiting on lists, Hawaiians in prisons, suicide -- all of this connects to the land and the impact of that destruction that's happening up there. Because when we drive past it all of the time, we feel the mana from that and we feel the vibes, the -- the rhythms and the -- all this stuff that is just negative towards our families. I just want to just say that I really am against all of this and I hope that there's better judgement on making sure our people are put first, and the locals and the population on this island are put first -- on making sure our water and everything in here is all safe. Thank you so much.

Makana gerona

STOP BOMBING and desecrating our land. It's hurting the land and the people.

Scott Gifford

I have participated in and witnessed military training exercises on PTA that have had disastrous effects on the local environment. These environmental impacts are not contained to the training area, but also affect the neighboring Hawai'i Island community. I was at PTA in summer 2022 when a wildfire started as a result of Army munitions training at PTA. The fire, which filled the air with impenetrable smoke for miles around, also spread to neighboring Waikoloa and resulted in public road closures. With such inadequate state wildfire infrastructure, as evidenced by Lahaina, the local community does not need the host of environmental impacts posed by PTA.

Therefore, I submit my testimony in support of proceeding with a No Action Alternative. Please also conduct a third party consultation to evaluate the environmental impacts on PTA and remediate and restore the land.

Caleb Glass

Thank you for reading my words and trying to understand my thoughts. I am personally against the renewal of this lease. I do not say this out of anger or hatred, nations have had militaries since the dawn of civilization, and although I do believe another way is possible, I also understand that such changes are not within the preview or power of this decision. If this lease is denied, the armed forces will seek another somewhere else. I am against this lease renewal because it: is environmentally damaging to an island ecosystem unique in the world, restricts American citizen access to efforts in reforestation and ecological management of the effected area, restricts access of indigenous peoples of Hawai'i to culturally sensitive sites.

Renee Godoy

Aloha!
I am writing in support of Pohakuloa Training Area of remaining where it is currently located on the island of Hawaii.

As a private citizen I believe that it is crucial that we have a military presence and a place for our military personnel to train to ensure the safety of Hawaii and the Pacific area.

As a Chaplain to first responders, I see how much PTA assists in emergency operations providing much needed assistance to our other county agencies such as our Police, Fire and Civil Defense. The location of PTA ensures quicker response time to nearby areas such as Mauna Kea Park.

For these reasons, I recommend continued leasing of the lands there and cooperation with our County agencies in time of emergency.

Mike Golojuch

The training area is necessary to ensure our forces are ready to take on any threat in the Pacific.

The EIS is more than adequate.

Mark Gordon

May 6, 2024

Thank you very much for the opportunity to comment on the second Draft EIS for PTA. I support either Alternative 1 or 2.

I wanted to share comments on how continuing the land lease is beneficial to both the State as well as the Military.

Benefits for the State:

- Training at PTA allow the Military to be prepared for national defense, especially for the Pacific Region. Being in Hawaii allow for rapid deployment to areas.
- The Military is the largest employer in the State. Estimates are 80K employees in the State and 2K on Hawaii Island. The most recent annual spending by DoD for the State is $7.5 B, an incredibly significant source of revenue.
- It is exceptionally good to have the Military as another industry for the State rather than primarily tourism.
- Besides military training at PTA, so also does Homeland Security, HPD, Civil Defense and HFD.
- Through a joint aid agreement, PTA continues to offer support and equipment to the State. Most recently during the Waikoloa Fire, PTA was able to request resources form Oahu to help with the fire.
- PTA has the ability to request support not only from the Army, also for the other Military Branches.
- PTA continues to support HFD, as well as offering support and assistance to those on Manua Kea and other nearby areas.
- PTA protects endangered species, animals, birds as well as cultural/historical areas.

Benefits for PTA/Military:

- Hawaii is strategic for national defense and rapid deployment. PTA support these objectives.
- PTA is only major army training area in the Pacific Region
- No other training area can accommodate live fire training for a large number of soldiers
- Schofield, Oahu has limited training and limited area to train
- It is the only training area where units can use weapons systems at maximum capabilities, complete their training without leaving the State
- PTA can simulate real life war scenarios, including the varied environments at the Base

Tiffany Graumann

Give the land back to the people who will take care of it rather than destroy it. Demilitarize Hawaii now!

Momi Greene

FACTUAL HISTORY : ROBERT JOE ALBERT-CPL
ARMY / BURIED VETERAN'S CEMETERY / KONA HAWAII.
Robert Joe Albert was my Birth Father Married my Hawaiian Mother after they met while he was Stationed in the ARMY @ SCHOFIELD Under
COL KUPAU in 1946.
He was also at POHAKULOA.
He Often Spoke to Us His Children about SCHOFIELD - RED HILL - GREEN VALLEY - and POHAKULOA As He Worked at All of These.

He Met my Mother while he was In Charge at GREEN VALLEY-PUNALU'U Where She Was Raised, as Her Mother Also.

These Places Where The MILITARY CONTROLLED He Told Us Growing Up were ALL BOMBED & THEREFORE WE MAY "NEVER GO
TO BECAUSE THEY WERE ' POISIONED ' and Therefore 'VERY DANGEROUS'.
He Later Let Us Go To 'GREEN VALLEY' My Grandmother's FAMILY'S LANDS, Because He Said He Was IN CHARGE When he was Still in the ARMY & His JOB Was To Clean Up THIS PRACTICE AREA Of 'GREEN VALLEY'. But We were Told DO NOT EVER GO TO RED HILL Or POHAKULOA AS WE COULD DIE.

Sincerely,
Patricia Louise Leimomi Albert Greene:

Daughter of Robert Joe Albert/ Born 12-18-1927
Died August 5, 2021

Evelyn Navas-Aron

From: Regina Gregory <[redacted]>
Sent: Thursday, June 6, 2024 10:40 AM
To: G70 - ATLR PTA EIS
Subject: comment

1. Significant adverse impacts mean "no action" should be the preferred alternative.
2. I hope you will be compensating DHHL for past use and future uselessness of their land.

Regina Gregory

From: Rosella DeAlva- Guerrero <[redacted]>
Sent: Friday, June 7, 2024 11:06 AM
To: G70 - ATLR PTA EIS
Subject: Testimony for PTA

Hello,

Here are the following demands we are asking for:

-Proceed with the no-action alternative which will end their current lease on the 23000 acres with no retention options

-Hire a third party consultant to evaluate the environmental impacts on all 132000 acres that they occupy

-implement an immediate ceasefire on alll conservation lands in PTA and that they not be allowed to change zone classifications

-implement an immediate clean up and restoration efforts with the millions of dollars they are annually allotted.

We need more care for the ʻĀina.

Mahalo,

Rosella DeAlva-Guerrero, MA. "My mission in life is not merely to survive, but to thrive; and to do so with some passion, some compassion, some humor, and some style." - Maya Angelou

Diane Hahn

Please refrain from using native Hawaiian land for military purposes. The land is being destroyed and in order for future generations to benefit from the land, we need to return it to indigenous protection.

Geoffrey Hajim

In no way shape or form should live fire training happen within the precious ecosystem of Hawai'i.

Malama pono

Mark Hamamoto

Aloha , this is Mark Hamamoto. I am a member of Church of the Crossroads in Honolulu, Hawai‘i, the United Church of Christ, our congregation, and I'm also the founder of Mohala Farms, which is a nonprofit educational, organic farm in Waialua on the north shore of O‘ahu. I am calling to provide this testimony in favor of not extending the lease for the Pōhakuloa training site to the US military. I believe that it is time for the military to vacate that land and to actually remodel the way that they are looking at providing national security for the islands. for our nation and for the world. There needs to be some big changes in order to actually provide real security in this world. And the further use of the Pōhakuloa training area is not necessary and should be returned to the people of Hawai‘i. Mahalo.

Cory Harden

I'm Cory Harden. The army should not be allowed to retain the land. The military is a bad actor that has caused irreversible harm to the land and waters throughout Hawaii, Kapūkakī - Red Hill - contaminated groundwater and sickened thousands of people on numerous former military sites statewide. And in the impact area of Pohakuloa, toxins and unexploded ordinance have been left languishing for decades. The army says it'll clean up Pohakuloa when and if the base is closed, but the cleanup at Kaho'olawe, Waikane, and Makua has been woefully inadequate. The army's current lease does not require them to fully clean up the land if the cost of cleanup would be more than the fair market value of the land. So they can lay waste to the land with unexploded ordinance, toxins, and wildfires, and then claim the market value was now little or nothing and never have the money to clean up. Military projects being monied to Hawaii Island by economic analysis do not include the eventual cost of cleanup after base closure, which is going to be astronomical, does not cover the cost of lost opportunities for other uses of the land. Other uses might be agriculture that provides food from crops and livestock, plus building materials, renewable energy projects, a part that preserves cultural resources, educates the public about history and culture, and allow us outdoor activities. The military keeps saying, "Oh, we can't (inaudible) about Pohakuloa," but they made the same claims about Kaho'olawe and about Kapūkakī, Red Hill. Kyle Kajihiro of Oahu says, "The Army seeks to change ʻāina into the commodity of real estate. This trick of abstraction is one of the insidious weapons settler colonial states used to alienate indigenous people from their ancestral connections to the land." And a testifier in a meeting, Martin Kamaka, said, "The ʻāina is not a commodity that can be bought and sold with no thought as to its spiritual, historical, emotional and physical connections to Kānaka Maoli and/or lāhui. The army should restore the land and return it to the people." Thank you.

Cory Harden

The military should clean up all its hazardous waste in our oceans before taking any actions to retain leased military lands.
https://www.hawaiinewsnow.com/2024/05/31/military-backs-new-work-locate-safely-detonate-wartime-munitions-dumped-off-hawaii/

Meagan Harden

Aloha, my name is Megan Harden. I'm calling as an individual about the Second Draft of the Environmental Impact Statement. And I'm concerned because the significant environmental impacts seem to be not really present in this impact statement. There are still contaminants already from the tests that have happened. It doesn't seem like there has been a fair assessment of the land and of the concerns that Native Hawaiian practitioners have raised. So I am very concerned about this impact statement. And think that it needs to be taken much more seriously if these trainings are going to continue, which they probably shouldn't. Thank you.

From: Richard Ha <[redacted]>
Sent: Thursday, June 6, 2024 12:07 PM
To: G70 - ATLR PTA EIS
Subject: Army Training Land Retention at Pōhakuloa Training Area

I am a member of the Kahoahoa group. We have been engaging with the senior commander at Pohakuloa pre COVID. I have been very impressed with the Militaries willingness to participate in meaningful dialogue.

We strongly support the retention of the Pōhakuloa Training Area (PTA). This facility is crucial for our national security and regional stability, enabling joint military training with our Indo-Pacific allies. The PTA helps counter the encroachment and harmful practices of the People's Republic of China, which threaten our ocean's ecosystem and Hawai'i's fishing industry. Maintaining PTA ensures we can continue protecting our environment and supporting our local economy.

Thank you for considering my support.

Sincerely,

Richard
[redacted]

Please use [redacted] for future communications.

Isaac "Paka" Harp

My name is Issac Harp, also known as Paka. I wish I could say it's a pleasure to be here today, but that would be a lie. I am Kānaka Maoli, descended from generations of lawai'a, fishers, extending back beyond the time when the United States hijacked my country, the Hawaiian kingdom in the late 1800s, thereby initiating an extremely prolonged belligerent military occupation, which continues today. So under our current situation, we are an occupied country, and occupier has initiated executive orders claiming to own our land. You don't own any land not taken by executive order. The state is an agent of the occupier. The state doesn't own any of our land. So the only alternative I would recommend is alternative for -- stop and go home. So I filed charges against the Army with a -- with a Nuclear Regulatory Commission a few years ago for the unlawful possession of depleted uranium after it was discovered that, in fact, depleted uranium was used at Pohakuloa -- and that should be expected. The Nuclear Regulatory Commission found the Army guilty but waived all penalties. I requested that civil penalties be issued against the Army for the clean up of depleted uranium because the Army apparently is not volunteering to do so. I don't know if they can ever clean that up. But I'm good friends with Dr. Lorrin Pang and he -- he is -- he is a Army medical officer for many -- many years, as well and he is a chief medical officer of Maui County, I believe right now. And in his opinion every time the area is bombed, you're -- and depleted uranium particles -- fine particles, which are the most dangerous form of depleted uranium. When it's tiny particles like that and you ingest it and it imbeds itself deep in your lungs, and then it begins a process of mutation -- mutation. This is most dangerous for young people because the mutation that happens to them, are passed onto their offspring. And you know, currently the Army doesn't even know exactly where the depleted uranium is, so that -- the bombing should stop everywhere. I could go on and on, but I try to be a man of few words but sometimes it's difficult. But my -- my final comment to you is, please obey international law of occupation and international humanitarian laws. Stop violating our human rights. Stop desecrating our 'āina and our ocean. Please clean up your toxic messes, including the depleted uranium and just go home. The U.S. military is not welcome here. Thank you.

Issac "Paka" Harp

Issac Harp, also known as Paka. All I wanted to request -- if the Army could release the results for the studies on the water well that was drilled at Pohokuloa a few years ago, or it could be several years ago, because noticed that fresh water from Waimea is still being trucked up to Pohakuloa. So I'm wondering why this water well that was drilled Army up there is not being used. I suspect there's toxins in the water from all of the military activity. There's probably tons and tons of exotic metals, besides lead and depleted uranium up there, probably leaking into the ground and getting into the drinking water. And not only the water well drilled at Pohakuloa but the entire island. So this water goes down in the middle of the island and it spreads out from there and it even gets down to your ocean, so you are poisoning our ocean, as well if there's toxins in the water. But I would be remiss if I did not mention, after hearing Pua and some other individuals speak, an issue that my wife has raised over and over and is -- a traumatic psychological impact of military -- United States military activities in Hawaii. So I would recommend the Army consider -- what do you call -- like post-traumatic stress syndrome pay, for all Kānaka Maoli within 100-mile radius of everyone of the 118 or so military installations in Hawaii. This is our country. You're causing extreme traumatic stress to our psyche and, you know, maybe that's -- that could be one of the reasons why we have such a large percentage of the prison population, our Kānaka Maoli, and why so many Kānaka Maoli are homeless but it just -- It's just very difficult to function in life when you have these kind of psychological stresses continually -- continually going on throughout your whole life from when you're born until when you die. So I believe the people, Kānaka Maoli, should be compensated for this psychological trauma that's been inflicted up on them. I would really like to see the report from that water well and I'm sure a lot of our people would, as well. Mahalo.

Hannah Hartmann
MS, Tropical Conservation Biology and Environmental Science
Bioremediation Specialist
Hannah@labtolandscape.com

Re: Pōhakuloa Training Area (PTA) Second Draft EIS Comments

Aloha,

My name is Hannah Hartmann, I am a Bioremediation Specialist living in Hilo, Hawai‘i. I work with nature based solutions to break down environmental contaminants. **Please see my comments on the Army's Training Land Retention at Pōhakuloa Training Area (PTA) Environmental Impact Statement (EIS) Draft 2 below.**

3.3 Biological Resources

On July 20th, 2022, the Army inadvertently started a fire in the Impact Area. This fire, referred to as the Leilani Fire, spread across 17,712 acres. 12,458 of these acres were outside of PTA and included about half of the remaining forest of the Pu‘u Anahulu Game Management Area. The remaining 5,254 acres (which includes 2,880 acres of State-owned land) encompassed threatened and endangered species habitat areas within the training area. As described in the EIS, post-fire assessment determined a net decline of four endangered plant species, as well as destruction to potential habitat of ‘ōpe‘ape‘a (Hawaiian hoary bat, *Aeorestes semotus*). It is important to note that this fire surpassed both annual and cumulative allowances for authorized incidental take of ‘ōpe‘ape‘a roosting habitat. This fire is one of many that the Army has caused over the years, with an average of 37 fires occurring at PTA annually. These fires result in catastrophic damage to our native flora and fauna and threaten the safety of human communities.

Within the ~22,750 acres of State-owned land reside numerous endemic and indigenous plants and animals. Some of these species are only found within the Pōhakuloa region and are critically endangered. The landscape of Pōhakuloa is a unique region that once consisted of even more lifeforms than what we see today. As long as the Army retains control of the State-owned lands, native species are under threat of continued mismanagement and negligence.

All of PTA is classified as a conservation district under the State's 1961 Land Use Law. It would therefore stand to reason that a future lease agreement or purchase from the State would be **unlawful**, since military activity on conservation land is not legal.

3.3.6 Environmental Analysis

3.3.6.1 Alt 1: Maximum Retention
Level of significance

The Army claims their current mitigation measures are sufficient. However, evidence from the Lielani wildfire and cumulative impacts from other Amy caused fires suggest a recurring, significant loss of critical habitat and endangered species. Please explain how, given the evidence, does it NOT warrant additional mitigation measures to prevent more ecological disasters like this from happening?

The entire burn scar from the Leilani fire at PTA had not been surveyed both pre and post fire. How can the Army claim there were less than significant cultural impacts due to the Leilani fire they caused? What is your reference point?

3.4 Historic and Cultural Resources and Cultural Practices

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 and ahupua‘a, among other activities. Were it not for Army occupation, this ‘āina would still be enjoyed as a safe locale to conduct cultural practices. Dozens of archaeological sites exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities.

3.5 Hazardous Substances and Hazardous Wastes

Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The BAX V-10 was constructed only 13 years ago and already contains dangerous levels of these metals. I worry that these will break down over time and make their way downslope as airborne particulates, or infiltrate our watershed. It is also admitted that future cleanup efforts may include "emerging contaminants" that are as yet unknown, which is unsettling.

Throughout the EIS, there are inconsistencies in reference to cleanup of the State-leased lands. In some sections of the EIS, cleanup (and even reforestation) are written about as a matter-of-fact action; in others, cleanup is referred to in less certain terms. This is concerning, as cleanup should be a top priority.

3.6 Air Quality and Greenhouse Gases
and
3.8 Geology, Topography, and Soils

Communities adjacent to and downwind from PTA are concerned about airborne and particulate bound contaminants, as per the previous section. Additionally, continued military activity and detrimental effects

due to wildfires contribute to the exposure of soils, leading to erosion. During windy days, dirt is kicked up and carried miles from its source point, leading to poor air quality and unhealthy conditions.

3.9 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 section 3.5, 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 section 3.5, "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 bullet casings are known to litter the landscape.

3.11 Environmental Justice

If the Army is serious about involving people in having agency over the decision-making process, then they need to listen to voices saying they need to vacate this land. As stated in the EIS "… generations of Hawaiians [are] experiencing military culture and land uses that do not align with traditional cultural values." It does not matter how much discourse the Army engages in with the public, or how much money is put towards natural resource management; at the end of the day, the Army is an instrument of war, and training activities will result in future damages regardless of so-called mitigation efforts. There is no justice to be found when ʻāina is treated with such carelessness.

3.16 Human Health and Safety

I am concerned about health impacts due to Army activity. UXO remains a threat both within the State-leased lands and elsewhere. Contaminants, poor air quality, and wildfires mentioned previously all have the potential to cause serious health issues within our communities. There is no clear evidence suggesting that Army activity is having no negative impact on human health.

Appendix I: Cultural Impact Assessment (CIA) [Volume III]

As I understand it, you are **not** supposed to make changes between the first and second draft of the CIA that are **not** directly in response to public comment. Why does the second draft only include 1/3rd of the details of the first? Why is there no public facing answer?

Conclusion

In conclusion, I support the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our greater environment. The Army needs to clean up the State-leased lands and return them in better condition. I implore the State to not consider re-leasing these lands or selling these lands to the Army in the future.

Mahalo for your thoughtful responses to my concerns,

Hannah Hartmann

Chloe Hartwell

Thank you for this opportunity to provide comments. I oppose the extension of the Army lease at Pōhakuloa. I support the "No Action Alternative," allowing the lease to expire and requiring the Army to comply with all lease terms, including the clean-up of these lands. I am concerned that other alternatives will further damage and pollute our fragile environment and continue to pose fire risks if the land is not allowed to be properly stewarded. The EIS must take into account the long-term and cumulative deleterious impacts of the Army lease. Pōhakuloa is also home to endangered rare plants, endemic birds, the Hawaiian hoary bat, and more.

I testified in 2021 regarding HB499 Relating To Lease Extensions On Public Land, questioning the public benefit of bombing the land. Particularly in light of the historical precedent of the US Military failing to uphold leases and complete restoration work. When the federal government took over Kahoʻolawe in the 50s, it agreed to return the land in a condition of "suitable habitation," I went to Kahoʻolawe a couple of years after the U.S. Navy had had nearly a decade to clear ordinances and complete environmental restoration. We stepped past unexploded bombs, which remain after two more decades of clean-up work. Kahoolawe was bombed for 50 years. The impact of extended leases could take generations to heal or preclude future restoration entirely. Extended leases will further degrade our environment, pollute our limited freshwater supply and oceans, damage cultural sites, and harm endangered species.

I have listened to the arguments about the Pacific's importance to US national security and the readiness of the joint force. There are many other training alternatives to live fire, and I believe our security would be better served by healthy communities with safe water, food security, restored ecosystems, and the opportunity for robust economic diversification to protect against future shocks. You might think this a naive oversimplification, but destroying the land does not occur in isolation from the people. Our precious, fragile Hawaiian islands cannot protect anyone if we devastate them.

Mahalo,
Chloe Hartwell
Wailupe

Tamra Hayden

I lived in Hilo, brought my children up there. I used Saddle Road for work. I love Hawaiian Lands and truly believe they belong in Hawaiian Hands. The military has destroyed so much of Hawaiian Lands and waters. They do not respect the environment. Extending this lease is a bad idea. They have said they will not clean up the exploded and unexploded ordinances because it is too dangerous. Let us clean it up like we did Ko'olawe. Let us makes sure any water ways and the land managed to benefit the Hawaiian people. The military has lied to us consistently and now is giving the taxpayers the bill to clean up Red Hill. They have lied for decades about Pearl Harbor. The land at Pōhakuloa is zoned state Conservation land, the highest protected land status. The land may not have been zoned Conservation in '64 when the lease was first issued, but it is State Conservation District now. So, no lease renewal. No action alternative. No land swaps. Stop the bombing and desecration.Return the land to the kānaka maoli. Pay reparations for destruction of the land and psychological injuries caused by your 75 years of bombing Pōhakuloa. We no longer trust them. Extending leases to a group who disrespects our lands, our waters, our people and our culture. As a 36 year resident I say.
Aole Military!!

David Heaukulani

Aloha no.

Ke kākoʻo nei au i ka noi a ka ʻAmelika Hui Pū ʻIa e hoʻomau i ka hoʻolimalima ʻana i nā ʻāina ʻo Pohakuloa no ka hoʻomaʻamaʻa kaua.

Hoʻomaopopo wau i nā kumu i hāʻawi ʻia no nā hōʻike āpau e hōʻole i ka noi e hoʻomau i ka hoʻolimalima.

Ke noi aku nei au e noʻonoʻo nui ʻia kēlā mau hopohopo a e wehewehe ka pūʻali koa pehea e hoʻoponopono ai i kēlā mau pilikia.

ʻO nā mea ʻekolu aʻu e kamaʻilio nei, ʻo ia ka helu ʻekahi: ʻo ka mea i manaʻo ʻia he pōʻino i ka aquafier mokupuni. Helu ʻelua: ʻo ka lepo radioactive i manaʻo ʻia mai ka pau ʻana o nā pu uranium. A me ka helu ʻekolu: he aha ka mea e hana ai me UXO.

No ka mea, ʻo koʻu kākoʻo ʻana i ke noi e hoʻohou i ka hoʻolimalima e pili ana i ka pono e loaʻa iā Hawaiʻi ka mana pale o ʻAmelika Hui Pū ʻIa.

Ke manaʻoʻiʻo nei au he mea pale aku ʻo ʻAmelika i nā hoʻolālā hoʻonui e Communist China.

Pono wale kekahi e nānā i ka hoʻopaʻapaʻa ma ka Scarborough Shoal ma waena o Kina a me Phillipines.

Aia ka Shoal i ka ʻāpana waiwai kūʻokoʻa o ka Philippines.

Ua hoʻoholo ka ʻAha Hoʻokolokolo Kiʻekiʻe ma Hague i ke kānāwai o Kina. Hoʻowahāwahā wale ʻo Kina i ka hoʻoholo.

Pono wau e hoʻohui he kanaka koa au. Ua hana au ma ke Keʻena ʻOihana o ʻAmelika Hui Pū ʻIa a ua hana au ma Pohakuloa. Loaʻa iaʻu kahi penikala hoʻomaha mai ʻAmelika Hui Pū ʻIa. Ua loaʻa iaʻu nā kēkelē kulanui ʻekolu i hoʻoikaika ʻia e ka G. I. Bill. Loaʻa iaʻu nā uku no ke kino kīnā o Veteran's Affairs mai ke Aupuni Hui Pū ʻIa.

No laila, hiki iā ʻoe ke ʻōlelo maʻalahi i kaʻu hōʻike ʻana i ka manaʻo o ka pūʻali koa.

Ma kekahi ʻaoʻao, ua hānau ʻia au ma ka ʻaoʻao Hikina o Mauna Kea ma ka Apana o Hamakua. Aia nō i koʻu ʻohana ka ʻāina ma laila. He kanahikukūmālima pākēneka koʻu koko Hawaiʻi. He kūpuna au o kanawalukūmāono makahiki. Noho au ma Hilo. No laila, he kuleana koʻu e kamaʻilio ma kēia kumuhana.

I ka hopena, ke kākoʻo nei au i ke noi e hoʻohou i ka hoʻolimalima no ka hoʻohana ʻana i nā ʻāina ʻo Pokahuloa no ka hoʻomaʻamaʻa kaua.

Aloha no.

David Heaukulani, PhD

Deborah Hecht

Aloha, my name is Deborah Hecht I live in Kailua Kona]. I OPPOSE THE PRPOPOSED ACTION OF THE MILITARY TO KEEP USING approximately 22,750 acres of State-leased lands once the lease expires in 2029. I SUPPORT THE NO ACTION ALTERNATIVE IN THE EIS. under which the State lands will be relinquished back to the State.

This land is in the middle of our island, depleted uranium from bombs used years ago pollute our environment's air and water resources. People hear the maneuvers. This does not serve the greater good of the environmental health of the island or the health or our resident's and it violates the public trust.

I have driven across Saddle Road at night and seen tracers and heard bombs going off. This was before I knew that they did maneuvers at Puhakuloa. I thought we were in the middle of world war 3.
During the November eruption of Mauna Loa, traffic was routed through Puhakuloa, and a tourist found unexploded live ordinance. How many more of these bombs and disasters waiting to happen should residents be exposed to?

Yes, I am a NIMBY, I do not want these dangerous chemicals leaching into our water reserves; Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The BAX V-10 was constructed only 13 years ago and already contains dangerous levels of these metals. I worry that these will break down over time and make their way downslope as airborne particulates or infiltrate our watershed. It is also admitted that future cleanup efforts may include "emerging contaminants" that are as yet unknown, which is unsettling.

Throughout the EIS, there are inconsistencies in reference to cleanup of the State-leased lands. In some sections of the EIS, cleanup (and even reforestation) is written about as a matter-of-fact action; in others, cleanup is referred to in less certain terms.

To my knowledge, nothing has been done about clean-up, but maneuvers continue doing touch and goes at the airport and landing vehicles, tanks etc. at Kawaihae and transporting them to Puhakuloa.

Please stop, clean up the land and let it return to its natural state.

Most sincerely and with aloha,
Deborah Hecht
PO Box 3395
Kailua Kona, HI 96745

Tuupua Helekahi

Aloha mai kākou. I am Tuupua Helekahi. I am originally born and raised from Hāna, Maui, but I have moved here to Hilo to attend UH Hilo where I am now currently, after this semester, a senior. I didn't -- I wasn't planning to come tonight. I definitely wasn't planning to speak. But then after especially reading the posters about the environmental -- your guys' environmental impact statement, I studied NEPA and HEPA from an anthropologist who's worked with the state and federally with them, and he has showed a lot of things in -- within our class of how there are many loopholes to go around HEPA and NEPA. And that no matter -- no matter what, if you have money and if you have pull, it goes your way. It doesn't matter what the law says; there are always ways around it. Sorry, I took notes because I didn't -- I wasn't planning to speak. So one question I had was, how do we know that you guys aren't breaking these laws? How do we know that you guys are actually following the HEPA and NEPA laws set in place, regulations set in place, and all of the processes that it goes through? Because just to form the H-3 and H-1 on Oahu, they were already breaking HEPA and NEPA laws and that -- that was -- already shouldn't have been made. That's -- and that was just state and federal decision. Another thing, reading the posters, you guys were talking about how Hawaii is so important to the military, but when you read the posters, it's only for training. You guys only look at us as a place to practice -- practice war, but there's no war. When was the last time we sent troops to a country to actually fight and bomb places? It's -- it hasn't happened for a long time. Why do we still see the necessity in doing these things? I have a brother-in-law who works in the -- who's in the military on Oahu and he actually wants to leave because he finds it so -- like there's no sense in going to training areas. He comes here to Pohakuloa and there's training here, but he's still -- but he's like, "Why are we doing it? Where is the benefit of us coming over here and training?" But he's -- he's been in the military for 34 years and he hasn't gone to a war. He's gone to deployment and to like look at -- like hang out in other countries pretty much and just, you know, walk around with their guns in neighborhoods, kind of like -- it's sad to put people in places like that. It's really sad. And to use our land only as a place to train is heartbreaking. Because you guys don't look at the beauty of it. And you guys don't look at why -- why Hawaii shouldn't -- why this shouldn't be happening in Hawaii. And the last thing I want to point out, because I know I'm going over time, I took a post -- I took a photo of the poster that was talking about the potential environmental impacts. And when you look at you guys, you know, you have the significant adverse impact and the less than significant impact, and the other two. When you look at every single alternative there, it looks this exact same. There's not one change in any alternative that is different. So why would we want to renew the lease when there's no changes actually being made? And you showed us in this -- in this graph that you drew for us. That's why the only one should -- that the only alternative that should be looked at is alternative 4 where the lease isn't renewed. And I'm going to end it there. Thank you. Mahalo.

From: Leināʻala Hoʻāeae <[redacted]>
Sent: Thursday, June 6, 2024 4:49 PM
To: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Jeff Overton,

What's the point of using Hawaiian land that is valued as exploitable for profit for bombing, especially when you don't even know the extent of the damages? Perhaps you would like another Kahoʻolawe? People pay thousands to see the beautiful beaches, lush forests, tiki bars, and bragging rights back home. The US military has access to so much land in the continental states that could be used for practice without contest. Hawaiians will be a persistent and determined advocate for our lands, we just want to take care of it so there's something to be enjoyed for generations to come. Who does that benefit? Everyone. In benefits the children who will live here for generation, and it benefits tourists who will visit for generations. How can we reach you in a way that you can understand why this is so important to us? How can we reach you in a way for you to respect and appreciate our values? How can we reach a mutual understanding and respect, to have a healthy conversation, or even respectfully agree-to-disagree? We are not looking to kick you and yours out, we are not looking to make your ʻohana move out, we just want to take care of our home and our community which involves ALL residents. If we can start with letting Hawaiians care for our home and communities, we can start reducing all the negativity and anger and pointless one-sided yelling, crying, and mocking. Know that Hawaiian anger comes from hurt and sadness for seeing our beloved home and people be mistreated, made unliveable, and fear that our children (that includes yours) will not be able to thrive and enjoy life here. I know things get really intense trying to understand where we are coming from, but people are tired. Learning our history fills one with rage and sorrow. If you are truly the good guys in history, let us take care of Hawaiʻi, let us take care of ourselves, and then we can take care of you in a positive way—instead of the tension of anger that we have now. Please stop bombing our home, you know damn well there's not much of it compared to even just one US continental state. Like oklahoma or something. We love it as much if not more than you do. Let us show you what that looks like in our lifetime.

Sincerely,
Leināʻala Hoʻāeae
Kāneʻohe, HI 96744

Jaime Hoe

I am viciously against the military being able to extend their lease for Pōhakuloa. The military is actively desecrating sacred land that has been alive longer than the US imperial empire has. This space holds cultural and traditional meaning that gets chipped away every time the military engages in any sort of activity here. Our Hawaiian people are houseless on their own land, kicked out then surrounded by active military sites. Our ancestors survived for millennia here with everyone being provided for. This land belongs to Hawaiians first and foremost, the true stewards of this land, in order to reconnect with our identity.

From: fred hofer <[redacted]>
Sent: Tuesday, May 7, 2024 9:12 AM
To: G70 - ATLR PTA EIS
Subject: Draft EIS, lad retention, lease

I strongly oppose further presence of the US military on the illegally occupied lands of the Kingdom of the Hawaiian Islands.
The US military bases are the worst polluter worldwide, even worse then extractive industries. The US military did not abide by the conditions of the old lease, for example the obligation that clean up after each "exercise"

The lands at pohaluloa have been shelled and bombed for over 7O years now, with a wide range of toxins, including Depleted Uranium.

The US military is breaking international law wherever they go "exporting democracy"
Their presence on Syria is a war crime
They have to legitimate reason to be there, hold and extract the Syrian oilfields. This constitutes illegal occupation and plundering!
A clear war crime.

I oppose the continued presence of the US military here in Hawaii and their training for
Illegal occupation, pilfering and plundering.
"Initiating regine change" an euphemism for toppling legitimate governments.

With all due respect
Fred Hofer, Hilo, H.I.

Jennifer Ho

I do not want the army to continue to fire missiles, or shoot round, or guns, or detonate ordinance, or blow up or otherwise add to the pollution and sickness that the architects of war pretend they aren't doing to all of us, including you.

It's for your own good that I choose option 4, No renewal of lease no tenure of land. No, Pohakuloa must not be given to the military. At this time they have proved themselves incapable of being good stewards of life, on land and sea and air. You have taken just pride in improving your stewardship of land and native species and following EPA and NEPA requirements, but as long as you are blowing things up you poison land sea and air. That's not protecting America. It doesn't take reading an EIS to see the contradiction. Anyone hiding behind "I'm just doing what I was told to do" is not a hero.

Use your ability to be a team, and work together for a common goal to heal this country, not practice for war. War makes everyone a loser. Rehearsing for war- war games on land or at sea is making actual war on the environment. The United States of America, unlike any other nations, maintains a massive network of foreign military bases around the world. How was this created and how or why is it continued? America must stop making war on the world, whether indirectly by arms trade or directly by intervention.

Like Pohakuloa, some of these military installations are on land occupied as spoils of war. Most are maintained through collaborations with governments, including brutal and oppressive governments benefiting from the bases' presence. In many cases, human trafficking rises where military, including NATO bases exist as an unwelcome presence.

Did you join the military to support the country you love, or just to find a job in a bleak opportunity of choices? It's time you looked closely at how we the taxpayers, including your brothers and sisters in the military are manipulated into aggression for no honest need. There were no weapons of mass destruction in Iraq. If Afghanistan and Iraq were not oil rich countries you would not be there protecting private contractors who work for Halliburton and all the rest. Why should we trust you? Haven't promises to remove the pollution from those who came before you left us all stuck in an impossible situation? Military poisons haven't been cleaned up here in Hawaii or around the world. As long as the military is training for war, you are training to make the earth uninhabitable for all life.

Past and present groups or countries America supports with military might are not countries with the capability to invade America. War has destabilized the global economy. Appeals from organizations fill up my mailbox asking for donations to fix the problems created by my tax dollars that against the will of the American people continue to enrich corporate arms dealers and manufacturers.

The military has the behavior of an enabled family member who cannot admit it's addiction. Most of us want to pretend that there isn't a problem, and don't know how to stop the out of control addict. After all, many of us have family that were in the military and it's painful to admit to oneself that there is a problem. But there is a big problem every way you look at it. The industry that equips

us for war pollutes everyone's environment. Cancers continue to rise, areas of land are unfit for habitation. Schools and hospitals are underfunded while the Pentagon's budget is never made accountable. Stop! In war no one wins.

Be honest, reform the military, use your ability to work together, your strength in impossible situations to stop invasive species, restore habitats rescue the endangered. Be actual heroes!! The whole world will applaud! America will be loved again. Even if anyone were to threaten us, we would have so many allies simply because we would be the good guys again. We are NOT the good guys now. Stop robbing us of poets we will never hear, inventors we will never benefit from. Every human being is unique, a potential gift, but as we destroy other countries and destabilize economies, and PTSD increases, how will we see those unique gifts that will never have a chance to flourish? They won't flourish because the arms dealers own you, own our country. If you weren't training how to kill people I could gladly want you to have Pohakuloa.

Jennifer Ho

My name is Jennifer Ho. I live in Hilo. I have lived on the Big Island for close to 45 years, most of my life. I am against extending the lease at Pohakuloa. And I know that you joined whatever branch of the service to serve the country. And what I would invite us all here to think about, because of course it's heroic to serve the country, and we imagine that you're joining and seeing yourself in that role to do good and yet you've gotten manipulated. All of us have been manipulated by what being that hero really means. So heroism gets tied and linked with being a warrior. And I invite us all to redefine what being a hero is not specifically about war because war hurts anything and everything. And here you are, you've learned to work together in amazing teamship, team comradery where you can rely on each other. And these are things that if you come out whole after your years of service, you look back on with pride how it's made you make your bed really tight you can bounce a coin off of it or you have friends you can call up and, you know, you've all polished your boots together and you -- you've gone through this together. So that I understand. That's strengthening. But when you really look -- when you look under the covers, what's really going on? The militarism that has taken over the world created a situation where you are supposed to be the watchdogs of countries that aren't even really a threat to us. None of these countries are a threat to us. The tip of the spear pointing itself at China or whatever little, weak country or however we supply military aid to somebody because that's funded by tax dollars, which really is just a way for the military industrial establishment to make more money, and it's moving the positions around the pawns on the -- on the playing board. Every act of rehearsing for war is actual war on the environment. If you're not allowed to do war because you're near where people live, then where do you go? You go to where nobody lives, but who lives there? The animals that don't have a chance to live anywhere else. So then you're making maybe not a real war, but you're driving your equipment where the animals that try to nest there, they can't nest there. They can't survive. So what I invite you to do, because I know you want to see yourself as honorable citizens, is to shift this dialogue away from calling a warrior a hero because in war the weak lose. But the only situation where a war was really won was Gandhi's war; and they were the weakest and they did not fight. So you cannot win by fighting. Look what happened in -- in America's South, they never gave up. They still are angry at how they were in a war. They're -- south is angry at the north. That war did not succeed. War does not succeed. If you want to create that incredible comradery that you guys have together, go to war against invasive species, scale that cliff and take out the -- rescue the important thing. Take out the (inaudible) that are on the bottom of some ship that are causing havoc to fisheries. If you're going to go to war, don't go to war, go to being a protector. Shift the dialogue. Being a warrior is not heroic. And I invite you to not go from Pohakuloa to some other place; they don't want it either. Join with us, get the American industrial complex, excuse me, military industrial complex to break up and go away, because what you guys do in your comradery is admirable. But what war does is not admirable and you know that because you're human beings. You're -- you're like I am. You can feel it. You have a heart. You know. You know. I know you do. Thank you for being open to what we have to say. Please take it further. Make it just. Aloha.

Paleka Hookano

Aloha. My name is Paleka. I'm not originally from the big island. I was -- I am from Maui, just like I see people here, as well. I really appreciate all the Kanaka here setting the foundation for everybody here. There is young people like me that don't know nothing about this. This is crazy to me. It's just very sad. It's just very -- very -- very different nowadays. It's -- it's good for us to have these conversations for sure. I would like to elaborate on the part of the bombings on Kahoʻolawe , as well. I personally haven't experienced it, but I hear the stories. Very traumatic for a lot of my family members just hearing that. Now listening to this bombing and potentially the aquifers and all of this happening, I worry for my children -- my kūpuna that could possibly end up in the same situation, whether it's getting sick from all of these aquifer pollution or all this lead poisoning in the air. And it's really hard to make these meetings, as well. I'm actually not from Waimea side or the west side, as -- as well. I'm actually from Mountain View or living now in Mountain View. So I have a long drive back home and I have a son here, he is currently waiting in the car. It's is not really too ideal for him to be out this late. So I just want to mahalo everybody. I appreciate all you folks, especially in opposition to this. I'm also standing in opposition to this, as well -- but mahalo.

Bailee Houle

Demilitarize Hawaii Now. May every person involved in dropping bombs feel them fully in their after life and next life. So much shame. Get the fuck out of Hawaii. All you do the land, the soil, the life here. Th US army is the most immoral structure on this planet. They are the cause of all pain and suffering in this world. May you all burn in hell.

James Howe Jr.

Military training and readiness is a National priority and the State of Hawai'i has historically and continues to support this effort.

The State of Hawaii has a responsibility, via its Constitution, to provide for the welfare of its people and the resources which support the people of the State.

This is a simplistic overview but keenly highlights the current issue of competing legal priorities over Lands held in fee simple by the State of Hawai'i and the objectives and priorities of the U.S. Army which deprive the residents of the State use of their lands.

The need for compromise in this situation would appear to be paramount.

There is sufficient time to negotiate a solution prior to the expiration of the current lease between the State of Hawai'i and the U.S. Army, for its use of the subject land parcel. If they have not already been undertaken, negotiations should commence to identify properties that are under Federal jurisdiction that could conveyed to the State of Hawai'i in consideration for the conveyance of the Pahakulao lands from the State of Hawai'i to the U.S. Army.

In particular, I recommend the lands currently under U.S. Army jurisdiction in Waikiki, specifically U.S. Army Garrison lands know as Fort DeRussy, should be considered for transaction. These lands do not serve any direct military training or readiness function. The Lands that are known as Bellow's Air Station should also be considered. It is noted in the draft EIS that the USMC utilizes the Pahukuloa Training site extensively, only second to the U.S. Army. The Bellow's Air Field lands are used periodically for military training and readiness exercises but are primarily used for recreational purposes.

Thank you for the opportunity to comment.

Bella Hutchinson

Stop bombing our island! The military has ample space on the continent to conduct their training exercises. You don't need Pohakuloa. I am 100% against renewing the PTA lease as well as against any option to purchase that land fee simple!

Holeka Inaba
Kailua-Kona, HI 96740

From: Holeka Inaba <[redacted]>
Sent: Friday, June 7, 2024 11:50 PM
To: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Jeff Overton,

Welina ke aloha,

I am writing to express my deep concern regarding the potential renewal of the lease for the Pohakuloa Training Area (PTA) to the US Army. Having thoroughly reviewed the Environmental Impact Statement (EIS) for this matter, I am compelled to voice my opposition to the continuation of military activities in this sensitive cultural and environmental area.

The EIS highlights numerous significant environmental impacts associated with the activities at PTA. These include, but are not limited to, soil erosion, contamination of groundwater, destruction of native habitats, and disturbance of cultural and archaeological sites. Such impacts are not only detrimental to the ecological integrity of the area but also pose a direct threat to the health and well-being of the surrounding communities.

One of the most alarming findings of the EIS is the contamination of groundwater with harmful substances such as depleted uranium (DU). Given the irrefutable evidence of DU contamination, it is unconscionable to consider renewing the lease and perpetuating further harm to the environment and public health.

Furthermore, the cultural significance of Pohakuloa cannot be overstated. The area is sacred to Native Hawaiian culture and is home to numerous cultural and archaeological sites of immense importance. The continued military activities at PTA not only disrespect our host culture but also actively contribute to its degradation and destruction. As stewards of this land, we have a moral obligation to protect and preserve these cultural resources for future generations.

In light of the significant environmental and cultural impacts outlined in the EIS, I urge you to reject the renewal of the lease for the Pohakuloa Training Area. Instead, I implore you to explore alternative solutions that prioritize environmental conservation, cultural preservation, and the well-being of local communities.

Mahalo nui,

Dr. Holeka Goro Inaba

Vice Chair, Hawai'i County Council

District 8 (North Kona)

Sincerely,

From: Holeka Inaba <[redacted]>
Sent: Friday, June 7, 2024 11:50 PM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) <[redacted]>
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Matthew Foster,

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Mahalo nui,

Dr. Holeka Goro Inaba

Vice Chair, Hawai‘i County Council

District 8 (North Kona)

Sincerely,
Holeka Inaba
Kailua-Kona, HI 96740

Pōhakuloa EIS Testimony

Aloha, my name is Kilihea Inaba and I am from Kaloko, Kona. My family spans generations in these islands, tracking my Hawaiian ancestors to the beginning of time here in Hawai‘i. I am speaking on behalf of myself, my infant son, and the generations to come that have already been affected by the U.S. military‘s occupation of Pōhakuloa. I am writing in opposition to the Army’s Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State.

Some of my comments are listed below-

3·3

This section states that the “2021 Leilani fire affected 5,254 acres of threatened and endangered species habitat at PTA.” In addition, land that could be used by the endangered hoary bat (‘ōpe‘ape‘a) for habitation was also burned. The fact that “about” 50% of the Pu‘u Anahaulu game management area grasslands encompassing of 2,500 acres of ‘ōhi‘a/ native forest habitat was burned is unacceptable. Lastly, the statement that “there is evidence that some plants have regenerated from roots, despite being burned in the fire” is inconsequential as “some” holds no weight here.

Though the EIS states that PTA has implemented conservation measures, it is insufficient in comparison to the damage and desecration that continues to be done on a regular basis through normal training operations and in the instance of the Leilani and other wildland fires described above. Efforts are being made by nations worldwide and their governmental agencies to protect the biodiversity of our plant and animal species. “30x30 is a worldwide initiative for governments to designate 30% of Earth‘s land and ocean areas protected areas by 2030” (nature.org). As the indigenous people of this land, our responsibility is to care for all the beings that occupy space here. PTA‘s operation and occupation of Ka‘ohe and Humu‘ula is in direct opposition of the 30x30 initiative that should be in operation in one of the most remote places in the world.

PTA is classified as a conservation district under the State’s 1961 Land Use Law so a future lease agreement or purchase from the State would be unlawful since military activity on conservation land is not legal.

3·4

It is important to note that all land and waters here in Hawai’i are considered sacred and culturally significant for various reasons (not all of which are listed in the EIS). This area can no longer be frequented by indigenous people for passageway or for cultural and ceremonial practices as it was prior to the Army’s occupation and it is hard to imagine how safe it could be even after de-occupation because of the many UXO we know are present in this land area.

This section also states that McCoy & Orr‘s 2012 “is the only TCP study commissioned by the Army for study and/or assessment of TCPs within PTA.” I am unable to locate this study on the internet. Furthermore, more than one study should be conducted.

Conclusion

In conclusion, I support the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made very clear that the No Action Alternative consistently results in significant, beneficial impacts, to the land, waters, and beings of this island, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our greater environment for years now. The Army needs to clean up the State-leased lands and return them in better condition. I implore the State to not consider re-leasing these lands or selling these lands to the Army in the future.

Mahalo for your time,

Kilihea Inaba

Kaloko, Kona, Hawai’i

From: Mariko Jackson <[redacted]>
Sent: Friday, June 7, 2024 10:41 AM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) [redacted]>
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Matthew Foster,

To whom it may concern:

I want to express my strong disagreement with the Army keeping control over the lands at Pōhakuloa. I believe the best option is the "No Action Alternative." This means the Army's lease would end as planned, and they would have to clean up the area, which is part of their agreement.

Many of us here are worried about what the Army's presence and activities are doing to our islands. It's important that your environmental review listens to these concerns and the advice from experts and the community who is here. Hawai'i is not just a "resource" for you, it is a place that holds significant cultural and historical significance that is far more important than its location and space. There has been a lot of damage done already and many things that have already happened cannot be undone. Don't continue exacerbating the problem.

Here are some alternatives I think you should consider adding to your study:

Instead of preparing for combat, try solving problems through discussions and legal ways. This could reduce the need for military exercises here.
Focus more on making sure our communities can feed themselves and recover from troubles on their own. This would help protect Hawai'i more effectively than military actions.
Only keep the lands if you're making sure they're well taken care of during the switch to being managed by local groups or a public land trust. This should help solve any legal issues about who is responsible for the land.

Also, it's time to rethink the use of live fire training. Your draft report shows that you haven't looked at new methods since 2017. Please talk to us about how to clean up the lands and return them to people who love and care for them.

Thank you for considering these points.

Sincerely,
Mariko Jackson

Sincerely,
Mariko Jackson
Hauula, HI 96717

Noelani Jai

PŌHAKULOA TRAINING AREA
As a Native Hawaiian, aloha 'aina (love for the land) is a core value that is intricately tied to our social and emotional well-being. "Malama pono" (care for the land) is also foundational to our people. With all due respect, the Army has not cared for the 'aina or loved it. The 'aina has been subservient to the military rather than the reverse. With the housing shortage here in Hawai'i, it's even more important than ever to return the land to our host people group. Mahalo for considering this.

Robert James IV

The traffic that is associated with the training area is a real impact on the residents of Waikoloa Village. The training area adds lots of convoy traffic most months that result in damage to Waikoloa road as well as slowing traffic. Additionally during some training activities there are low fly overs near the village, resulting in irritating noise pollution. To fix the traffic issue we need a new road to connect the training area with the Queen highway.

Austin Johnasen

As a Native Hawaiian I oppose Pohakuloa Training Area in it's full entirety. If you drive on saddle road you will see all the wildlife fleeing from the area because of the recent activity. The amount of sheep that have been hit on the side of the road is a great indicator of how the mismanagement of the land there. The public's safety is not held in high regard to the management of this land.

I am listed on the DDHL waiting for my opportunity to lease agricultural land. This land should be leased to those like me waiting for an opportunity to grow Hawaii's economy and feed their community.

I urge the United States Army to search for another training ground. The contiguous United States closes bases every year, shriveling the communities around them. Please consider closing Pohakuloa and invest in the communities that welcome you on the continent.

Austin Johnasen

Aloha my name is Austin Johnasen. I am here giving comments in opposition of further land retention at Pōhakuloa Training Area. I've submitted written testimony, and this is my oral testimony on May 6th, 2024. The current way that Pōhakuloa is training is not providing satisfactory safety. There is numerous sheep running out of the training area because of the high amount of activity that people are hitting on Saddle Road. This happens daily now. I haven't seen so much deer on the side, sorry so much sheep, on the side of the road in years. Also, that is the current bombing and the chemicals that are being used on the site. I suggest that the site be returned to the Department of Hawaiian Homelands so that that area before it's completely gone to waste might be able to provide agriculture for the State of Hawai‘i. I know that there are many bases that get closed in mainland, the 48 states. I know the US Army finds that this place is special, and it is special, but this is not the place where the battle is going to happen. It could be simulated somewhere else. There is huge, vast ranches that people would love to go ahead and have the Army go over there. And for whatever they want. It doesn't need to be here. I'm available for any questions. Once again, my name is Austin Jonathan, testifying here as a private individual. Thank you.

Evelyn Navas-Aron

From: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) <[redacted]>
Sent: Tuesday, June 4, 2024 1:45 PM
To: G70 - ATLR PTA EIS
Subject: FW: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

From: Jeannine Johnson <[redacted]>
Sent: Tuesday, June 4, 2024 12:25 PM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) [redacted]>
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

> You don't often get email from [redacted] Learn why this is important

Dear Matthew Foster,

Aloha mai kakou,

My name is Jeannine Johnson and although I live on O‘ahu, my ancestors were lawai‘a (fishermen and women) and kālai wa‘a (canoe-builders) from Kapālilua (South Kona) since 1777. My father was a lawai‘a from Miloli‘i and I spent many summers growing up there. My ‘ohana still lives a life deeply connected to the land and sea and we believe in protecting our wai, kai, sky and ‘āina as well as our natural, cultural and historic resources.

From bombing Kahoolawe and dumping chemical munitions in the sea and poisoning thousands of people after jet fuel was leaked into Pearl Harbor's drinking water, all branches of the U.S. military have endangered Hawaii’s fragile environment and resources. The Army has had 65 years to show us what kind of stewards they are to our cherished ‘āina but has failed miserably and even admits it does not know the extent of its own contamination.

There should be no more leases on seized Hawaiian crown lands to any branch of the US military. And if you think I don’t care about military readiness, you would be wrong because my oldest son was deployed 8 times to Afghanistan and currently works for the DOD. Therefore, I know that the military has many other places on the continent to exercise and train. Mahalo.

Sincerely,
Jeannine Johnson
Honolulu, HI 96821

From: Jeannine Johnson <[redacted]>
Sent: Tuesday, June 4, 2024 12:25 PM
To: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Jeff Overton,

Aloha mai kakou,

My name is Jeannine Johnson and although I live on O‘ahu, my ancestors were lawai‘a (fishermen and women) and kālai wa‘a (canoe-builders) from Kapālilua (South Kona) since 1777. My father was a lawai‘a from Miloli‘i and I spent many summers growing up there. My ‘ohana still lives a life deeply connected to the land and sea and we believe in protecting our wai, kai, sky and ‘āina as well as our natural, cultural and historic resources.

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Sincerely,
Jeannine Johnson
Honolulu, HI 96821

Michael Jones

I submitted comments on the PTA 2022 DEIS.

by email on 18 May 2022
by email on 31 May 2022
by email on 7 June 2022

Because of illness and inability to search
the DEIS documents online I have not been
able to find responses to my comments.

Ryan Jones

My name is Ryan Jones. I am Kamaaina of the Big Island. This is my 20th year living here and owning a local business. I strongly feel that Pohakuloa should be shut down entirely and removed. My home is 30.7 miles from the Pohakuloa Entrance Gate. I drive over Saddle Road 2-3 times a week or more. I have driven over Saddle Road many times and seen things which are upsetting, shocking, threatening and even straight up scary. Multiple times I have witnessed full on battles where there were drones in the air firing and tanks firing back at them. They are basically 'practicing' warfare. One time many years ago I stopped my car on the side of Saddle Road and stood on the roof of my car trying to figure out what was going on. I thought that World War 3 had started right here on our Island. After I was there a short time a military jeep with a mounted gun and a man standing at it in the rear of the jeep came and very rudely and in an extremely intimidating way told me to "get the fuck out of here." (Their exact words) I nearly peed my pants I was so scared! This is not acceptable! Do we live in an uncivilized, 3rd world country? Is the military allowed to intimidate, threaten, scream and curse at civilians? I was on public property, on the side of one of the busiest roads on the Island.

This is not even to mention the noise, pollution, unexploded ammunition that is lost or left and then found, the denial of general peace, destruction of our Aina. This is all unsafe! People live here! That is the center of our Island! That is one of the most travelled roads on the Island! I would like to feel that I live here in peace but that is just not the truth when there are bombs going off literally 30 miles from my home!! I live here with my wife and our two small children. My oldest child goes to school across the street from my home. There is an elementary school 30 miles from Pohakuloa!! How is that even acceptable?

I feel that (unknown to the general public) there is classified (except to higher up military officials) testing and development of weapons, training of such weapons, storage of weapons, possibly even imprisonment of war criminals. I know there is a lot more that goes on there that the public does not know about. As someone living so close this is scary to me. The mere existence of Pohakuloa also could make us (this Island) a target should some kind of international war begin. I have lived here long enough to see the Saddle Road development. I remember when it used to be basically a gravel road with only one paved lane down the center. I remember that the road used to run an entirely different way around Pohakuloa. You used to be able to see down into part of it. When they developed the road, this changed and they rerouted the road around the other side. You could see at one point, the mountain they have fortified. It is like a hollowed out 'super base.' I know personally people who have worked there and have been told that it goes down into the earth, there are 12-15 or more stories going down into the mountain.

Basically, who knows what is there or what goes on there. As a resident of this island this has me greatly concerned. Is this safe? I do not think so!! Do we live here in peace? Again, I do not think so! It is just an illusion or facade. Just look at the missle scare from January 13, 2018. I was actually at the Hilo Airport - Hawaiian Airlines Ticket Desk talking to the agent when the text came in. I had a flight to Oahu that day and was checking in. Do I believe it was an accident? NO!! Do I believe the government covered it up? YES!! Do I believe the military was involved? YES!! For 45 minutes people were running around literally like it was the last minutes of their lives. I am a childhood trauma survivor and the '2018 Hawaii false missile alert' created a great deal of trauma

for me. Even to this day.

I do not see how the military is allowed to 'lease' the land when they do not even 'lease' it. From my understanding it is 'given' to them for the sum of $1 per year!! This is outrageous!! The damage being done to our island home is severe! How can you not see that?

I noticed just yesterday that they are expanding Pohakuloa greatly. They are making a new base, that is much farther west... It extends out to near the turn off for Upper Waikii, They have put in a new large structure and there are tons of army vehicles. It is not right. In addition, in the last few years they have rebuilt many of the structures by replacing most of them. The bunkers are all rebuilt, the whole 'war field' where they practice war has been expanded, they made new fences, barriers where you cannot see parts of it, it is upsetting and shocking!! It is like they can just do whatever the hell they want up there and nobody even cares!! Pohakuloa needs to be shut down! The RIMPAC training they do there also need to be stopped! It damages this island as well as the ocean, it disrupts and disturbs residents here and ruins the sense of 'peace'. How is this acceptable?

I feel that they should entirely close Pohakuloa, and the military should be forced to clean up the land and restore it to its original state (as much as possible) before giving it back to the Hawaiian People and people of these lands. Cleaning it up entirely may not even be possible at this point. They have essentially bombed the hell out of it!! More than likely, it is not safe to even breathe the air or walk the ground in certain parts. I feel like much of the damage done could very well be permanent.

How long is the Military going to be allowed to destroy our Aina? How long will they be allowed to create civil unrest here in Hawaii Nei?

From: juju <[redacted]>
Sent: Sunday, May 26, 2024 8:15 PM
To: G70 - ATLR PTA EIS
Subject: No Action Alternative!

Aloha,

My name is Juju. I have just one name. I've been living in Naalehu, on the Big Island for the past 30 years.

I am horrified by the bombing that has taken place and continues to take place on the CONSERVATION lands in PTA! There are important biological and cultural resources here. It is not okay to trash CONSERVATION lands with military bombs, chemicals, and training!

And since the military has lied so much about so many things, including the toxins it leaves behind (red hill, uranium, illegal white phosphorus bombs dropped by Israel during Rimpac games, etc.), and the fires it creates (burning up Hawaiian homelands)--we know the military cannot be trusted. Therefore, it is of utmost importance that a 3rd party be hired to do an EIS on the 132,000 acres occupied.

Furthermore, the military is obligated to clean up its toxic mess and work to restore the lands it has ruined. Millions of dollars are allocated annually for clean up and restoration. The people want to see this money being used accordingly. We want to see the military maximize (not minimize!) its cleaning and restoration efforts.

The military should never have been able to purchase a lease on this land in the first place. It is an illegal lease. Do the right thing by ending the current lease on the 23,000 acres and do not allow a retention option! No land swaps! No buffer zones! Shut down PTA! The land must go back to its rightful owners, the people from whom it was stolen, the people who cared for it beautifully, kept it pristine, and supportive of LIFE-- the Kanaka Maoli. It would be a biological and psychological assault on me and everyone I know living in Hawaii to extend another lease to the US military--a war machine that turns land into deserts of toxic DEATH!

Mahalo for reading.

Kelina Kaaihue

My name is Kelina Kaaihue. I come from my Mai'ehu, Maui. And I'd just like to share my mana'o today and paint you a picture, actually. When I was four years old, I went to the State House on Maui and I was -- I was testifying against rebuilding and building the telescopes on Haleakala. When I was 10 years old, I went back -- I went back to the State House and I testified for water rights. When I was 11, I did it again. When I was 12, I went back to the State House testifying for building telescopes on Mauna Kea. When I was 13, one more time. 14, one more time. When I was 17 years old, I wrote a letter to Congress telling them my mana'o, how ikaika I was standing forth for my lāhui, for my ʻāina, for my water, for my mauna. When I was 18 years old, 19 years old -- I just took a trip to Kaho'olawe, and let me tell you, if my mo'opuna have to go there and see the 'eha, the 'eha of the ʻāina, the 'eha of the kānaka, the 'eha of the lāhui, I hope that never ever has to happen. Because here now, 20 years old, I'm here again, testifying again, talking again. How much times do I got to talk for someone to hear me? You know what I mean? And I hope to God, I pray to Ke Akua my mo'opuna will never ever have to go through this. How much time has my kupuna went up there, chained himself to a pohaku? For what? Just for you to blow it up. Not -- not to you directly, I'm sorry, but to your bosses, to your people, to the military. I have no -- no disrespect towards the military. My papa was a veteran. He fought in the Vietnam War, very, very proud of where he came from. Very, very proud of the -- the battles that he fought. My tutu goes to the -- to the base, buys her Turkey 50 percent off every Thanksgiving. No shame. But what the military is lacking, I think, is the concept of aloha ʻāina. The concept of mālama kānaka, mālama lāhui. You know, I -- I don't want my mo'opuna to be in this world not knowing what it means to -- to be kānaka, to be on this ʻāina and not know the love for the land. And I really do think that if the -- the military, the people in power really sit and listen, listen to what we have to say, listen to the mana'o that is brought up, you know, that it'll really, really make a change. I mean, all these people are here today, kupuna, kupuna, sorry, not -- not saying that you guys are old, but just -- just kupuna, you know what I mean? And I bet your kupuna was fighting too and -- and you was here as a little boy, like, oh man. And I just think -- and I'm so happy that everyone is here sharing their mana'o and mahalo for your time today. Malama Pohakuloa. Malama ʻĀina. Aloha ʻĀina. Aloha Lāhui. Mahalo nui.

Nawahine Kahoopii

Nawahine Kahoopii, I'm speaking on behalf of my ʻohana, the Nawahine Kahoopii ʻOhana. I want to bring some attention to our kupuna that originally started a lawsuit in 2015, Auntie Makie and Uncle Ku, who are not here right now. In 2015, you were instructed by the Department of Land and -- Land -- Department of Land and Natural Resources was sued because you hadn't done any clean up or had any inspections in your entire time that you've occupied Pohakuloa. Those lands, the 132,00 acres that you have under your lease, many of which those acres are now uninhabitable. There's been no -- no oversight and there has been no clean up. So I'm really curious how you could do an EIS when you were sued and you lost, even all the way to the Supreme Court -- a Supreme Court's hearing that told you should clean up. The Department of Land and Natural Resources also lost that lawsuit and had -- you still haven't done anything. I am a personal friend of Auntie Maxine. I know that she has not been treated well when she has gone up to Pohakuloa on the various visits that were arranged by the DLNR and through the military. She has walked while your people have driven into sites that she was supposed to be able to review. You eat and you leave her outside with other kupuna. She is treated with absolutely no respect when she goes up there. Why we're here talking about an EIS when this is going on, I have no idea but there has been no -- no oversight and no clean up. The contract with the -- the DLNR and whatever you're trying to do now -- I say no, to no lease agreements, no land swaps, no buyouts, and no condemnation of our lands. The depleted uranium that you lied about for years turned out to be true and you have no way to clean that up. The refusal to abide by a Supreme Court hearing, you have no feedback on. The fires in 2022 that were started by PTA that burned through Hawaiian Home Lands and charred over 10,000 acres, I am a beneficiary on Hawaiian Home Lands. The Red Hill water contamination, that was also lied about and stalled and is still a problem. Kahoʻolawe , which you were supposed to clean up, that's still never happened. My -- again, kānaka went and did that. My own family, my husband and my brother-in-laws went to clean up. Red Hill, lied about and still not taken care of. In 2014 there was a non-disclosure agreement between the Department of Hawaiian Home Lands and the military -- that was discovered at that time to exchange lands for Puukapu homesteads and this is a quote, “As with many of the lands that have been conveyed to the department, complete disclosure of prior use and the potential for ongoing issues have not been -- not been shared as a condition of transfer”, which means that our village in 1975 was built with unexploded ordinances, possibly spread throughout our area and our homes were built. We didn't even know that that was going on. We had no idea. In 2014, all of this came out into the public about the lack of disclosure that Hawaiian Homes built our villages on. Thanks to the military we had no idea that that was even a problem. We were offered relocation to lessees who made such a request. In the meantime, we were told we should exercise caution on our lots, especially if we were performing any gardening or digging. Ground disturbance is an activity where we were told to curtail. Kuhio Village, again, was constructed in 1975. So you willing and with full knowledge allowed villagers, including agricultural and pastoral areas, to be built knowing the dangers existed. You continued to occupy Department of Hawaiian Home Lands as part of your complex, while tens of thousands of Kānaka continued to die on the waiting list. You desecrate burials and cultural sites. Your presence has already made us a direct nuclear target. So for anyone to say that that the military here makes us safer, that's actually not true. We've been -- we've been a nuclear target for a long time due to your presence here. Now, one of the things

that's come up that has been really disturbing for myself and others in the kānaka community is the training of genocidal occupying forces at Pohakuloa. We know for sure that the Indonesian Army was trained there and the slaughter and then genocide of the Papuan people that amounted to the death of 500,000. Also, Haiti, Sudan, Iraq, Congo, and Yemen, you're training combined with those forces oftentimes happen on these -- on Pohakuloa but also other military areas in Hawaii. So you occupy and you destroy lands on our moku so you can go to other indigenous people and other places in the world and destroy them and occupy their place. I specifically came tonight. I didn't even want to be here, but I came because of what's happening today. So today we have livestreamed genocide happening in Palestine. Today a ground assault began in Gaza to complete the ethnic cleansing of innocent Palestinian civilians, most of them children. Forty thousand civilians have been slaughtered and over fifteen thousand children. Over 70 percent of their homes, buildings and infrastructure have been destroyed, none of which has been carried out without the support of the U.S. military. The training for genocidal occupying forces and testing of compact ready ammunitions are conducted by the U.S. military, many of whom are trained at your PTA complex. Actions taken at PTA aid and abed war crimes, and they do not keep us safe. It has nothing to do with national security -- nothing to do with it. It has to do with occupying and continuing to occupy more indigenous lands. It is a violation of our spiritual values and the foundation of our people. So deoccupy (sic) Hawaii and demilitarize the Pacific.

Kyle Kajihiro

Hi. My name is Kyle Kajihiro. I'm an assistant professor of ethnic studies at the University of Hawaii at Mānoa. I'm also affiliated with the Hawaii Peace and Justice, but these are just my individual comments, based on the past two nights of oral testimony. I watch both of the video streaming of the events. And I want to say, the first thing that came to mind was that what you saw with the various testimonies was evidence of the significant cultural impact on Native Hawaiians of the military use of Pōhakuloa. And so, rather than simply taking the comments of - as for the content of their of their text of what they're saying, I think that the overall experience of these testimonies should be analyzed as part of the cultural impact assessment, because they represent evidence of the kind of generational cultural trauma that Native Hawaiians have experienced because of the military taking of their land because of the military role in the overthrow of the Hawaiian Kingdom, because of the ongoing offenses to the ʻāina by military training. I heard over and over again those themes repeated. And so I think that that needs to be part of the evidence that is analyzed as part of the cultural impact assessment; of the significant impacts of the ongoing military use of Pōhakuloa. And that should also factor into your analysis of the cumulative impacts. I think that cumulative impacts often fail to take into account the kind of accumulated trauma of things like the noise, things like the physical destruction of sites, that accumulate within communities. And you heard multiple generations testifying, many young people. And so that is a cumulative impact that needs to be seriously analyzed as to how this training continues to impact the Hawaiian communities that are subjected to those impacts. But also simply by the fact that it is occurring is constantly accumulation of this kind of trauma that's passed on. A few other thoughts that that came to mind is that the cultural impact assessment in the second draft of the EIS is deficient. I noticed that there was a dramatic difference, a dramatic decrease in the substance of the second draft cultural impact assessment. And I don't understand why that is but I would say that that is actually making the document even worse and more superficial because it fails to take into account all the substance that was submitted as testimony in the previous draft. Also in both the first and second draft of this EIS I noticed that the archaeological studies are incomplete. Many areas within the leased lands have not been surveyed, but pretty much all of the Executive Order lands which are connected, right, to the state leased lands. Those areas have not been surveyed at all. And it's impossible to know what your impacts on the cultural sites, the resources in those areas, including the natural resources are without having been able to do that survey. So, your study is incomplete, and therefore the EIS is deficient. Another comment I wanted to raise, and this is something I brought up in other testimony, and I'll bring it up again: You listed a number of supporting documents which was very helpful, and the links to those documents. One that I had looked at before was the Master Plan - the final draft of the real property master plan for Pōhakuloa Training Area, which is only a digest and I had requested, through the Freedom of Information Act, and have not gotten the full document. I would like to also request some of the items listed in the references of this document, which I think are very relevant to the current studies. So one document. So, in addition to the full - This is Kyle Kajihiro continuing my comments. I got cut off on the last part of it. So, I was talking about requesting a full copy, not the digest of the real property master plan for Pōhakuloa Training Area, which is dated in 2020. I think it was maybe February in 2020. And in there, it was - there was also listed in the references a number of documents that, I think are relevant to this draft EIS. So one was a June 4 th , 2018, US Department of Defense Assistant Secretary of Defense, a document entitled Approval of Major Land Acquisition, Waiver Request, US. Army Training Sites Hawaii. This was listed in the references, and I think it's important,

because if we're talking about requesting some sort of a waiver, I'd like to know what was actually discussed, what was proposed, and what the correspondence was related to that document. So please provide those documents in the supporting documents for this draft EIS. Another document that was listed in the references is the US Army Engineering and Support Center, Huntsville, Alabama. A 2009 document entitled Enhanced Area Development Plan, Pōhakuloa Training Area, Hawaii Final submittal. So, this document seems to be relevant to some of the land use proposals in this new draft. So please provide that document as well. Another document I'd like you to provide is the US Army Region, Hawaii, October 25, 2015 document entitled Memo for Commander US Army Region Hawaii, Approach to Training in Hawaii, A Strategy for PTA. So again, this is a US Army Region Hawaii Memo for Commander US Army Hawaii Approach to Training in Hawaii, dated October 25, 2015. So I would like to ask that those documents be made available so that we can evaluate how decisions have been made regarding this Pōhakuloa training area. Those are all the comments I have right now, and I'll submit other comments, written comments, later. Thank you.

Kyle Kajihiro, Ph.D.
Ethnic Studies, University of Hawai'i at Mānoa
kkajihir@hawaii.edu

6/7/2024

Comments on the Second Draft Environmental Impact Statement (DEIS) for Army Training Land Retention at Pōhakuloa Training Area (PTA)

The Army DEIS is an improper instrument for guiding State decision making affecting public trust lands

The Army, as petitioner, and the State, as trustee for the lands in question, have fundamentally different interests and obligations. As the petitioner, the Army has a conflict of interest with regard to its role as the sponsor of the EIS because it goes against the Army's interest to rigorously identify adverse impacts on State lands. This may explain why the second DEIS minimizes the adverse cultural impacts analysis. Hundreds of pages were removed from the Cultural Impact Assessment (CIA) report in the second DEIS. Why was the CIA report watered down and testimony and evidence suppressed?

The State on the other hand, has a trust obligation to protect the land and environment, including cultural resources. The State cannot rely on the Army's biased environmental analysis. The State cannot make a responsible decision about these lands without considering its own land management obligations and what care the land requires. Thus, the State must conduct its own planning process to determine the best stewardship practices for the lands at Pōhakuloa.

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

Therefore, the State's primary duty is to mālama ʻāina.

Land Use

The DEIS fails to identify and analyze the impacts of its proposed method(s) for retaining the land. Since the lands in question are part of the Government and Crown lands of the Hawaiian Kingdom and constitute Hawaiian trust lands, the method by which the Army retains the land is of material consequence and can have significant cultural and social impacts, especially for Kānaka Maoli. The DEIS erroneously concludes that acquisition of the land in fee would have the same impacts as retention through a new lease. Acquisition of the land in fee would constitute an alienation of Hawaiian land and exacerbate centuries of trauma associated with the overthrow and occupation of Hawai‘i by the United States. If the Army were to proceed with acquiring the land in fee through a land swap or condemnation, it would constitute a taking from the public trust and from Kānaka Maoli in particular, whose genealogical claims to the land are superior to the claims of others. Without a full disclosure of the proposed methods of land retention and an analysis of their potential cultural and social impacts, this DEIS is deficient.

The DEIS erroneously lists the impact area as “Army owned”. However, this land is assigned to the Army by an executive order and falls within the larger corpus of Government and Crown Lands trust, otherwise known as “ceded lands”. The “Hawai‘i Military Land Use Master Plan (HMLUMP)” (U.S. Indo-Pacific Command 2021) correctly identifies the Pōhakuloa impact area as “Ceded Land”.

On page 1-6, the DEIS states:

> On September 13, 1990, the Department of Defense (DoD) established a moratorium on major land acquisitions to ensure that land is acquired only when a need is clearly demonstrated. The Army submitted a Major Land Acquisition Proposal to DoD in 2017 to request an exception (waiver) to the moratorium for acquisition of the State-owned land at PTA. The proposal summarized the alternatives considered, current and projected force structure and training load, public and political sensitivity, potential environmental impacts, proposed future use of the State-owned land, future viability of PTA, benefits of land retention, and impacts of not retaining the land (USARHAW, 2017a). The Under Secretary of Defense for Acquisition and Sustainment approved the Major Land Acquisition Waiver Request on June 4, 2018, allowing the Army to pursue land retention options and to initiate an environmental analysis process in accordance with NEPA.

The DEIS fails to make available for public review the documents pertaining to the Army’s land acquisition proposal as presented to the Secretary of Defense. Despite numerous Freedom of Information Act (FOIA) requests for a copy of the "Approval of Major Land

Acquisition Waiver Request - US Army Hawaii Training Sites, Hawaii,” (2018) by the Assistant Secretary of Defense 2018, and for all correspondence pertaining to this waiver, which would include the U.S. Army Hawai‘i, “Memorandum: U.S. Army Hawaii Major Land Acquisition Proposal,” (2017), and despite requesting in public meetings that this information be included in the DEIS, the Army has failed to disclose the relevant documents. It is impossible for the public to understand the Army’s intended actions and analyze their potential impacts without understanding the nature of the waiver for a “Major Land Acquisition” in Hawai‘i that was requested and granted.

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. As the Office of Conservation and Coastal Lands testified on the first DEIS:

> 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… 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. (Mills 2022)

Cultural Resources

To date, investigations into the number and significance of cultural sites have been superficial. The DEIS 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 DEIS should conduct a rigorous Kapa‘akai analysis of the proposed actions, which must include,

> (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 petition area; (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 LUC to

reasonably protect native Hawaiian rights if they are found to exist. (Ka Pa`akai O Ka`aina v. Land Use Commission, 94 Haw. 31. 2000. 36)

The DEIS is deficient because it intentionally omits a Kapa'akai analysis of the proposed actions until after a decision about retention of land has been made (3-61).

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

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

Quoting the "Ethnographic Study of Pohakuloa Training Area and Central Hāmākua District, Island of Hawai'i, State of Hawai'i" (McCoy & Orr, 2012), the DEIS suggests that the region is not eligible for nomination as a Traditional Cultural Property (TCP) under NHPA, based on "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" (3-61). But this Army-commissioned study did not use any Hawaiian language resources, and is therefore deficient and inherently flawed. In contrast, based on a very limited survey of sites in Pōhakuloa, the "Cultural Resource Evaluations of Stryker Transformation Areas in Hawai'i" (Monahan and SWCA Environmental Consultants 2009) concluded that the newly identified features are eligible for listing on the National Register of Historic Places. A more comprehensive TCP study needs to be conducted to determine Pōhakuloa's eligibility as a TCP. In light of the recent designation of Mauna Kea as a TCP (Kiyuna 2024), and given the fact that Pōhakuloa and Mauna Kea both lie within the Ka'ohe ahupua'a, Pōhakuloa should be evaluated in a similar fashion for nomination as a TCP.

Threatened and Endangered Species:

DEIS is incomplete because comprehensive baseline studies of the biological resources have not been conducted in all areas, especially within the impact area. It is impossible to

assess possible impacts to biological resources due to the proposed training activities without such a study.

Wildfires:

The EIS must provide a complete history of wildfires at Pōhakuloa, including the dates, causes, extent of damage, and responses. Please provide a table listing fires at PTA and relevant details about the size and impacts of the fires. How have fires changed the landscape and ecology over time?

Have there been any audits of the sufficiency of existing firefighting capabilities to combat wildfires? Please provide any such assessment of the firefighting capabilities. Federal firefighters at Pōhakuloa are primarily equipped and trained to fight fires related to the airfield and base facilities. They are not trained or properly equipped to fight wildfires. UXO hazards hinder firefighting at PTA. The Leilani fire is an example of this problem. How will climate change increase the risk of wildfires? What percentage of wildfires at Pōhakuloa are caused by military training versus other causes? This analysis is necessary to determine the risk posed by the proposed action.

Socioeconomics / Environmental Justice Analysis:

The greatest environmental justice impacts will be borne by Kānaka 'Ōiwi who have the most profound connection to the lands in question. As I mentioned in my phone comments during the recent public meetings on the DEIS, the DEIS should include an ethnographic or sociological analysis of the testimonies delivered at the public meetings as evidence of historical, multi-generational, cultural trauma

Toxic and Hazardous Substances

The study claims that no PFAS chemicals were used on state-owned land, but fails to indicate whether PFAS was used in the Army controlled airfield. Please disclose all known uses and releases of PFAS within the Pōhakuloa complex.

Cumulative Impacts

What are the climate impacts of the military activities at Pōhakuloa? The DEIS fails to analyze the amount of fossil fuels consumed by all training activities to and from the training area, the fossil fuels consumed during training activities, and their associated carbon emissions. Given the recent Lahaina Fire, and the omission of military carbon emissions from much of the

climate change reporting, the climate change impact of the military activities at Pōhakuloa are an important cumulative impact that must be analyzed. Recent studies of the climate impacts of the Ukraine war provide some methodologies that could be applied here.

Failed Public Involvement

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*.
- 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

Ka Pa`akai O Ka`aina v. Land Use Commission, 94 Haw. 31. 2000.

Kiyuna, Ku'upuamae'ole. 2024. "Mauna Kea Traditional Cultural Property and District Approved for Hawai'i Historic Register – Historic Hawaii Foundation." Historic Hawai'i Foundation. March 2024. https://historichawaii.org/2024/03/22/mauna-kea-traditional-cultural-property-and-district-approved-for-hawaii-historic-register/.

Mills, K. Tiger. 2022. "Office of Conservation and Coastal Lands 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 & 22."

Monahan, Christopher M. and SWCA Environmental Consultants. 2009. "Cultural Resource Evaluations of Stryker Transformation Areas in Hawai'i." SWCA Project Number 15131. Office of Hawaiian Affairs and U.S. Army.

U.S. Indo-Pacific Command. 2021. "Hawai'i Military Land Use Master Plan (HMLUMP)."

Kapeliela Kalawaia

I just have a few words to say to you. A couple months ago Mauna Loa erupted, y'all recall. She's tired. She's hurting her foundation. All I have to say is next time heads up. Aloha.

Kepa Kali

Aloha,
My name is kepa, and I'm from the island of Kaua'i, The Garden Isle of The Hawaiian Islands. I truly dislike the fact of destroying Hawaiian Lands with fire arm use or explosive use. It is unnecessary to be bombing anything on sacred and well taken cared land; it's just plain out disrespecting our culture, our heritage, and our lives. Please think before doing anything in life, and stop the bombing on Pohakuloa ASSP!

Noelani Kalipi

Aloha. My name is Noe Kalipi. I'm a Hawaii Island resident and I also want to share that I have a position as a volunteer as the civilian aid to the secretary of the Army and my comments are not being made on behalf of the Department of the Army. They are my personal comments. I'm here to share that after reviewing the EIS, I'm testifying in support of the modified retention and preferred alternative. I think this is an important opportunity as the leases expire, for Hawaii to shift its relationship with the United States military and how we as a community, and how the federal government meets this opportunity is vitally important. For many, Hawaii's relationship with the U.S. military field is like a tangled web. There is a sense of honor for the legacy left by our kūpuna and ʻohana, who have served and defended the freedoms we enjoy today. There is support for the commitment made by our cousins, our aunties or uncles, our mothers, our fathers who are currently serving in active duty, as well as the National Guard, who can deploy at a moment's notice. There is also great sorrow over the lives that have been lost in action and training and a fear that those who are now serving may be forced to make the ultimate sacrifice. And as we've heard, there is also concerns over a system that relies on military force to enforce the fragility of peace, yet our geographic location in the middle of the Pacific, 2500 miles from the nearest land mass underscores the stark reality of the strategic importance of maintaining peace in the Indo-Pacific. And how we as a community meet this opportunity to shift the relationship and move together collaboratively is vitally important. And there is a need to make things more pono, from the need to pay fair market value for leased lands to the need to ensure that ʻāina is treated with respect. There is lots of opportunity to improve. It is also important to note, however, that the Army has invested a lot of resources to protect endangered species. And on our island, one of the biggest benefits is the emergency response from the summits of Mauna Kea to Mauna Loa from the 12-mile marker to the 51-mile marker of the Daniel K. Inouye highway, and just being able to respond and meet the needs of everyone who needs to be rescued or addressed there. Some feel strongly that the military should leave Hawaii or at a minimum, should minimize its live fire training and the question remains, could the Army train in a way that reduces its impact to the ʻāina. We can be hopeful that a new technology can provide that in the future, yet there is no doubt that live fire training is absolutely required and vital to compact preparation. And when I look into the eyes of the many men and women defending our country and see their determination and drive, I want to ensure that we have the best training available for them to return alive. So many of our kūpuna have said the answer lies with aloha and that Hawaii will play a vital role in showing the rest of the world the path forward and it's up to us -- all of us, to define what that means in a process to untangle the web of fear, trauma, and unrest. The choices is ours to shape this with aloha. Thank you.

Noelani Kalipi

My name is Noelani Kalipi and I was born and raised in Hilo. I also have a volunteer position called the Civilian Aid to the Secretary of the Army. The comments I am making today are my own and do not represent the Department of the Army. I'm testifying in support of the preferred option presented in the EIS. And while I hope at some point, in the future, the army won't need to use as much land for training, I don't think that time is now given everything that is happening in the world. I do, however, think that the time is now to reshape our role and relationship as residents of Hawaii with the United States Army and to identify pathways forward for the co-management of Pohakuloa in preparation for a time in the future where the army may not need as much lands to train. Both of my grandfathers, Native Hawaiians from Hilo, are World War II veterans. And while I understood their service, I grew up questioning why our federal dollars were going to the Department of Defense rather than to education and to social services. I come from a family, however, that believes in learning about what we don't understand and what we don't know. So after law school, when I was dared to go on to active duty in the United States Army, I took the dare and I served for three years. I gained a lot more respect and understanding for what it takes to protect and ensure the freedoms we all enjoy today. I also had the privilege of working for United States Senator Daniel Kahikina Akaka, a World War II veteran, and the first Native Hawaiian senator who authored Public Law 103-150, the apology resolution. In the -- in the resolution, the United States not only apologizes for its role in the overthrow of the kingdom of Hawaii, but it also commits to a process of reconciliation with Native Hawaiians. And I raise this because we have a tremendous opportunity to reshape our relationship with the United States Army going forward. And while this EIS process is not set up for a dialogue, we can't get to the end result without a meaningful dialogue. And it's important for all of us to fully participate in this process and also look for ways to collaborate. Our geographic location 2500 miles from the nearest landmass is what makes us a strategic location in the Pacific with or without the military's presence. The Army, in recent years, has recognized the need to be better stewards. They also make a significant contribution to our island economy and provide valuable training and jobs for Hawaii residents. No question that we can do more, that they -- that more can be done. Our -- our purpose is to be able to do it together. Just have one more part to finish. Some feel strongly that the military should leave Hawaii or, at a minimum, should minimize its live training activities. Could the army, at some point, train in a way that minimizes impact to ʻāina? I would hope so given the advances in technology; yet there is no doubt that live fire training is vital to combat preparation. And when I look into the eyes of the men and women, many of whom I'm related to and know who are defending our country and I see their determination and drive, I want to ensure that the best training is available for them to return alive. I do believe we can create the pathways to do this together. Thank you.

Keleka Kam

We do not want the military getting a new lease to destroy our land that is rightfully and belongs to the hawaiian people. Destroying the land, will not give our next generation a chance to enjoy it, with all the destruction you guys have been doing.Land back.

guy Kaniho

How does the PTA /federal government intend to address the noise (explosions / artillery) created by pta to the surrounding community located at Humuula. There are times that the explosion are so intense that the windows and house shake. So far there are no visible damage however the continued activity could lead to foundation / structural issues.

How does PTA / federal government intend to be a good neighbor to the community in Humuula? The use of the DHHL lands by PTA has not delivered any benefits to those who legally lease and homestead the immediate adjacent lands at Humuula. We at Humuula have endured the activities of PTA for the past few decades but have not any received any compensation or assistance from PTA.

Now the federal goverment wants to extend there lease and continue the the above mentioned activities. Not to mention that as technology advances, what other activities may be practiced at PTA which could be disruptive to the MOST immediate neighboring community at Humuula. Again, I ask how does PTA / the federal government plan to address these concerns of excessive noise, future damage to infrastructure and structures. What kind of fair compensation or assistance can PTA / the federal government provide to the beneficiaries who legally occupy and live at Humuula.

As a result of the activities of PTA / the federal government, the feral sheep problem has increased in the Humuula area. It is my understanding that the training areas for PTA have been fenced off to keep the feral sheep from returning to those areas, so training can continue. This practice has impacted the adjoining properties, most importantly Humuula. On the one hand you have the state fencing off the uplands of Maunakea to keep the sheep out of the forest areas in an attempt to reforest, but yet you have the federal government fencing off their training areas so they can continue training. Where are these animals to go? Humuula, so again we the legal homesteaders who were awarded these lands, on the current plan of CATTLE RANCHING are impacted by your activites, How does PTA / the federal government plan to fairly compensate us for our losses, for possible damages that may occur to our structures, to our infrastructure.
As a neighbor to PTA for the past few decades, there has been no attempt to provide assistance or access to resources that the camp has or are capable of providing, if they chose to be a good neighbor. After all they are utilizing DHHL lands as are we in Humuula, however the difference is that they have the federal government to provide funding. We fund with our own money of which we pay federal and state taxes.
I look forward to a response to my comments.

Alakai Kapanui

Aloha mai kakou, o Alakai Kapanui kou inoa, a noho Lanihau o Kona, Moku o Keawe wau. You know, three minutes is not enough time to talk about all of the issues that you people are causing on our ʻāina, but at the same time, it's far too much. I was here to give testimony in October 2022 for the first EIS, which was a joke by the way, and Suzanne Case actually did a good thing by not signing off on that. We all deeply -- and all of us who are deeply opposed to any option besides a no action alternative to the lease renewal or any land retention on your people's part, it's clear to all of us who have been paying attention and giving testimony that when we say ʻaʻole, you don't listen and really, that's what's all -- that's all that should be required. You have a foreign military base that's set up on Hawaiian Crown Lands and the Kanaka 'Oiwi are the direct beneficiaries of the ʻāina that is in question. And I'll tell you right now, that we as 'Oiwi do not benefit from your poisoning our water aquifers, our air, from the destruction of our sacred sites, including heiau and iwi kupuna from constant disruption of endangered species nesting habitats and migrations, or the lead poisoning and the winds that the community of Waikoloa suffer from, which you also deny. I want to point on that there is no impact assessment done on the water aquifer sitting beneath the Pohakuloa training area, which is precedented by the way you people treated the water aquifer on Kohe Malamalama o Kanaloa, also known as Kahoʻolawe , since you probably don't know anything about this place. You can't even pronounce Pohakuloa correctly. And that ʻāina is still not restored and cleaned up or anything of that nature. We -- we are doing it. There is also -- going off of what was said before me of how you do ʻāina restoration, that's in your budget. There is millions of dollars that are allocated for that. You people don't do that out of the goodness of your heart. You do it because it's required by federal law. And none of our ʻāina that you bomb indiscriminately will ever been restored to the way that it was. We see these examples at Makua Valley. We see the example of Kohe Malamalama o Kanaloa . We know that it will never be accessible the way that it used to be. We will always have to be cautious of -- of UXO. And we know from our cultural access to Pohakuloa training area, that you have not cleaned up anything. There is UXO 10 -- 15 feet away from the highway. I drive by that all the time. I see the dust storms that come up. I know that there's lead and you don't care about the people on this island -- and all of that leaches down into the water aquifer. You have to do an impact assessment on the water aquifer. We have said no so many times, and the fact that you people keep coming back and making us tell you no over and over and over again, without doing anything is in insulting. I lā maikaʻi.

Alakai Kapanui

Alakai Kapanui. I want to say one last thing about you guys hosting RIMPAC this summer and understanding that over 30 foreign militaries will also be participating in these games. I am deeply opposed to members of the Israeli occupying forces, who are currently committing genocide on the Palestinian people in Gaza, specifically their bombing of Rafah right now as we sit here in this auditorium or gymnasium, whatever this is -- and I understand that they participate every two years and I find it deeply offensive that we allow them to come to this place and understanding that they contribute to the missing and murdered indigenous women that go missing and the -- the study that was produced by OHA two years ago and we know that those numbers spike every time RIMPAC is hosted. And we know that they come to this island, and they particularly participate on Oahu but we are also affected over here. And I know that they test their white phosphorus on our water aquifer, as well. And so not only depleted uranium and lead poisoning, but there is white phosphorus that percolates down into our waters and poisons our own people and then goes out into our ocean and you guys need to do better and I hope you're paying attention.

Nahalelaau Onaalii Kapaole

The people of Hawaii do not consent to further taking, compromising, disrespect and desecration of any lands and resources of the Hawaiian islands - especially Pohakuloa. The use of live fire rounds and training exercises on illegally occupied and stolen Hawaiian kingdoms lands is unacceptable, and any attempt to continue those violent, toxic and wasteful operations will be met with resistance from the people and supporters of Hawaii and Mother Earth unlike anything the world has yet seen. This is your final warning - please "malama aina" clean up your toxic mess and leave the islands for good, or our gods and our relatives will join forces to take their revenge

James Kanani Kaulukukui

First name is James, middle name Kanani, and everybody calls me Kanani. Last name is Kaulukukui, Jr. Okay. I was born in Hilo and raised in Kona like Hawaiians you say -- you always say, who you? That means, who your family -- who you come from. Yeah. I come from my family, grandparents, Kohala. Kohala is deep -- deep when you get into that. So as far as what you're talking about here, you're talking about PTA. I spent four years in the Airforce, '68 through '72. In '72 I was at Cam Ranh Bay. We -- they were closing down the base so you got a lot of the aircraft out of there. So I came back, and I went to college. I have to use my GI Bill. I got (unintelligible) for drafting and then I went back to school, got -- got into geography. I wanted to get into urban planning and then also mining in geology, but then things happened, and I had to go to work. Everybody thought I was going to be a police officer. I didn't want to do that, but I had to. I got into the police department. Five years stationed here in Waimea from the (unintelligible). I went over to DLNR. I was a conservation resource enforcement officer. And when I raised my hand, my hand was to protect the natural resources of this state. You hear my voice is cracking because it's -- it's an emotion thing for me. Another emotional thing for me is not too long ago I found out that way before, in the 40s, 50s, it was against the law to speak Hawaiian. I says, how come you can't just speak it in public -- because I found out you want to kill a culture, kill its language. So the language was spoken at home and that prevailed, now they're coming back. Also, in -- not '64, a couple of years ago. I do art. I was doing a show and I got into saying who I was. The president of that place here Waimea came and said this was interesting. And up until 1964, it was against the law for Hawaiian families to give their kids first Hawaiian names -- against the law. They final repealed it so now they can. So again, what happened to the Kānakas? Still trying to -- but hey, we came back. We're back and we're not going away because you all are getting educated. Yeah. So where I'm going -- I'm going from this, is we have to protect our natural resources, Mauna Kea, the aquifers. Waikoloa PTA is sitting on a big aquifer. It's right between Mauna Loa and Mauna Kea. It's right in here, water goes onto Wailuku. They had a hearing. They want to tap into the aquifer to feed Waimea up towards Kohala. No, because they have their own water resources and they all tied up up there by it's another issue. So PTA, I'm just stating that -- yeah. They want to get out of Honolulu because it's shrinking. Population is getting big, so they want to move over here. They bought all the land coming back down to the lower road. So it's like man, can you see barracks all the way here. Now they have to tap into a water to feed all that. Yeah. PTA, the gulch, the spring. You heard the story that, oh, the spring was just enough water to feed PTA. It was great. You didn't have to haul water. An engineer comes in. What if we put a little decharge (sic) up there and open the spring up and bring more water up. They did that and they lost the spring. That's why you guys got to haul up water now. Okay. So the Hawaiians all knew this. That's what they thought. That's why they closed the land. You got to be close, that's why, oh, I get into like -- I like bringing Nicola Tesla into this. To understand the universe, you understand three things, energy, frequency, vibration. The Kānakas all knew this. Kalani Flores mention about frequencies and vibration and the piko of Mauna Kea and its importance to the land and its importance to the people. Yeah. And I can understand the military's side of it, you know. You guys got to train. You guys got to -- sometimes I think, do we have to use explosives with the technologies. Hey, use -- like they train the police. Use rubber bullets, non-destructive stuff and -- yeah. And it's about love and light. Before that Japanese scientist wrote his book on water, his

memory -- a photo -- war -- this. What does the water look like? Muddy -- all muddy water -- love, like flowers, it's peaceful, calm, it looks like a -- it looks like a snowflake. So words have power. The uniforms you wear, have power. How about -- we say, have power. You mentioned the word war, it's, you know, fight, it's confrontation. Oh, Hawaiians do that. When power came up and it was a peaceful -- Hawaiians got to -- when he came up, cousins fighting cousins. It was not like that before. It was all peaceful. They never had a standing army. They didn't need one until one other guy comes up and said, here, I can take over this place. His buddies gang up, took over, changed it, and brought war. So sometimes, as you say, to get over war, you got to have peace. I don't know where the -- is. If you want peace you got to prepare for war -- but no. But sometimes yeah, it's a given. What do you do? But as far as PTA, (unintelligible) the bombing that impacted destruction part is the one that has got to stop because that fracturing the earth and everything, it's just -- it's a vibration going down in the aquifer and that causes fractures in the substrata. Good thing I went to school, I kind of learned stuff. So yeah. So basically -- yeah. So if there's a for or against, yeah, I'm against it. Yeah, but there's some concessions you can work around, you know, non-violent stuff. You guys got the technology. They're working on it. Okay. I'm going to shut up now. Thank you.

Lehua Kaulukukui

Aloha, Lehua Kaulukukui, Waikoloa, right down the road from here, where we can hear the bombing and we see the effects of the bombing, but I wanted to say that I've been to Kahoʻolawe three times. And in 1981, while I was on Kahoʻolawe with a group, with my hula halau, Halau O Kekuhi, we were at a spot where we overlooked the targets. And at that time there was no end in sight to the bombing of Kahoʻolawe , but as we were there looking at the targets, I had this deep feeling in my naʻau that the bombing was going to stop. And it took years but eventually it did. And this is the same feeling that I have right now that the bombing at Pohakuloa will stop no matter what. Uncle says that he is a man of few words and so am I. I'm a person of few words. I feel with my naʻau. You heard everybody say about the waters, that you're poisoning with the bombing. You poisoned Kahoʻolawe . You poisoned Red Hill and you poisoning us and it's going to stop. It will. We don't want it. We don't want Pohakuloa. Enough is enough. It's not rocket science for you to see that Mauna Kea, Mauna Loa -- you're in the center. You're in the piko of our island and you're poisoning us. Enough is enough. It will stop. Mahalo.

From: Merania Kekaula[redacted]
Sent: Thursday, June 6, 2024 11:22 PM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) [redacted]
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Matthew Foster,

To whom it may concern:
As a person who loves Hawai‘i and her people, I am firmly opposed to the Army‘s retention of any of the “State” lands at Pōhakuloa. I support the “No Action Alternative” that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed.

Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and the presence of the US military in our islands. Your study should follow the parameters set by true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands. You should also evaluate the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered.
Therefore; the U.S army/military must stop this colonial style theft of state lands at Pohakuloa & other stolen lands across the 50th state & return these lands, (in their virginal conditions), to Kanaka Maoli - immediately.
Tihei Maori Ora,
Merania Kekaula

Sincerely,
Merania Kekaula
Kahuku, HI 96731

Roxane Keli'ikipikaneokolohaka

Dr. Roxane Keli'ikipikaneokolohaka. I provide this comment in strong opposition to the continued military occupation at Pohakuloa. Despite the interwoven attempts to skew toward the preferred option in the EIS, the no alternative -- no action alternative is the only option that should be considered other than no lease renewal period. As it is a first in many steps the military should be taking to begin to rectify your footprint that has manifested detrimental change to landscape, habitat, and wildlife. Allowing continued military activity here further exacerbates the potentiality of severe irreparable harm. Given that we live on an island of interconnected ecosystems and dependencies, we must reorient our thinking and priorities to that of ‘āina. How close are we to the point of no return for this ‘āina and its people? You argue that loss of state-owned land would result in substantial impacts on training because the army would no longer have access to these critical maneuver areas, et cetera. Perhaps the antiquated assumptive lens of military domination used in your infrastructure planning and design failed to properly consider the perspective of not being on this ‘āina eventually. And now the ramifications of that flawed methodology are coming into focus. When you knowingly build a structure on land that is not yours, your lack of access is a direct result of your erroneous decision-making. You frame land retention as a necessary precedent to the continuation of ongoing activities within a state-owned land retained by the army. The EIS goes on to say that land retention arrangements would happen before the current lease expires so that training is not interrupted; and therein lies a key root of this conflict, the false premise that man supersedes ‘āina. The precedent you seek to set and perpetuate is the military's ingrained practice of permanent land destruction and indifference to detrimental impact. ‘Āina is considered a commodity to you, one that can be disregarded or swapped when it no longer serves you. Your practice is simply to acquire another commodity and move on, leaving in your wake a dead land full of munitions, leaving the community and the state with the burden of cleaning up your mess. We can look through your historical record in places like Kaho'olawe, Makua, Kapūkakī to recognize your disingenuous rhetoric of being good neighbors and stewards of ‘āina. But God forbid the health and wellbeing of land and its people interrupts your training schedule. The army's actions and responsibilities under any of the alternatives gives no confidence to your willingness to work to clean and restore Pohakuloa. In fact, under the no action alternative you state, "After the lease expires and, if deemed necessary, the army would follow regulations to determine how and when cleanup and restoration activities would occur. "If deemed necessary" is just another way of saying "only if we feel like it." Why is any cleanup contingent upon lease expiration and limited to just hazardous classifications? As good land storage shouldn't be -- cleanup be an ongoing practice? You state that the no action alternative will compromise the integrity of PTA. But in fact, PTA has irrefutably and severely compromised the integrity of our ‘āina. You further state that this alternative could result in the need to move, pololei, correct, you need to leave. The military should consider the no action alternative as preliminary training exercise for complete exit from Pohakuloa. You'll continue to face mounting opposition to your presence here and your continued desecration of our ‘āina. You can move your operation somewhere else. We cannot and will not disconnect ourselves from our elder ‘āina and our ancestral obligations of guarding and caring for her as the rightful stewards of Hawaii. No military lease renewal, no land swaps, stop the bombing and desecration. Aloha ‘āina 'oia'i'o.

Faith Ngirmidol-Kelley

It is absolutely detrimental to Hawaii Island to continue military training at Pohakuloa. A slap in the face that these lands have been leased for &1.00
It seems to be in everyone's best interest to find new place to train. In addition please do not forget to clean up UO before you leave....

Sincerely,
A woman who grew up on the Big Island

From: Ann Klaft <[redacted]>
Sent: Saturday, June 1, 2024 9:50 AM
To: G70 - ATLR PTA EIS
Cc: [redacted]
Subject: A letter to the department of human services...
Attachments: Aloha fellow humanitarians.pdf

Aloha Fellow Humanitarians! ⭐

I've seen your beautiful peace protest in downtown Hilo for years. I'm grateful to see this every time you put it on because peace is so important and we leave in a fearful world full of unnecessary violence and conflict! 💙

Life has taken me on a really difficult path where I was ruined in the pandemic as a self-employed licensed acupuncture professional and ended up homeless. Being down and out at this level has helped me to see what my kuleana is at this point in time! I'm someone who has worked their whole life on and inner and outer level and not someone who should ever be homeless, but is anyone deserving of homelessness really? Certainly not in a loving and peaceful world!

I've taken the time to write the department of human services regarding many of the issues that have affected me because they are violating Title 18 U.S.C statute 242 Deprivation of Rights Under Color of the Law. Everywhere I seem to go someone is trying to deprive me of the freedoms awarded in the Constitution. As you know, the oppressors have infiltrated the USA a long time ago, but the time to speak out now is more important than ever after this gross plan-demic!

The story is attached and explains what occurred for me after the pandemic mandates stole my freedom and essentially deprived me of the right to work for myself when they forced me into dependency on government checks!

This letter is about a lot more than just my story and is very powerful. I thought you might appreciate reading this one as humanitarians yourselves!

This letter was delivered to the DHS offices this last Wednesday on May 29, 2024. Still waiting to see if anything comes of this, but at least I was able to speak the aloha and truth and pass this on!

The aloha spirit is telling me this would be sent up the ladder to higher officials given the crimes reported here as the DHS office would be required to report this.

Thanks for taking the time to read and connect! ⭐🌹

We have to cheer each other on for our individual efforts to make this world a better and more loving place. There is so much that is messed up here from centuries of diabolical world "leaders" who aren't caring to the populace and have created endless cycles of generational trauma! 🤡💔

Mahalo!
Ann M Klaft, L.Ac, MSOM, Dipl. Ac

Sent from my iPhone

Aloha fellow humanitarians:

This letter is for the staff and supervisors of the Department of Human services State of Hawaii; County of Hilo; and to the public servants and officials who may catch wind of it!

Benjamin Franklin once said: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

My name is Ann Marie Klaft. I'm a licensed acupuncture professional, herbalist, writer, and spiritual psychologist. I've been looking for work for over a year and no one hires me here on this island for any kind of work. I am sober. A yoga practitioner. I'm a high functioning autistic person with severe PTSD after being attacked in my home by a stranger whom had just moved in next door to me in the Bayshore tower. This person was horrifically antagonizing their 3 year old and husband then they attacked me with terroristic threatening. We had never met before. The police, condominium owner, and building owner minimized my experience of being victimized. I had to move out because the neighbor's domestic violence was too severe. I lost my home. Afterwards, I was in shock. I had severe panic attacks and eventually went on a PTSD trip. This was during a global pandemic.

I have no can opener. I have no fire. No pots. No pans. No dishes. No wood. No stove. No knives. No refrigerator. I run out of EBT after 10-12 days. I have food allergies and can't eat certain foods, which contain wheat and dairy. The "soup kitchens" and "food baskets" usually only offer this type of food or food that requires some type of cooking like rice, pasta, raw frozen chicken. I cannot feed myself.

Eating this poisonous and toxic (and sometimes even expired) food is causing scaling and bad eczema on my scalp and other body parts from eating these toxic allergens, which only come from processed and chemical laden foods. Plus, how many raisins and walnuts can one person eat in a day? That's about all there is to go on these days. The apples offered, (as of late) are covered in a layer of disgusting wax and aren't edible. I would never eat this because this wax layer is toxic and unnatural, but there isn't much else to eat.

The free lunch at the Salvation Army consisted of: 1 family sized bag Lay's potato chips dill pickle, 1 can of Mountain Dew, 1 lunch-able, 1 Yoplait yogurt. These are all highly processed toxic foods, but I had only have the choice to eat this or starve. The human body requires vegetables, high quality meats, fruits, herbs, and spices in order to be maximally healthy when it comes to nutrition. They don't seem to think that the food that is served to the impoverished and destitute should be of any real nutritional value or come from quality ingredients.

In April, I went 8.5 days without any food. I didn't want poison myself with allergens and processed foods, so I skipped the food pantries and soup kitchens. Except this was way too hard to go without food for that length of time. In May, when I ran out of EBT, I caved and ate both dairy and wheat this month. This was what was given from the food basket (cheese, yogurt, flour tortillas, raisins, walnuts, lettuce, pouch chicken, Canadian bacon, wax apples). Now, my body and skin are paying the expensive price for that because this brings on brain fog, eczema flairs, large clusters of cystic acne, and headaches. I will not do that again.

I also couldn't handle going to stand in line for the free soup kitchen meal. I was too overwhelmed in my body to handle the junkies and the dark, homeless people's energy signatures because they are predatory people. I couldn't handle feeling their vibrations in my nervous system. To go would have sent me into a

meltdown. I was beyond neurological capacity to withstand the energy of others during the times that they offered the free meals, which are available in walking distance.

Mentally, I took this 8.5 day period as a "fast" for healing my body and organs and giving them a rest because digesting takes a ton of energy. Except, doing this "fasting" was only because I didn't have any money to buy food and I won't be a victim of circumstance in my own head!

When I can't eat, my emotions go haywire and I become triggers with rage and anger, but as soon as I eat, the angry and rageful feelings subside. I go back to a happy and content state of equilibrium. Emotions, (in part) are a messaging alert system from the human body's nervous system, which tells us when we are not meeting our human physical or emotional needs. Except in our current society, we are often shamed, punished and taught to repress our own body's red alert system instead of meeting the needs that it requires to function in an optimal way. This isn't normal for me to be in a state of rage or anger. This anger and rage only comes up for me when there is deprivation to my physical needs or when I'm getting my boundaries violated by someone else.

I would work, but no one gives me a job. I can't run my own business without money. I can't relocate onto the mainland to find work without money. Every state requires an individual acupuncture license. This costs several thousand dollars just to get the licensing approval, which is including all of their requirements for CEU and other professional fees; not to mention the cost of moving and relocating! Even though I have an acupuncture license that is in good standing in Hawaii(ACU-1191), this doesn't transfer to any other state. I can't get a job in my career in another state until I am licensed there, which is a long and drawn out process filled with paperwork, transcripts, and fees galore. I can't afford to hold a license in every state in order to effectively search for an available opportunity and then even if I did how would I get there to work?

I have a master's degree in science and oriental medicine, a high level of psychological knowledge, and break through knowledge into the human emotional realm that many would like to call me "crazy" about; given their current false belief structures, which are not all inclusive. I have experience as a barista, project manager, pharmacy technician, house cleaner, and more.

The hospital won't hire unvaccinated people, which is discrimination when using a religious exemption, but they still get away with this and deprive people of their constitutional rights m. Island Natural's also won't hire without a TB test. So they won't honor the constitution or religious exemption either!

I'm only 1.5 years away from a doctoral degree, but my student loans are maxed out at $265,000. They won't give me any more student loans in order to complete my education. This seems like the government isn't really interested in recouping their loan money, considering how difficult this is to obtain a job in my professional career because of the state-by-state licensing laws.

I've never had a severe drug problem. I quit binge drinking around 2014. I am of sound mind. I'm well balanced emotionally and mentally and more than most people after yoga changed my life! Except PTSD took me to a dark place after I was gaslit by the owner of the community I was staying in. This triggered a severe PTSD trip which occurred for 3 weeks before I realized what was happening. I had to move out of there overnight because I thought my life was in danger because of how the gaslighting affected me. This is when I lost everything. I've been trying to get help ever since.

I was already financially destabilized during the pandemic because the mandates ruined the grand opening

of my new business. I was unable to acquire clients during this time. Plus, there were issues attaining insurance patients through the VA given their bureaucratic issues and rules during that time; even though I was actively contracted with them.

I lost all of the capital investment, which I had saved for my own business when I went on the PTSD trip a year after the pandemic began, but still while the pandemic was in full effect. I was forced into collecting government checks, which put me into a state of financial dependency. I was forced into dependency for survival at a time when I needed to be acquiring clients and building my practice. This is terrible for me to be a dependent on anyone financially because of the history of narcissistic abuse in my childhood. My family is financially controlling.

I had just renewed my contract with the VA in March 2020, except they went to telehealth and weren't sending me any patients. I had previously been contracted in 2017, but there were a lot of bureaucratic mix-ups during that time because I was working out of someone else's clinic and was on their group's, as well as, my own contract. I decided to start my own practice and needed to renew the contract, which was finalized in March 2020, (just as the pandemic was first happening). I had left all of my other patients at the place where I was working previously and wasn't able to bring them along because of our agreement.

After March 2020, I only received one veteran insurance patient in a year's time. He came 5 times and was recommended by another practitioner (not sent directly from the VA), but he stopped coming once the island reached community viral spread in August 2020 as he was afraid to come to Hilo from Volcano and catch the virus. The VA sent no other patients my way during this time period, while I still had my office rental. I had very few cash patients and not enough to even cover the monthly rent. I am medically exempt from wearing a mask because of the history of trauma and abuse from my childhood.

The very few patients who did come along were afraid because I wasn't wearing a mask or face shield. This is antagonizing to the nervous system to have those things on my face and head and they cause me to have panic attacks. The place where I was renting an office for my acupuncture practice told me that I needed to wear a mask or that I could not rent there any longer. They didn't broach the subject of me being maskless until May 2021; even though I had gone into the office several times without wearing it previously. The property manager said that they needed me to follow the government mandates at the office and that they weren't comfortable allowing for this medical exemption; even though this exemption was very clearly stated in the governor and mayoral mandates! I had so few patients that I rarely came in during my time there from Jan 2020-May 2021. Ultimately, I walked away from the business rental at the end of May 2021, which was one month prior to the Neighbor's surprise attack on my person.

This medical exemption was not something that people should have just decided not to follow considering it's a violation of Title 18 U.S.C statute 242 Deprivation of Rights Under the Color of the Law. I wasn't allowed to fly for two years, which ultimately made me a prisoner of the state of Hawaii for this duration. I was mostly free to roam outside. Although, this was dependent on where and when I would choose to go considering the county beach park security guard,(at the canoe beach with the green blinking light on his truck) chases people off the beach after 7pm and threatens them with police! Except the beach doesn't ever close because the beach is god's house and in fact the entire earth is god's house, but "Kurt" seemed to think he owned this beach. He deprived me of freedom rights because county statutes, codes, and fake 'hours of operation' don't apply to the sovereign, free, and peaceful people of these United States when these lesser ordinances conflict with the Constitution of the United States of America.

Aloha is Freedom. The United States Constitution is all about freedom even if that's not the way the locals see it considering the USA took over these islands, which definitely wasn't freedom for the local Hawaiians in the 1950's. However, this was written for the people in order to stave off the oppressors, though it seems as if the oppressors have infiltrated and besmirched this great document and the people have forgotten what the Declaration of Independence states. I pledged allegiance to the flag every day for 8 years in my Catholic elementary school, but in this current era it's starting to feel like the Constitution is myth more like Santa Claus. However, this is a very real document and is the law of the land whether any of the bullies in office bother to follow it or honor true freedom is a whole other story!

I wasn't allowed to shop in most stores during the pandemic without a mask, (besides Safeway) and forget about going out to eat or anywhere else that's indoors. I was ostracized from society during this time. Strangers on the street, (even inside of Safeway) and the people manning the doorways to businesses were often aggressive, verbally abusive, and rude to me when I told them that I couldn't wear a mask for medical reasons. They prohibited entry and often shamed me.

During the time of 2020-May 2021, I was paying overhead costs to an office with barely any clients and without the ability to really acquire any because people were told to stay home. Meanwhile, I'm watching my money do a swirly down the toilet bowl because with no ability to engage in client acquisition, there is no business to support and sustain my own life in a healthy, professional, and productive way.

The rest of my savings was lost during the PTSD trip. I was displaced from my home overnight and had many surprise expenses that weren't in the budget. The building and condo owners took several months to actually remove the tenant who was threatening and abusing me. I couldn't subject myself to this abuse from the neighbor because even to witness abuse is highly traumatizing and sent me into shock after the first time.

At least one other tenant had to move out of Bayshore tower, (that I know of) and maybe even two tenants. The violent antagonism, rage, and verbal abuse was so loud anyone on the first or second floors could hear it like they are standing inside of the room with the antagonizing and verbally abusive person. This was a highly traumatizing experience to go through. I've never fully recovered because the mandates messed with my ability to run my own practice at the critical point of time when I needed to be marketing and acquiring patients not staying home because the world's governments decided to rule by fear, mass coercion, and control!

Without my own money, I seem to only find narcissistic people who pretend to help me, but are actually preying upon my energy and they hurt me under the radar. These types of characters often have a subconscious motivation or a hidden agenda as predatory people usually do. I end up having to leave from these places where I was residing and getting "help" because of gaslighting abuse. I've even experienced people who I think were sex traffickers, but I'm with the aloha spirit and this keeps me safe! Every time I think I'm getting a leg up from a "good-natured" person, I instead find someone who is trying to knock me down and abuse me. I will not be anybody's scapegoat. Once I see their actions and behaviors towards me are not matching the words and promises, I walk away. At even the slightest hint of gaslighting, I walk away. I won't tolerate disrespect, psycho-emotional abuse or abuses of any kind. I have excellent boundaries.

I require independent living and can't share a kitchen and bathroom with others because of the disability issues, but was forced to share space with narcissistic people; given the fact that all the money was gone. I

can't choose where I want to live, (that's healthy for me) so that I can get back to thriving rather than barely surviving because I can work online from home if I had housing stability and my health care needs met. The government cut off the PUA checks, while I was in the midst of dealing with this aforementioned attack. I didn't have enough money or a steady and established income source to secure a new place to live nor to treat my nervous system with the modalities and adaptogenic herbs that help to regulate my nervous system.

Even though the PTSD symptoms are less severe at this time, this PTSD experience seems to have evolved into three years considering the attack occurred on June 30, 2021. I went on the 3 week PTSD trip in November 2021, but I've never received the help that I need to actually overcome the shock, trauma, and abuses, which I've collectively endured. These traumas are in addition to the attack from the neighbor considering the fact that I couldn't find stable and independent housing during a global pandemic, while there was a rental moratorium. I was bounced from one traumatizing situation to the next without any money in my pocket to secure safe and independent housing for myself. At the time of the attack, I wasn't allowed inside of rental agencies or homes without wearing a mask. I had to rely on untrustworthy people that I normally wouldn't consider relying on from the vulnerable position that I was in.

I've had three job opportunities that were red flags since December 2022. I had to decline them even from this impoverished position. I won't compromise my integrity or self-respect in exchange for controlling colleagues or narcissistic managerial staff/owners. Especially after 15 years of healing myself and reclaiming my self-worth from the psychological abuse that I endured as a child. There is not much work around downtown Hilo. Plus, I've no transportation. I sold my car to go visit my parents and try to get help from them in May 2022.

The hele-on bus is difficult to navigate on a regular basis given the autistic condition, which stems from the inability to be around a lot of people at the bus station and while riding the bus. I've also been stranded by the hele-on bus and had to walk 8 miles once (from Kealakekua library to Keauhou bay) just to get back to my blanket stash, while I was homeless on the Kona side. The bus never returned at the scheduled time nor even within the next scheduled time. This was getting dark after the library closed.

I needed wi-fi and electricity so I went further away to the library one day. I was definitely not prepared for an 8 mile hike in the pouring rain after being stranded by the bus system. I went all the way there because I was not allowed to use the free wi-fi at the Outrigger Resort, which was near where I stayed homeless. I had migrated over to Kona from Hilo; given the drier weather and the safer environment, which is further away from all of the bad vibes junkies.

The Outrigger resort had called the police on me for "trespassing" claiming that I was on private property even though this is considered a public accommodation. I wasn't being disruptive or harming their property by being there and was making small purchases to support the business, but I hadn't registered as a guest to get a room. The security called the Keauhou Bay police dept. on me despite the fact that I was purchasing coffee and snacks inside of their Holoholo store!

A friend had sent me close to $500. I spent most of this money at the resort's gift store on snacks, discounted lunches, coffees, and Shaka tea, (yum, mamaki)! I also purchased coffee from their restaurant. Regardless of me being a paying customer, I was still antagonized and discriminated against when the security team called the police on me for loitering but then changed their mind to call this trespassing.

Loitering means hanging around somewhere with no apparent reason according to Black's law dictionary. Charging a phone is a noticeably obvious reason. Studying is a reason. Even just to enjoy the bench is a reason to be sitting somewhere. It is not loitering. This seemed highly discriminating to me against the homeless considering I spent 4 years in grad school practically living at coffee shops studying, while plugged in. Most businesses and people aren't understanding the lawful meaning of the word "loitering" as well as, "trespassing" and have made up their own meaning for the words.

Subsequently, these types of ignorant and uneducated people impose their false beliefs onto other people, (who aren't causing damage or being a disturbance) inside of these public accommodations and threaten with the police in order to ascertain control and deprive the freedoms of their fellow human beings. The police aren't often upholding the law of the United States Constitution, which trumps all other laws given the article VI supremacy clause. In my experiences, the police are often siding with the bullies, controllers, and are the ones harassing the peaceful people who aren't breaking any laws.

I wasn't breaking any laws by being a patron of the resort. I just didn't buy a room and wasn't using the pool. I had a right to be there, peacefully. I was not bothering anyone by sitting on a plethora of empty and open seating, while drinking, eating, looking for work, and writing online: begging friends and relatives for help. I utilized the space like I would a coffee shop, but somehow I was treated like a criminal by the staff there for being peaceful and not bothering anyone in a nearly empty resort.

I was also chased out of the Keauhou bay shopping center once for "stealing electricity". They are discriminatory to homeless people there. They threatened to call the police on me, while I was enjoying one out of dozens of the empty court yard tables, which was near an outlet. I plugged in my laptop like I would at a coffee shop. All the while, spending my EBT money at the KTA throughout the day. I even moved around the shopping center many times, left, and came back. I was not hanging out in one spot all day long nor was I plugged in all day.

Plus, I was buying groceries for breakfast , lunch, dinner, snacks, and beverages almost every day at KTA for three months less the time that I gave the outrigger my business. I was treated like a criminal there for doing no one any harm, while peacefully enjoying a virtually empty courtyard. Threats to call the police from the security guard were intimidation towards me, but what is a homeless autistic female going to do while the security guard lies to the police and robs me of my constitutional freedoms to enjoy the public accommodation during business hours?

How do people survive without wi-fi or electricity (or deodorant for that matter) these days?

Even Target in Kona seems to discriminate against homeless people. They turn off the electrical outlets at the Starbucks lobby. This has a whole bunch of outlets at every table. It seems as if they do this to prevent homeless people from using these because the Kona Target has a major hele-on bus stop near there, public rest rooms, and a larger homeless community in town that frequently pass through.

I needed to charge my phone and tried the available outlet near the wheel chair station. Almost immediately, I was given threats by a store employee for using this outlet! They told me that they'd call the police if I didn't obey their angry demands of me. They were extremely condescending and barking orders as if I was their subordinate slave to abuse whenever they liked. This was out of line to treat me like that! The whole Starbucks lobby has outlets and none of them were working, but this one near the wheel chair

was operational and no one was utilizing this outlet.

In three months' time, those lobby outlets were never fixed or turned back on because I was curious to check. I bought a drink in the Target store that particular day in order to be a paying customer there and use an outlet to power up the devices. However, I was still threatened with excessive force after attempting to utilize an outlet in a different area of the store! The police bring guns and hand cuffs when they arrive and to be threatened with "the police" for charging a phone is to be threatened with excessive force. That's not aloha that's abusive and bullying behavior. Being homeless and charging phones in places where they sell food, drinks, and have outlets isn't a crime! The pandemic really changed the world in a negative way. I've seen a lot of bad energy since the world governments turned up the "fear-o-meter" and traumatized everyone with sensationalized news, fear mongering, and coercive control.

If people are using the outlets in a public accommodation, which are designed for the customer usage in a cafe setting, they aren't loitering, they are using outlets; even to be using an outlet in a different part of the store when the designated outlets aren't operational isn't a crime. I'm merely a peaceful and innocent patron of the store not the subject of 'an America's Most Wanted' episode, but this is the way people treat other people these days and especially the homeless. I didn't look particularly "homeless", but once you're down there the stigma has a way of sticking to your soul and heart from being treated so badly. People seem to think they have a right to be threatening and abusive these days. Someone said that the audacity meter was at an all-time high during the time of the pandemic, but that's an understatement and this is getting worse from what I've seen.

Once, I got verbally abused by a woman for drying the bottom of my wet pants in the hand dryer at the Hilo farmers market. She felt the need to "police" my pants drying activity. I had no money for the dryers at the downtown laundromat; especially consider they charge $.75 for 4 minutes of drying time these days. I'm so traumatized from all the abuse from strangers and I don't even do anything I just mind my own business and people think to make me their scapegoat everywhere I go. I'm tired of complete strangers thinking this is okay to give me abuse when I'm not even talking to them and they have no business telling me what to do. They are not the bathroom police or even an employee of the market! The last time that I checked it's not against the law to use a hand dryer for a few minutes to try and get the cuff on your pant leg to be a smidge dryer because this was a really wet Hilo day.

I was followed in KTA Keauhou Bay by a man in black. He was following me every time I went into the store. At first, I thought he was following me because I was homeless, but later feel like he was checking me out for a sex trafficking ring there. I had to approach him and ask him if there was a problem. He lied to say that he wasn't following me, but I knew that he was so he wasn't able to gaslight me. My spirit guide alerted me and showed him following me several different days before I said something. I called him out to his face. I also called him out to the assistant store manager, too, while I was at the checkout.

My spirt guides told me that this KTA store checks out women for the sex trafficking rings around here. I don't have proof of this, but I wouldn't be surprised given my run in with Rodney the camera guy for Keauhou bay shopping center outside of the Keauhou bay shopping center and Matthew Kahoopii a different time in Hilo. I've never imagined myself being sex trafficked by anyone, but I've seen some shady things since experiencing homelessness and feel like I was being targeted by these people for this abhorrent and illegal trade. Of course, who believes the autistic homeless woman who claims she's being targeted for sex trafficking and has been attacked with gaslighting after a severe ptsd trip? Being homeless

is the worst because everyone assumes you're either a hooker, alcoholic, or a junkie not an educated woman who can't find work or help after shock, trauma, abuse, and having her constitutional freedom rights deprived by the governor's mandates during the pandemic.

This is difficult to even find a bathroom, while homeless. Yet, this is illegal to pee in public except people don't really have much of a choice unless they just go on themselves. Downtown Hilo often smells foul because there's nowhere for people to eliminate urine or fecal matter. So, then the rest of us just get to smell this baking in the hot sun. Rather than having healthy programs or at least public bath houses, (with hot water and electrical outlets, which could potentially be powered by the sun) in order to take care to the people who are mentally ill, (who can't take care of themselves), society leaves them on the sidewalk like a piece of rotten trash. People with severe drug problems are mentally sick from severe trauma to their early childhood. Even though they sometimes display violent or criminal behavior, (given their violent upbringings and unmet physical and emotional needs), they aren't being treated humanely. Poverty is the mother of crime. Yet, I digress.

I'm sensitive to energy and low vibrational people so that going to soup kitchens is painful for my body as an autistic person with severe ptsd symptoms. I can feel the energy of these tormented and predatory souls that typically go there. It physically hurts to stand in-line around them, which is hard to even say because I do feel compassion and empathy for whatever happened to them in their childhoods; which caused them to develop their gangrenous emotional, physical, and psychological wounding.

I've applied many places for work and even in Kona. No luck on the job front. Either the jobs aren't healthy businesses to work for or I don't meet one of their requirements for experience or certifications. Even dishwashers need a level of experience, though this is mind blowing to see that they wouldn't consider me capable of washing dishes with my qualifications. My problem is that I'm overqualified for most of these jobs and don't get hired because of this. Even though I am willing to work this kind of a job, have a high level of emotional and intellectual intelligence, plus versatility, I can't seem to assimilate into society at this stage of my life in order to attain "normal" work; given my special interests, non-traditional career path, and emotionally healthy lifestyle.

I've been locked out of the system of money and can't seem to get back in. I've been ostracized from society. I took off my autistic mask, (with 15 years of inner work and healing) and couldn't (also wouldn't) wear the cloth mask during the pandemic. This is not equal rights for me.

Once you're homeless, people judge. Everyone sees you through their own filter, which is often the filter of their own ignorance. Plus, even to get a job, one needs certificates, specific clothing, or other fees just to work there in the first place! Most jobs expect you to already have money and clothes before you work there, but that's asinine because where do you get money if not from the job? How do I obtain money prior to my working there?

I won't dishonor my own heart to take the bread crumbs thrown at me by narcissistic people including my own blood relatives who are malignant personalities themselves. They are withholding to the needs and abused me when I went to get help after a severe PTSD trip cost me everything I had ever owned and bought. I had to run away from my parent's home at age 44 with zero money in my pocket: given their financial abuses and their deprivation to my basic needs while I was there during the time that I was in recovery from severe PTSD.

This was not a healthy place to recover, but having no income, this was the only place I could go. Instead of being helped, they saw it as an opportunity to get revenge with a smile and ultimately kicked me while I was already down. They wouldn't help me pay for a license in their state so that I could find work there and get back on my feet; despite them having access to thousands in equity and assets.

They wouldn't give me money for the healthcare that I utilize in order to help regulate my nervous system, while I stayed there. I wouldn't submit to their control and abuse and so they essentially punished me to the streets because of their malignant personality afflictions, which are anything but rational and logical.

To stay would have been self-abusive because I wouldn't be a prisoner to the bedroom there and be antagonized with psychological abuse tactics. I was experiencing a lot of suicidal ideation from all of the unmet needs and I'm someone who loves herself and would never want to engage in self harm. Except suicidal ideation is an alarm bell to the human being that they are experiencing a plethora of unmet basics human physical and emotional needs. Malignant personalities withhold the needs of others as a means to not only control, but to punish their victims.

I'm not someone who should have ever been homeless and have been supporting my own life and working since I was 18 years old; now 45. They give us barely enough money to feed us for 12 days with EBT and definitely not in any sort of healthy way. They expect us to eat cheap, processed, toxic, and chemical laden foods to be able to barely survive; especially with no kitchen or ability to grow my own vegetables, roots, flowers, and herbs.

I don't qualify for the cash assistance because the system won't recognize me as my own doctor. Plus, I don't need a diagnosis or a prescription so there's no point to even go there. I am a free and sovereign being. The only one with any authority on my health care is me and my creator. To need permission from a panel of doctors whom I've never met just to get $400 a month is to be a slave. I am no slave for breadcrumbs nor for any other reason. Only slaves need permission from other men or women with equal rights. I should have equal rights to other people who can obtain disability services, but I don't utilize the same system of medicine for my own health care. Therefore, I am not given equal opportunities because I lead an alternative lifestyle. I don't find that the doctors that I've seen previously are ever helpful to my health care needs and from my perspective are quite often misdiagnosing their patients.

We all have equal rights. Government officials in the capacity of their careers
are technically considered public servants. They aren't the "authority" over anyone in accordance with the United States of America's Constitution. I should not need permission from a doctor, (who has equal rights to me and is who not any authority over me) in order to qualify for this cash assistance. Especially, not from a doctor who is less enlightened or less qualified to treat my conditions than I am, but still thinks they can use coercion to force treat me with pharmaceutical poisons by holding this $400 over my head; all only after talking and staring blankly at me for 4-5 minutes of time.

I was told by a women at the Downtown Hilo DHS in February 2023, while I was experiencing homelessness, that I was denied this cash assistance because I have "arms and legs". Then they insisted on telling me that I would have to fill
out the form again in order to go and be evaluated by the psych department this time. This sent me into an autistic melt down, but she treated me like I was faking this and was really quite cruel to me during our interaction.

This health care issue that I'm experiencing isn't a problem with my mind and emotions, but the system categorizes autism and PTSD into the psychiatric realm. Except, I'm a wholistic practitioner and don't see this as a mental issue because I have become fully self-actualized and integrated the shadow. The issue here is with the nervous system itself and so at that time i went to the doctor who looks at physical issues in the body rather than the psych section of "permissive care".

I was sent to the wrong place the first time by the DHS worker and they just expected me to waste my time and then go see another doctor. I would have just went to whichever doctor would have approved me during that time period. However, after seeing the initial result and being treated in cruel manner by this woman, (who treated me like I was faking) I said to myself, "fuck it" because this is not the kind of thing that I will subject myself to. I'm not a lab rat to be poked and prodded. I don't need health care from these types of doctors and if I ever do I would find a well-qualified person not just whomever the state thinks to deliver me towards.

I require cash assistance so that I can support my own special needs. I shouldn't have to convince a stranger, (who has equal rights to me) that I qualify for disability assistance and be paraded around from doctor to doctor, while often being diminished and gaslit regarding my own healthcare knowledge and intuitive genius.

What I require to heal this PTSD is somatic body work, acupuncture, herbal medicine, medical cannabis, an EMDR therapist who works with psylocibin, housing stability, an income in my field of expertise, (which is reading tarot, performing acupuncture, writing, and prescribing herbal and essential oil formulas), good-hearted community, art, and the things that fuel my heart. However, there aren't any agencies to help anyone with paying for all of this "privileged, healthy stuff". The majority of the medical community is missing huge links and vital knowledge regarding the cause(s) for diseases and they normally treat the symptoms instead. In general, the current system of medicine are trapped in their egoic "dinosaur" thinking patterns, and neatly tucked inside of the pharmaceutical executives' pockets. This isn't obviously attacking anyone who is legitimately helping people to the best of their knowledge, but there are people who keep the truth of these things under wraps so that they can fill up their trillion dollar treasuries.

We all have different stories, but I'm not alone here in saying this is torment to be given less money than we need to actually survive from a system that is allegedly supposed to be helping people. This is not help. This is psychological torture to the people to give them less than what the basic requirement is for living in a world where man created the system of money. This is known that predatory and malignant personalities use gaslighting abuse, which in part deprives and withholds the basic needs, both physical and emotional, of their victims; all the while pretending to be the "good guy" and an ally in order to cause harm to their victims, steal their vital essence and resources, and ascertain control. Control is fear not love and control is certainly not freedom. Man can do whatever they want to help people thrive and not keep them stuck down at the bottom in survival mode, repeating the cycles of generational trauma, and severe early childhood wounding that many of us go through due to these issues.

Money is paper and zeros in a bank account. This has an endless supply, unless we run out of paper and zeros, but we're made to believe that this is scarce. This is a made up system and we all just adhere to it, while we are dealing with unnecessary impoverishment and gross negligence to our very real human physical and emotional needs as a whole society. The system doesn't give enough money to the impoverished people on purpose. This is known already, but this is the time to take our power back.

The people are the power. Politicians are public servants, but most only serve themselves, and are not the authority or masters of any of us, but often act like they are somehow in control of things and have some type of authority over everyone else. To say that anyone is the authority in a system of democracy, (other than then the creator, the universe, god or whatever higher power is preferable) is to assert control and deprive a fellow American of his, her, or their God-given human rights, which are also Constitutional rights!

We have a whole charade of voting and think we actually have a voice at the voter's box? That a great idealistic fantasy, but this is time to pop the illusory bubbles and take a good hard look at the truth. We have to claim our own authority, but this is difficult in a world where most people have been conditioned by the system of guilt and punishment from a young age instead of being raised with love. We don't typically see our own power because of this. Then we give it away for false sense of safety and security. We forget to go inside of ourselves and find out who we really are then blame it on the rain and lip sync our way through life instead.

This is a time to find more equality, but this is up to the people and not the politicians. We have to take our power back from them, claim our freedom, and demand that our basic survival needs are met so that we can all evolve into a thriving community and economy not one driven by fear, victim consciousness, and scarcity mentality.

Love,
Ann Marie Klaft
L.Ac, MSOM, Dipl. AC
(Acu-1191)
GENERATION X

Religious Freedom – Breath of Life:
"The pandemic proclamations prohibit the free exercise of religion. Specifically, it's been established in Christianity that God, being the source of life, is also the source of breath, "seeing he giveth to all life, and breath" (Acts 17:25). In the Bible it is clear that breath is identified with the deepest thing in man; it is precisely when breath enters into matter that man becomes man. For Christians the breath, like the wind, symbolizes the Holy Spirit who fills all things with his love, giving wisdom and joy and peace.

Likewise, the Sanskrit term "prana", means breath, and like the Japanese ki, is the breath of the universe, a cosmic force which penetrates all things. As for the Hebrews, they believe that their breath was the breath of God whose presence gave them life. "If one perseveres one gradually comes to realize that this breath is not only the life that fills the body from head to toe. It is more.

Breathing free, without any obstructions is an exercise of religious practice in that an unobstructed breath is essential for connection to spirit, purification of physical impediments, and clarity of mind. Wearing cloth over the mouth and nose substantially changes the spiritual aspect of the breath in that it limits the spiritual information received through the breath and forces the individual to inhale their own waste as a substitute.

Government officials took it upon themselves to restrict the Breath of Life of the entire public whether they be domiciled on the Hawaiian Islands or visitors to them. Officials set out to control the consciousness of an entire population by controlling the very breath they breathe, which leads to disconnection from spirit, increased fear, and insanity." —Hope Johnson

"In a society that values conformity and obedience, the individual who dares to think for themselves is often ostracized and ridiculed. These nonconformists, these outcasts, are the true pioneers of society, the ones who push us to question our assumptions and expand our horizons. They are the ones who are not afraid to be different, to be themselves.

If you find yourself feeling like an outsider, like you don't fit in with the crowd, that's a good thing. It means that you have the potential to make a real difference in the world. Don't be afraid to be yourself, to follow your own path. The world needs your unique perspective."

~Timothy Leary

"Turn on, Tune in, Drop out"

Anya Klepacki

Please do not renew the lease to the army for training. Please stop the bombing of the land -- this in itself IS a horribly destructive environmental impact. It should go no further.

Ronald Kodani

Okay. Good evening. My name is Ronald Kodani. I'm an officer for the Piihonua Hawaiian Homestead Community Association about five minutes away. My concern is my son was the UXO technician for about a year, year and a half, and what bothered me is the military or our government knew that much of these lands in Hawaii is basically poisoned because all of this unexploded ordinance. And -- and what really scared me is he -- he told me that some of the things that they found in I think was by Parker Ranch was -- Willy Pete, white phosphorus. And in basic training I saw what it does and that really scared me for my son. And so I encouraged him, "Get out. You know, the pay was great, but you'll be a mess if you ever hit this." I also found out that in homestead community at Maku'u , that they have people living there and only later on they found out there's still unexploded ordinance. And, you know, it's quite prevalent among all the homestead communities throughout the state, because I belong in another organization called SCHHA, Sovereign Council of Hawaiian Homelands, which about 48 homesteads throughout the state. And all of them got stories about places they know where munitions was exploded but was never cleaned up. And -- but I go back to Kaho'olawe, that island was populated with people before, I believe about 3200. And -- and -- and one of our members here sitting in the audience was one of the protestors. And I think to myself, "That's since World War II and we still haven't cleaned it up." So whatever promises you made, my concern is will they clean up Pohakuloa after? So -- because I'm speaking for the Hawaiian community because my beautiful wife there is a Native Hawaiian. And as you know, there are so many homestead, I mean, wait listers on this -- on this island alone. We have -- if you're not aware, Hawaiian homes has 48,000 acres at Humu'ula; right below is Piihonua, which is 8,000 acres. And we have plans for there, but we're sort of concerned that who would want to live there if you could be listening to munitions going off, you know? And believe me, you -- you -- you know, I'm sorry, but I'm a proud vet. You know, Vietnam, I volunteered. I wasn't drafted. I volunteered knowing I could have gone to Vietnam. I was happy I got sent to Korea instead. Anyway, thank you for your time.

Kris Kosa-Correia

I have lived in Hawaii since 1955. First in Kailua, Oahu then Honokaa, Hawaii from 1996 to the present. I 100% support the military in the Pohakuloa Training Area, as well as all other bases on the other Hawaiian Islands. I would hope all other citizens of Hawaii would also see the importance of the training that happens with our military, as well as all the other important tasks required to have a ready military to support our country in an ever more unstable world of countries in conflict. The military presence is paramount to the safety of our islands as well as our strategic location in the Pacific.

Shana Kukila

Aloha nui. My name is Shana Kukila. I live here in Hilo on the slopes of Mauna Kea. And I wanted to get to the -- kind of like to the heart of a lot of our concerns is the mini nuclear weapons that are being used on Pohakuloa and there still hasn't been a proper assessment. In your folks' DU assessment, there is one word that is over and over said, "uncertainty. Uncertainty." So if you're uncertain, if these mini nuclear weapons -- the Davy Crockett M101 is a mini nuclear weapon. If you're firing those off up mauka, the wind is coming down to makai. It's only natural mauka to makai science. So what -- I wrote an article of over 10 years ago in the Big Island News about all of this. And one of the things we're hoping is that the military would address this DU downwind issue because the uncertainty is the same thing at Red Hill. Uncertainty about jet fuel, there's uncertainty now about DU effects and the nuclear weapons used on our mauna, our sacred mauna above our water table. You know, I was taught by one of my kūpuna that you can add to your recipe but you cannot subtract. So once you poison our air, once you poison our water, hewa loa. So we ask you today, one of the things that we hope that you will do is get your risk assessment updated, like uncle said, with (inaudible), right? All these things that you're overlooking is dire to us. This is really important stuff for our health and safety. It's one thing for the military to be a defense for the nation, but why are you going to destroy your home in the process? You know, this is our home. This will be our home for generations. It's been our home for generations. The military is a visitor. They need to clean up their chemicals that they bring to our pristine land. We don't have nuclear weapons in Hawaii bombing on our mauna just out there in the open. That's not what Hawaii is about. So what we're doing here today is standing up for our ʻāina and our future and as well as today. So kalamai if we're all sounding very angry, but you would be upset too if your home was in danger like this. Kalamai. Mahalo.

Kealani Laamaikahiki

I am Kealani Laamaikahiki. I am Kānaka Maoli. I am also kūpuna. I'm also a grandmother of 17 mo'opunas and one great. I'm not going to stand up here and attack you gentlemen in the green suits because it -- you just a body of the snake, you know what I mean? But I will tell you, you can take this message to the head, Kānaka Maoli is coming. We're going to put a stop to all of this. Pau already. Pau. Mahalo.

Kehau Laamaikahiki

Mahalo. Gentlemen, you're in Hawaii, when we say aloha, aloha back. Okay. I grew up as a great American. My father, they called him Top. He did an infraction in Honolulu as a 17-year-old, the judge said, "Go to jail or join the army." Guess what he took? The army. I was a proud American. Red, white and blue apple pie. I pledge allegiance to the flag. Your flag. "My country it is of the..." Guys, you know this, the route, the routine we were taught, the propaganda. I was 40 years old before I found out I'm not an American. That we're occupied by American system. Talk about mind trips, you know, I'm like, "What? I'm not an American?" So I'm in the process, still in the process of learning well who the hell I am. I know who I am. I know where I live. I used to respect the military. Before I go on, can we take a minute -- a second out to aloha and mālama our neighbors, friends in Maui at this moment who are doing the same thing because the Air Force is proposing seven telescopes on top of Maui Space Force. So let's talk -- let's pule, send up our aloha to our neighbors in 'Ohana. Enough. And another thing that offends me is that dumb commercial. You take this to the head, like she said, my sister said, take it to the head that that commercial, kānakas in the native garb, running, running, running and then they transform into these military, how offensive. It's very offensive. Tell your boss. I don't know if I introduced myself. I'm sorry, guys. E kala mai. My name is Jerry Kehaulani Laamaikahiki. I'm grabbing my 'Ohana name. I never knew that was my name. I'm 65 bloody years old guys and I'm finding out. So imagine my children. I've had -- my kids are from 20 to 45, 6, spread along. So the older ones grew up American. The babies, "Mom, they're telling me to do the pledge allegiance." "Oh no, you -- oh, no, no, no." I'll go down to the school, "Do not make my child pledge allegiance to this country and flag when there's no meaning. It's not going to be practiced here in our house." I respect your country. So you need to go to your country and do your thing, your practices. I guess the bottom line is, no. No come make dirty, no pilau our house. Enough already. Mahalo, gentlemen. I know this is not a good spot for you right now. You should have had your generals here to take this shit. Sorry.

Francesca Lam

Give the land back to Hawaii. You've spent the last 65 years causing detrimental damage to the land and surrounding areas - not nice!!! Let the people of Hawaii have their land back and fix up the land to allow for their tourism to thrive!!!!!!

Geoffrey Lauer

I firmly support the continued uses of the Pohakuloa Training Area in it's current configuration.I believe US security requires suitable training facilities for the men and women serving our nation.PTA fits that requirement!

Ernesto Lau

Great work. Regardless of how I feel about the action, this is a very thorough, if sometimes hard to follow, document. The Army should be commended for this effort.

Maybe the cost of any future lease should be offset by any funds the Army spends for biological and cultural conservation on the leased lands and nearby State lands?

Christina Lee

The army shouldn't renew its lease. It has been testing and training long enough on Native Hawaiian land, which desecrates not only indigenous land but also destroys the environment. Please consider the incredible cost that the military places on Hawai'i already with other facilities.

Michael Lee

I am against extending or renewing the lease. Island ecosystems are very fragile and not appropriate for live fire training. The military has been the worst steward of the land in Hawaii - just look at Red Hill. They have given nothing back to the Big Island, While Hilo suffers from crumbing infrastructure (failing waste treatment). The Military turns it's back on helping the surrounding community and doesn't even pay a fair rent. Remember, you are public servants and protectors - you are gifted taxes from the people's hard work so that you can protect us and our land. But instead of protecting, you are putting the ability to live here at risk by polluting the water and bombing the land. We don't want our tax money to be spent destroying our own land - it should be a reasonable ask.

Brian Legendre

Hello, please return this land to the people who have lived there for hundreds of years. No matter what environmental precaution steps and actions the Army is taking, it will not be as protective of this land as the Army not using this land at all. Thank you.

From: Ezra Levinson <[redacted]>
Sent: Friday, June 7, 2024 11:27 AM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) <[redacted]>
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Matthew Foster,

To whom it may concern:

As a person who loves Hawai‘i and its people, I am strongly opposed to the US Army‘s retention of any of the “ceded” Hawaiian state land at Pōhakuloa. I urgently support the “No Action Alternative” that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of this land. The other alternatives preserve an unacceptable status quo in which Hawaiian land is bombed, burned, littered and polluted.

Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and the presence of the US military in our islands. Your study should follow the parameters set by true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands. You should also evaluate the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered.

Land Back.

Sincerely,
Ezra Levinson
Kailua, HI 96734

From: Ezra Levinson <[redacted]>
Sent: Friday, June 7, 2024 11:27 AM
To: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Jeff Overton,

To whom it may concern:

As a person who loves Hawai‘i and its people, I am strongly opposed to the US Army‘s retention of any of the “ceded” Hawaiian state land at Pōhakuloa. I urgently support the “No Action Alternative” that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of this land. The other alternatives preserve an unacceptable status quo in which Hawaiian land is bombed, burned, littered and polluted.

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Land Back.

Sincerely,
Ezra Levinson
Kailua, HI 96734

Danny.H. C. Li

Comments on PTA EIS, 2bd Draft

A) Critically, Hawai'i County Resolution #639-08, passed on July 2, 2008, has an 8-point action plan to stop live fire, conduct a comprehensive and independent testing and other actions to demilitarize PTA. The US Army has not implemented any single one of those provisions, nor even offered to negotiate on any of those itemized actions. This is a blatant violation of the most fundamental democratic process of the nation. Hence, this omission alone constitutes ground to cancel the existing State lease and any proposed renewal requests.
B) Reputable groups like Veterans for Peace and several other environmental organizations have meticulous detailed the record of the US Military as the largest institutional consumer of oil and emitter of CO2. Again, this horrendous record shows that the US Army is an inappropriate steward of Hawai'i's Aina. The only beneficial option is to: Clean Up, Pay Up and Move Out!

Peace ☮ and Imua!

Danny Li

Aloha. My name is Danny Li, L-i is the last name. I live in Puna. I'm 77 years old, so I've been around the block. And I also got a degree from history from the University of Hawaii. So a lot of things that I'm going to say comes from that knowledge; and so it's not just, you know, somebody's mind. I'm not going to mince words. It might sound harsh some of the things I'm going to say, but it's not because I don't have any aloha for the men and women who choose to serve the country, but I have no aloha for the mission of the US military because you know what the real mission is? If you really be honest and look at history, the mission, and in fact even today, it -- it remains, it's a self-appointed role as world policemen. That's what the military does. It isn't to defend people here or the interest, not at all. In fact, there was no alohas from the beginning from 1893 when the military overthrew a neutral and independent government. And of course it's been occupying Hawaii ever since. So there is the mission that you need to understand. And in fact, unfortunately, the US government learned from that ridiculous mission in 1893 and then apply it to elsewhere, everywhere since then. In fact, if you look at history, that -- Hawaii was the first example how the US use this idea of regime change or proxy wars, okay? So to this day we have proxy wars. In other words, US tries to -- if it can do it, it'll try to get other people to fight, you know, whoever the imaginary enemy is. In fact, if you read again in the news, both Republicans and Democrat, people in Congress have said, "Look, the only reason we're fighting in Ukraine is because we want them to fight so that we -- we don't have to fight the Russians." They said that. This is all in print. This is not something I made up. So please really read and, you know, redo -- redo your research in history because in the United States, unfortunately, because of the corporate media, we live in a media cocoon. The rest of the world already see what the United States is doing, okay? So every time, look at the United Nations, the US has to use veto power because it was isolated. It would refuse to -- to -- to -- to talk about peace or ceasefire; instead, it continues to ship bombs and -- and, you know, everywhere in order to -- to cause more and more genocide. And -- and just to -- just to -- just to close, these are not just, you know, my harsh words not only come from me. I'll just quote two very famous Americans who -- who said this in history. 1961, when President Eisenhower left office, do you know what he said in his farewell address? He said, "Actually, the biggest threat to the democracy of this country is the military industrial complex." That's what Eisenhower said. And that was 63 years ago. And it's gotten even much, much worse. Now it's a trillion dollars every year going to war preparation. And in fact we're inventing enemies. A couple weeks ago, I think Washington Post had -- had, you know, had an article interviewing some of the people training telling -- Marines training up in Pohakuloa and they're asking, what are they doing? They're saying, "Basically, we're trying to train to fight a war with China." How ridiculous is that? If you -- again, we live in a media cocoon. If you listen to the people, the Chinese leaders, the Russian, they never said they wanted to attack the United States. They never said that they wanted to take over as number one as the world policeman. Read what they say, they say, "We want to be a more peaceful world so that it's a win-win, mutual sharing." Read their words; don't listen to the media. The media is all -- all, you know, the mouthpiece for the Pentagon. So I would just say -- oh, the second famous American who said also, unfortunately, in 19, I think, 64, Martin Luther King and that was during the height of the Vietnam War. And you know what he said? These are his exact, "The greatest purveyor of violence in the world today is the United States government." And that was 63 years ago. And maybe in fact the reason he said it, shortly after,

he got assassinated. Okay? So my final words is this, if you're seriously -- if you're serious about really defending the security and safety of the people of Hawaii, just clean up, pay up, and move out. 'A'ole imua.

Brenda Lima

I write in strong support of the No Action Alternative. I don't want to see a future where the economic justification for using these lands is that Hawai‘i relies on military defense spending. I don't care that the military currently relies so heavy on using these lands, I don‘t think that is a strong enough reason to continue using them. I don't agree that the No Action Alternative has significant adverse impacts for biological resources and socioeconomic

Troy Lincoln

Response to draft EIS for utilization of Pohakuloa Training Area

RESOLUTIONS

Immediate/Short Term:

Stand down full munitions loads on the live fire impact range at Pohakuloa. For Live fire STX training, utilize simunition rounds and/or MILES systems. Utilize MILES for STRAC lanes for individual weapons qualifications with M9 and M4. There is an overwhelming danger to the aquifer being irreversibly destroyed and/or contaminated. If that occurs, the source of life will be eradicated for ALL people utilizing the land, not just Kanaka Maoli. I would like to see the government start taking proactive measures to mitigate these risks instead of reacting to them after the fact when damage is done, damage which may not be able to be recovered from a fiscal standpoint or from a material standpoint. The government does not have a positive track record for resolving issues with a forward looking and thinking perspective. The latest greatest examples are Puna Geothermal Ventures and the introduction of the East Indian Mongoose to the aina. Munition loads can and should be stood down. A Council of Kupuna should be included for oversight over how the land is utilized and safeguarded.

Mid-term:

Request R&D funding to develop virtual/simulation training systems to minimize, reduce, or eradicate impact to the aina. Request train up periods be reduced until mobilization/pre-deployment notification of sourcing is verified by the National Command Authority. Limit GREEN training to garrison environments until three (3) months prior to mobilization.

SUMMATION

Native Americans and Micronesians have also been dispossessed of their ancestral land, but the overriding difference is that Hawaii was a sovereign monarchy that was overthrown by individuals who were directly accountable to the federal government. Whether this was a conspiracy with the full knowledge of the federal government or not is NOT THE POINT. This individual REPRESENTED the government by virtue of his POSITION which makes the federal government partially complicit and completely, 100%, liable in any action taken against a sovereign nation. Former President Bill Clinton's apology resolution was a nod and mere acknowledgement of what was done, but is impotent in the ability to action change of the current circumstance and does not include federally mandated correction or recourse to the unlawful possession of the land. The Federal Government holds fiduciary responsibility to Native Hawaiian beneficiaries because they have directly and peripherally benefited from the use of the lands which were unlawfully taken from a sovereign government.

It is not the responsibility of the State of Hawaii government to manage these proposed reconciliation programs and it is irresponsible for the Federal government to assign this

responsibility to the State of Hawaii government. The State of Hawaii has mismanaged and failed their trustee responsibility i.e.. The Department of Hawaiian Home Lands, to Kanaka Maoli who are beneficiaries of trust lands. This responsibility should fall to a Council of Kupuna who have equitable voice and power to move on actionable items and create policy measures to oversee the trustee relationship.

Land cannot be taken, and a people dispossessed of it, without compensation of some kind. Land as a fiscal valuation is a western concept. Indigenous people, the world over, see the land as priceless, because it is the land that supports life and livelihood. We are dependent upon it, everyone of us, including our temporary tenants at Pohakuloa. If this is a conversation and that is truly what we are engaged in than actually listen to what the land is saying.

Organizations, such as governments, which are in positions of power and authority to make choices on behalf of their interests are free to do so, because they hold that power. They are not free, however, from the consequences and long term effects of those choices. Long term, it is in the best interest of the Federal, State, and County authorities, to consider carefully their long term use of the land. Interaction on the land, in brazen and undisciplined fashion, does not yield good long term consequences. Poor land management leads to the abandonment of previously used sites that still await reconciliation by the mismanagement and poor stewards of those areas. Areas such as the Formerly Used Defense Sites of Waikoloa awaiting Unexploded ordinance disposal so those sites can be reutilized, Former telescope sites that have been decommissioned, yet not dismantled according to the terms of the lease. These lands were indiscriminately used and managed with poor foresight and when the cost to recover them proved untenable and above what they were willing to fiscally dedicate to recover them, they were just left abandoned. I don't hold the current policy makers responsible for the past poor choices, but I absolutely unequivocally hold them responsible for the perpetuation of those past choices. Turning a blind eye or feigned misunderstanding of the issues is a pretense and facade. If you are here now in this conversation, you are released from ignorantly continuing on in destructive choices affecting the land and called upon to make choices that will sustain the land so ALL PEOPLE may use it with wisdom, temperance, and prudence. It is particularly my standpoint that this conversation cannot be used in any way during an election year to sway votes in the direction of a political party or candidate, but that this conversation be done solely for the healthy recovery of the aina and the protection of all our limited and shared resources, and for no other agenda than that.

1. A variety of stakeholders desire usage of Pohakuloa in some manner. It's a rhetorical statement that we all can agree upon.
2. The primary stakeholders - those who reside on the island, have heritage, or past and future geneaological ties - have the greatest long term risk.
3. Those who don't have an everlasting connection to the land, who are temporary tenants on the land, don't have an innate desire to protect the land. This is not meant as an insult to their honor or their heart. It is a natural consequence of this not being HOME to them.

The 25th ID Commander will eventually leave, like the USARPAC commander, and the President of the United States. They are filling temporary vacancies to which they have been appointed and once that term is fulfilled, they will move on to other kuleana at other locations around the world. The people who live on this land, who are the stakeholders, who have to contend with the long term effects of decisions made by those who are here for a short time, creates an inequity in the power behind that decision making.

4. There is a clear and imminent danger to the aquifers by continued bombardment of the Pohakuloa area. The Department of Defense has a poor track record of land management for military operations. The pattern historically, at every military site I can think of, has been to overuse and wreak havoc on the land until it has been rendered useless and/or unsafe at which point the resolution becomes abandoning the land. That is a threat to the National Security of the United States from a long term perspective. Kahoolawe is a prime example. The current administration wasn't in office when these decisions were made, but they and the current leadership are now. Use your authority to reverse the devastating and short sighted decisions of the past.
5. If it is true, at this point in the conversation that all we can agree upon is that, we all want to use the land at Pohakuloa for something; can we agree that it is much wiser and prudent and beneficial to everyone who considers themselves a stakeholder of some sort, to utilize it so that the coming generations, my children and your children, won't have to correct the mess that has been made through repetitive foolish policy making? If you want to utilize the land and for the land to remain viable for future generations, for those who live here and for the defense of the nation, revisions in how training is conducted needs to be addressed. Not lip service, but actual discussions with oversight counsels with Kupuna selected from the Native Hawaiian community. That is owed to this people at the very least and not a far stretch for the government to make that allowance in good faith.

MeleLani Llanes

To Whom It May Concern,

In 1976, George Helm, Kimo Aluli, Walter Ritte, Emmett Aluli, Ian Lind, Ellen Miles, Steve Morse, Gail Kawaipuna Prejean, and Karla Villalba took a stand to save Kaho'olawe from the relentless bombing by the U.S. military.
And finally it stopped. How shocking that the military thought it appropriate to bomb on Moku O Keawe at the Pōhakuloa Training Area.
The U.S. military repeatedly destroys our natural resources and has never been welcome in Hawai'i. No EIS will make you welcome here. Your lease is up soon and you need to leave, and restore all that you destroyed.
You have stolen so much land in Hawai'i and have disrespected our cultural practices and places of importance.
You are not welcome here and need to leave. Sound repetitive? Just making sure you are understanding my message.
Mahalo for allowing the opportunity to share our comments.

MeleLani Llanes
Makakilo, O'ahu

Connor Logsdon

I oppose this with all of my being. The damage that military weapons testing has on the environment is everlasting. It is disgusting and immoral. This needs to stop.

Joy Loo

Aloha, name is Joy Loo. I am a resident of Hilo, Hawai‘i. And I am testifying, on behalf of myself, my children, my grandchildren, and my great grandchildren. I am against the military retaining space at Pōhakuloa Training Area. You have proven to be bad stewards of the land. You have proven to be bad neighbors. Every time I drive past Pōhakuloa Training Area, all I can think about is how you treat the land is how you treat the people. And that's so accurate in so many ways. I also remember that when Mauna Loa erupted how Hawaiians put ho‘okupu to draw the lava to Pōhakuloa. There was also a poll online about whether or not people wanted the lava to take park lower training area. 94% of people who responded wanted Pōhakuloa to be taken by lava. We, as a community, do not support you because you, as a community, do not support us. My phone number is [REDACTED]. Mahalo.

Stephen Loo

My name is Stephen Loo. I live in Hilo. I am calling on behalf of myself and my family. You people are not good stewards of our land. You've already have a history, the military has a history, of destroying one island and breaking its water table. You don't belong up at Pōhakuloa. You have millions of acres in America. That's where you should be doing your so-called needed practice. During last year's RIMPAC, I was driving over the saddle highway that runs near, adjacent to Pōhakuloa. and I witnessed a rocket flying overhead across the highway as I was driving home from Kona to Hilo. You're dangerous. You already admit to having unexploded ordinances and radiation. We don't want you here. You need to get out. You need to leave.

Ruth Love

I wholeheartedly approve our U. S. Army Training Land Retention at Pohakuloa. Thank you for all of the Army's assistance with fires and vehicle collisions too. Also, greatly appreciated the way you all helped with the Mauna Loa eruption. God bless you all.

Kaila Lu

NO. You will NOT renew your lease on crown lands. KĀNAKA + LOCALS ARE TIRED of having you desecrate our precious island. The US military continues to be a threat to our environment, our water + the livelihood.

WE NEED YOU TO CLEAN UP YOUR MESS FROM THE LAST 70+ YEARS AND GET OUT.

Our aina needs rest. You have come here like a disease and destroy everything you touch. You are not welcomed.

Alix Lunsford

Do not extend the US Army lease of Hawaiian land. The land is so precious and cannot endure anymore destruction. Leasing over 20,000 acres for 65 years of destruction is absolutely heinous and needs to end now. Imagine how many useful & beneficial ways this land could be used.

Heather Lyman

The time has come for humans to realistically address the impact of our actions on our environment and to mitigate unhealthy outcomes with more appropriate choices, even if that means a drastic adjustment to our usual and customary programs.

Pohakuloa has long been detrimental to the health of Hawaii's citizens as well as Hawaiian culture. It is not sustainable to continue using this land for military training and experimentation. We know better, so we must DO better. Ends do not justify the means. We disrespect our own descendants when we desecrate the land.

While authorities plead that Pohakuloa ensures public protection and safety, public health (physical and mental) is severely impeded by Pohakuloa activities....and now the public pleads: do not renew this lease.

Please do the right thing, clean up spent and unspent ordinance, vacate the Saddle and return this land to the people.

Ashleigh MacKinnon

The state of Hawaii is a beautiful natural wonder full of diverse and unique habitats. I oppose extending the military lease on this land because it would further endanger the environment there, as it already has. Bombs and other weaponry being tested there do not just destroy the surface of the earth, but poison it for generations to come. Keep paradise clean, safe, and beautiful.

Alfred Madeiros

Aloha mai kākou, Alfred Keaka Madeiros koʻu inoa no Waiʻānae mai au. To give testimony on this. First and foremost I'm a kiaʻi ka i iwi, ka i ʻāina, ka i kupuna, ka i keiki. And I am one of two selected Native Hawaiians as a part of the CRI for Kapukaki, Red Hill. Somebody that's all about ʻāina, the mālama ʻāina, aloha ʻāina. I find it completely disheartening to even have to do this process right here, where we have to call up, or we have to attend these meetings, where we have to show up hold signs, go into the Senate offices, going to the Representatives' offices, emails after emails, and calls after calls to let people know that we need to stop the desecration of our ʻāina. Whether it's for Pōhakuloa, whether it's Mākua, we already see what happened at Kahoʻolawe. Enough is enough. There shouldn't be no more renewal of any leases. They haven't done anything for the betterment of the people of Hawaiʻi, for ʻāina. They've only destroyed everything that we love; everything that our ancestors have given their life to protect, you know. How many more of us will have to die until the government, or whatever type of committee or group starts to listen to the people of this land. How many more people have to be poisoned! How many more people have to be pushed away from our own home because of this type of stuff. You know, the military doesn't only cause harm to our land. It causes harm to the people. The natives of this land. Most importantly. So as a kanaka maoli, as somebody like I said, that's all about ʻāina that's an aloha ʻāina to steward to the land. It is our kuleana to protect our home, to preserve what we have, to ensure that our natural resources are unbothered, unharmed. So I say ʻaʻole to any type of agreement with the military. 2029 no longer needed any of the military. Demilitarize Hawaiʻi, no new leases. And it's time to put kanaka back on the ʻāina to restore it, to restore the ahupuaʻa system; to ensure that our keiki and future generations have a place to call home. But also understand that we come from this land, we learn from this land, and we can live off of this land. Mahalo nui for your time, mālama pono.

Malu ʻAina Center for Nonviolent Education and Action

Aloha. My name is Jim Albertini. I'm president of Malu ʻAina Center for Nonviolent Education and Action in Kurtistown, ʻŌlaʻa on the Big Island and I'd like to submit comment on the second draft. Okay. My position is strong to protect Pōhakuloa. I call for no military lease renewal, no action. One. No land swaps. Stop the bombing and desecration at Pōhakuloa. Make the military clean up its toxic mess. Return the lands to the Kanaka Maoli people, and pay reparations for the destruction of the ʻāina and the psychological injuries caused to the Hawaiian people. Here's a few simple truths. Millions of live rounds are fired annually at Pōhakuloa by the Army, Navy, Air Force, Marines and foreign troops; bombing, involving a wide range of weapons systems from dozens of firing points on land leased from the State of Hawaii. That's page 52 of draft 2 EIS. Number 2. Depleted uranium, DU, is just one of many toxins used at the 132,000 plus acre site in over 75 years of bombing and shelling DU oxide particles can be carried long distances in the wind, and when inhaled, can cause a wide range of cancers, birth defects, and even genetic damage passed to future generations. DU as a half life of 4.5 billion years. A comprehensive, independent investigation of all toxins, including DU at Pōhakuloa, is needed; not the military mongoose telling us that everything is okay in the Big Island hen house. Number 3. Pōhakuloa is a Lahaina firestorm in the making for Hawaii Island, and the danger is increasing with climate change. There have been 892 recorded fires attributable to military activities at PTA since 1975 according to the military. The military says, and I quote "many fire records prior to 2012 have been lost" end quote, page 3-54. One year before the Lahaina fire in Maui, a fire started at PTA, burned more than 17,700 acres, including more than 12,400 acres outside of PTA, destroying, endangered native species. PTA has the highest concentration of endangered species of any US. Army installation in the world, and PTA is destroying them. Point 4. Whatever happens, mauka comes makai. We are all downwind, downhill, of Pōhakuloa, on Hawaii Island. The military poisoning military families and civilians from Red Hill jet fuel leaks into Oahu water table is not an isolated military toxic event. The US Army secretly tested chemical, biological, and deadly Sarin nerve gas agents on leased land in Hawaii; the watershed called Waiakea Forest area that's south of Hilo. The military secret tests were repeatedly denied by the military but later confirmed. People spoke out in protest, and the issue was - and the lease was cancelled. Point 5. Claims of US owned land at Pōhakuloa are misleading. Most lands at PTA like the 84,000 acres that includes the live fire impact area, were not purchased, but simply seized by an Executive Order, along with the 758 acres that includes the main base cantonment area and Bradshaw airfield. These were seized, as far as I know not even $1, not even one cent was paid for those lands. Kaoʻolawe was also seized by an Executive Order, and finally returned by a new Executive Order. And we want to see that happened in Hawaii, as well, cancelling all the leases for the military.

Aloha! This is Jim Albertini again calling back. I was cut off on comments. I'm president of the community organization, Malu ʻAina Center for Nonviolent Education and Action on the Big Island, ʻŌlaʻa, Puna District. I'd like to add a couple of other comments. Our organization supports the Kanaka Maoli right to restore their independent nation before the government was illegally overthrown in 1893 by US business interests, with the direct illegal assistance of the US military. We also support concerns about impacts to cultural and historic sites and practices at PTA. But

we'll leave it to Kanaka Maoli to address these important issues. However, I want to note for the record that the cultural impact assessment, CIA, in draft two is deficient because it was removed. It removed approximately 900 pages of information and testimony and analysis. It's also been reported that the Archaeological Survey was not fully completed. So that is deficient as well. And we understand that wildfire analysis is deficient because the federal firefighters at PTA are not trained and equipped for wildfires. They do airport fires. So, these are important points. Again, final point, I would say, is: I remember the headline when the current PTA commander, Lieutenant Colonel Timothy Alvarado. The headline of the Tribune Herald, June 29, 2003, when he was sworn in as the commander. It said, quote, "we are stewards of the land" end quote. And I can't imagine a more insulting phrase to all of the people born and raised here, and that have experienced military toxins over the years, the destruction of the land, the psychological injury from the bombing of cultural sites and other things. And it's just a disgraceful thing to have as a commander to say; we are stewards of the land that bombs and shells. Our organization more than 20 years ago put together a map of military sites present and former on Hawaii Island. We documented 57 sites involving hundreds of thousands of acres, many of them still contaminated. That Waiakea Forest, hunters have told me that where the military tested chemical biological weapons in the Waiakea Forest area south of Hilo, which is Hilo's watershed, including Sarin nerve gas that kills at one twentieth of a drop; that they won't hunt animals there, that hardly anything grows in that forest; no vegetation, and that animals are toxic because of the military contamination in many parts of the island here, including Pōhakuloa. So, anyway, no more military lease renewal. No land swaps. Stop the bombing, clean up your mess, and return the land to the Kanaka Maoli people, and pay reparations for the destruction of the land and psychological injuries caused. Mahalo.

Prana Mandoe

Aloha. Aloha. Okay. Aloha kakou. My name is Prana Mandoe. And first I'd like to thank all of the kupuna, the makua, and the opio who have been here since long before I was born protecting ʻāina. So I'd just like to humbly add a few comments to what's been said this evening, knowing that this is part of hundreds of years of testimonies. I support the no action option related to the end of the US Army lease at Pohakuloa. The lease on state land should expire because the lessee, the United States Army, has been a poor tenant and comes from a larger organization, the United States Armed Forces, which also has a consistent history of being a poor tenant. If we even look at it in the most simple colonial rules, you don't renew a lease with a lessee who trashes your house or your ʻāina. It's very simple. I don't need to read, although I would like to have the time and do it, but I don't need to read a thousand paces of -- pages of the second draft EIS statement to know because I simply observe it by driving over Saddle Road through Pohakuloa and watching the helicopters drop bombs and watching the dust fly up and knowing that this is a process called desertification. It's creating deserts, where if this were not happening, there would be plants that could root, there could be forests that could generate. And by bombing the -- you're destroying the future forests from becoming themselves. I understand that there is some conservation work that has begun but that is not your primary purpose. Your primary purpose is war training. And, honestly, we are a target because of the US military's presence in our islands. We are not protected by you; we are threatened by attacks from foreign -- other foreign nations who might come here to take you out just as happened in Pearl Harbor. All right. A second destructive action that is going on done by the US Army at the Pohakuloa Training Area is pollution and damage to Ka'ohe, the aquifer that lies below the land used for war training. It's simple common sense that the military, like any industrial group, only more so, is contaminating the underground water supplies because there are chemicals used for industrial purposes, automotive purposes, for all of the military equipment that you use, for weaponry and even for the simple barracks use sewage. All of those things require chemicals and leaks happen. Yeah, leaks do happen. That's not a secret that they happen. The earth absorbs those leaks and then they don't disappear. The chemicals go down into what's below, which tends to be groundwater known as Ka'ohe. The bamboo -- the bamboo water carrier is what is -- the place is named for to my understanding. Furthermore, the army coordinates with other branches of government, I heard this in your introduction today as you were speaking, and you coordinate with other branches of military who have further proven failures to meet land use obligations and land conservation obligations. Oh, and I forgot to say, the US Army at Pohakuloa has also been sued for non-compliance with environmental law. I believe it is Kahaulelio and Ching versus the United States. The US Supreme Court upheld the facts of pollution and those have not been rectified. They have not been corrected, and yet you're asking for a lease extension. Again, what sane landlord would re-grant you a lease when you are proven by the US Supreme Court to be in non-compliance with the laws you agree to follow? That's insane. Others have spoken today this evening, and we'll say it again, about the other branches of government which you work together with. A prime example is the US Navy responsible for cracking the water table and desertifying Kaho'olawe more than the goats and the ranching to a whole different level where now not only is it a desert, is it full of ordinance, but there's also no water supply in the ground. Yeah, that was a result of bombing, the same action that I have personally witnessed as I just drove across the Saddle Road. Okay? So we know that that's -- that's happening and it's a when. It's not an if. Will

you damage the water supply? Yes. If it's not been done already. And of course with Kapūkakī, with the leak of jet fuel into, you know, the Honolulu City drinking water, that is a crime. Please don't commit such crimes here. I strongly urge that you as people sitting in front of us today, that you take it in, that you not only write a few notes and hear it in your ears, but that you let our words touch your hearts and that you would go back and support the ending of the lease and the proper cleanup and reparations of this ʻāina and be true representatives of defense. Mahalo.

Keke Manera

We won't let you conduct business as usual until your injustice is corrected!

Nana-Honua Manuel

I am Nana-Honua Manuel. My political national status is that of American citizen as a child born and occupied Hawaii takes on the political national status of her parents. I was -- I live with my Kānaka Maoli husband, Michael, in Waikahekahe Iki, Puna, Moku o Keawe. We have four grown children and seven mo'opuna. My participation in this forum does not constitute my free and informed consent. We listened to last night's Waimea hearing this morning and we struggle with deja vu as we repeated the 2022 hearings. 2024 DEIS is just as deficient or even more so than the 2022 due to the lack of adequate response to the 2022 comments. Why come -- as Kumu Kalani Flores and Kumu Pua Case said, "Why come?" But as a wise and wonderful kia'i Healani Sonoda-Pale said, "We participate to leave a record just as our kupuna did, who signed the Ku'e Petitions so that our mo'opunas will know of our resistance." As I contemplated attending tonight and considered what I could possibly say that had not already been said repeatedly through history, I began to cry deep, hard, painful, gut-wrenching tears, and I wondered where it was coming from, I realized intergenerational trauma is rooted in never ending trauma. Trauma without an endpoint does not allow for individuals or collectives to grieve properly, and the trauma continues endlessly. As the tears flowed, my thoughts went to thoughts of the strongest, kindest, most generous man I've ever known or one of them, my father-in-law, David Maiola Manuel Sr. We lost papa to small cell carcinoma in July of 2000. He ua hala in the most painful, cruel and undignified way here at Hilo Hospital, paralyzed from C4 in his neck down and submitted to endless procedures for three weeks after being diagnosed terminally ill on day 3. David Maiola Manuel Sr. served in the US Army during the Korean War. He was stationed in Japan and he saw the local people digging through the kitchen garbage for food that the military threw away. Papa said he never saw that before in his life. He would wrap up care packages of good food and stash it for those who came to scavenge. All his life, he never wastes food and he fed everyone. In 2013, we learned of the atomic workers settlement. Michael and his living siblings applied. Through that process, we learned that his ohana was eligible for a settlement if papa had even spent 24 hours on a ship down under and later developed small cell carcinoma lung cancer. This cancer was from his exposure to radiation from the atomic bombs that the US military was testing in the South Pacific. Papa was on a ship and he watched behind DOD-issued goggles as atomic bombs were detonated. Papa spent five years down under at Christmas Island, Enewetak, and Johnston Island minus the five one-week visits home each year. So what does a wrongful death settlement from the DOE, Department of Energy, have to do with Pohakuloa DEIS 2.0? Are we lucky that this DEIS doesn't say that the damage and impact at Pohakuloa is so detrimental and so severe that 65 more years won't matter? That we -- that you could just trade some other stolen lands for these stolen lands and then own them free simple forever? Why do we need to distinguish between the different tentacles of the he'e? What does Kapūkakī have to do with Pohakuloa Training Area? Our nephew, the former DLNR Deputy Director of Water, told me that if the Oahu aquifer is contaminated, 1 million people will need to relocate. He said Moku o Keawe is the only island with enough water and land to house them. But what if the aquifers of this island have already been contaminated by Pohakuloa Training Area? Where is the data from the 2015 test well at Pohakuloa Training Area? Why are you still chucking in water? This is my never-ending nightmare that the occupier, the US military, will return the kingdom 'āina and wai to the lāhui when it is all poisoned and uninhabitable like Kaho'olawe. No loss to you as it was never yours to begin with. Please clean up and de-occupy Hawaii while there is still undesecrated 'āina and wai to return to the lāhui who remain steadfast oia'i'o. To be clear, no retention, no lease renewal, no real estate action. Mahalo.

Keith Marrack

I want to express my staunch support for the U.S. Army's proposed retention of approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on Hawai'i Island. As a concerned citizen who acknowledges the pivotal role PTA fulfills, I firmly believe that the Army's retention of PTA is crucial for the safety of our island community. This is due to its significant contribution to supporting and training the Hawai'i National Guard, local first responders, and law enforcement, as well as its capability to respond to emergencies on Maunakea, Mauna Loa, and particularly along the Daniel K. Inouye Highway.

U.S. ARMY

COMMENT FORM
Army Training Land Retention at Pōhakuloa Training Area
Environmental Impact Statement
Second Draft EIS Public Review

Date Submitted: 5/7/2024

The Army invites comments, suggestions, and relevant information on the Army Training Land Retention at Pōhakuloa Training Area Second Draft Environmental Impact Statement (EIS). Please provide comments (use additional sheets as necessary) and place in comment box at a public meeting or mail to the address provided on the back of the form. Alternatively, you may submit written comments via the EIS website at: https://home.army.mil/hawaii/ptaeis/project-home or email comments to: ATLR-PTA-EIS@g70.design. All comments will be reviewed, 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. Comments must be postmarked or submitted before or on June 7, 2024 to be considered.

Please provide your comments below:

I back the Army's preferred alternative 2. PTA is vital to the readiness of the military in the Pacific theatre. PTA is the only live fire area for large training units. At the same time the Army protects Archeological and environmental assets on the land. They provide local jobs. Training area for local fire, police, and military.

I am in favor of a land swap if it is feasable to make the entire training area Federal land.

If we lose PTA as a training area much of the military in Hawai'i will no longer choose to stay in HI. This will be a big hit to the economy on the island and the state. We need PTA and in order to be effective, they need the state land.

Name: Keith Marrack
Organization: Hawai'i Island Chamber of Commerce
Address: PO Box 178
City: Hakalau State: HI Zip: 96710
Email: Kmarrack@gmail.com

Privacy Notice: Public comments to this EIS are requested pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), Hawai'i Revised Statutes Chapter 343, and Hawai'i Administrative Rules Chapter 11-200.1. Substantive comments received during the Second Draft EIS public review period will be considered during Final EIS preparation, and may be published in the Final EIS. 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.

From: Sally Marrack <[redacted]>
Sent: Tuesday, May 14, 2024 12:05 PM
To: G70 - ATLR PTA EIS
Subject: Army Training Land Retention at Pōhakuloa Training Area

I am reaching out to express my staunch support for the U.S. Army's proposed retention of approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on Hawai'i Island. As a concerned citizen who acknowledges the pivotal role PTA fulfills, I firmly believe that the Army's retention of PTA is crucial for the safety of our island community. This is due to its significant contribution to supporting and training the Hawai'i National Guard, local first responders, and law enforcement, as well as its capability to respond to emergencies on Maunakea, Mauna Loa, and particularly along the Daniel K. Inouye Highway.

Sally Marrack

Paul Martin

Should the army continue to be given, not leased, access to lands that are sacred to some and would be a resource for all? Should they be allowed to continue to despoil this land? No. The US Army has enough places to practice their war and test their weapons. They don't need to do it in places where the people's ancestors lived, next to where they live, and where we need their children's children to live. End the lease!

Shannon Matson

First, I just wanted to apologize to everybody here. Normally, I would not sign up to go so early and I would allow for Kānaka Maoli to speak first, but I do have my keiki with me, so I ask for -- humbly ask for your leniency. This is why I'm going at the beginning but, typically, kupuna and Kānaka Maoli should go first. And it's really hard to start with aloha, which is normally how I would begin, because I have no aloha for the army. I have aloha for many of the individuals involved in the army activities, but the army as an entity, 'a'ole. I'm Shannon Matson. I was born in Honokaa, raised in Kona and ke Akua willing, I will die someday, maybe in about 65 years, in Puna. Both of my keiki were born in Hilo. This is all important information because before I tell you my thoughts on continued desecration and war, I need to share my connection and kuleana to this 'āina. I'm here on behalf of myself and my ohana, but I'm also here in the memory of some of my dear friends and family who have taught me about the military industrial complex and have died before they saw the conclusion of this hewa: Bob Northrop, hey, father, Nelson Ho, Greg Lupton, Uncle Abel. I'm here not just to express my strong support for the no action alternative of no retention of state land after 2029, but I am proposing in addition to this, the reparations be paid to all beneficiaries for the basically free ride that the army got for the last 65 years, along with a comprehensive plan for environmental restoration. No part of the other alternatives are acceptable, not to those who came before me or those who are coming after me. For the record, you, the Army, already own, I'm using this term loosely because you don't legally own it, 84,000 acres and yet you allege that this 23,000 additional acres retention is crucial. For what? Forget it. You already have enough, enough bombs, enough chemicals, enough land, enough death. Lawa ke'ia. Lawa ke'ia, ha'awina loa. I haven't read the document cover to cover because I have children, I have a job, I have a life. It is 526 pages, no, wait, plus an additional 1,974 pages plus 428 pages plus countless resources and other information. It's impossible to read in 48 days or a year or two years. But in the hundreds of pages I did read, I found a few surprising things. Right on the first page, kala mai, I'm almost pau, highlighted first page, "Executive summary. Military training is discussed only in the context of ongoing activities and their impacts because of land retention and no changes in training are proposed." In another 65 years, we think no changes are going to occur? It says a separate N-E-P-A analysis will occur in the future. So we're agreeing to something that we have no concept of what that even looks like. In 65 years -- in the last 65 years, how many changes have we seen in military training procedures and protocols and weapons? This is just impossible. I mean, right there it's flawed. Number two, not to mention how the community feels, which is the most important, but in all of those pages of -- of testimony and then all of the feedback from the federal, state, and county level, there are multiple entities in opposition or express severe concerns including the EPA, OHA. OHA says this entire process is premature to implement the 2019 deal in our ordered management plan; that hasn't even occurred yet. From 2019, we haven't done that yet. Step one we haven't even done. So how can we move on? Oh, there's so much more, but I'm sorry, I know I went over time. Lastly, I would really like to read, but I know I don't have time, so I'm just going to point out, it's on page 700, for those of you interested, the transcribed message from Colonel -- retired Colonel Ann Wright. So please read her testimony. This is somebody who served in the military for 29 years. She's a retired US Army Colonel. I want this to be entered into the record again in its entirety. I think it should be the first page and I think it should be the last page. And I think there should be a full survey done of current serving military personnel

and retired, everybody in the VA that we can get ahold of. And you try to tell me that there are more people who have served in the army who believe that this is necessary because that's what this document says, that this is necessary. But if you ask retired military personnel, they will tell you this is not necessary. It never was necessary and they are not better off for having served in the army. Mahalo.

From: Shannon Matson <[redacted]>
Sent: Thursday, June 6, 2024 2:48 PM
To: G70 - ATLR PTA EIS; [redacted]
Subject: No/restorative action alternative

To whom it may concern,

As someone who was born and raised on Hawai'i Island, I believe it's my kuleana to protect and help preserve these lands. Everything I have witnessed from the years of abuse and misuse at the hands of the US Army tells me that we need a change and must stand up against continued bombing and live-fire trainings and at the very least demand a reduction if not a total withdrawal from lease lands. I agree with and second the statements below:

- The EIS only looks at impacts on 23,000 acres of state lands, as if what the Army is doing on the other 110,000 acres doesn't have a cumulative impact. It seems clear that any assessment should consider actions on all 132,000 acres. While the Army writes: "State-owned land does not contain active, permanent liquid fuel storage tanks", we might ask are these storage tanks located on federal lands?
- We ask how the Army can say it considered meaningful alternatives - like diplomacy, demilitarization, or even virtual reality simulations - in preparing the 2024 DEIS. These alternatives are said to be listed in a 2017 document, but we cannot find that document and haven't been provided access to it, even after asking.
- The Army's use of conservation district lands for live-fire training is not allowed. Therefore the Army is proposing to change the conservation district rules themselves. We are worried about the impacts of creating a "live-fire training" conservation district.
- The Army proposes to further pollute and contaminate these lands for an unknown number of years. They also presume they will clean up and restore the lands later even though their lease limits clean up to existing technologies and costs that "would not exceed the fair market value of the land". This means that they may not even have a budget to clean up and restore the land. So how will the Army fully clear and restore the lands after their use?
- Four native bird species have been decimated in PTA areas. The Army's "management measures" for native wildlife aren't working and the Army must recognize this.
    - For instance, the Army optimistically speculates native wildlife are "habituated" to sudden explosions and noise. Another US federal body, the National Park Service, recognizes that chronic stressors, like noise, damages wildlife.
    - Thousands of acres of native plants were burned in an uncontrolled fire in 2018, due to live-firing training on federal lands. How will the Army restore these thousands of acres and prevent infiltration by invasive species?
- The Army, like other militaries worldwide, does not disclose their greenhouse gas emissions (GHGs), stating: "Because there is limited opportunity for locally generated air pollutants to accumulate, additive effects on regional air quality and from GHGs are unlikely[.]" This statement fundamentally misunderstands climate change.
- Hawaiian cultural practitioners are concerned that resources they gather are contaminated; the Army installed physical barriers blocking religious sites; and requiring case-by-case approvals and Army escorts for practitioners curtails the latter's access. The new CIA recommends "the Army formalize a cultural access request process…" We propose that the Army clean up these areas immediately and allow free access. Permission slips are not an answer for this situation and having to request access from a militarized foreign authority further adds to a collective and cultural trauma that the indigenous people of this land have not been able to heal due in part to the continued occupation of their ancestral and sacred lands.

Please do the right thing and work beyond a no-action alternative towards a restorative action alternative that restores the land and helps heal what has been broken.

Mahalo,
Shannon Matson
Hawai'i Island Resident

Tasman Mattox

Please do not allow the US army to renew their lease on these lands. Please investigate possible other plans for the land in order to protect its natural beauty and cultural significance to kānaka. If it must go back to them, ensure that the US army pays FULL VALUE for the use of the land.

noelani mengel

māʻoliʻoli plant, or schiedea hawaiiensisi, is only found where PTA resides, according to the Center for Biological Diversity. Fires caused by the military's training activities threaten the dry forests where they live.

Your purpose and need for PTA you list 3 times that it is because you can use live rounds. You also state that if you were to try to do these exercises elsewhere, you could not due to environmental restraints.
What is your current clean up process after training? What is your response to the Cultural Monitors at PTA that would help with the trust of the Indigenous People of Hawaii?
Go with the No Action Alternative, based on your findings the No action Alternative could have "significant beneficial impacts on land use, cultural practices, and environmental justice."
Alternative 1,2,3, have significant adverse impacts on land use (land tenure), cultural practices, and environmental justice could occur

Holistic cultural practices that foster a connection to ʻāina (land) are important in improving the health of Kānaka Maoli (Indigenous Peoples of Hawaiʻi), according to a new study from public health researchers at the University of Hawaiʻi at Mānoa. The findings were published in the International Journal of Environmental Research and Public Health.

"Kānaka Maoli view themselves as deeply connected with ʻāina, and there is no separating ʻāina from Kānaka," said Antonio, an assistant professor of Native Hawaiian and Indigenous health. "The connection between ʻāina and people is spiritual and reciprocal, and important to well-being and resilience."

Jeffrey Mermel

Aloha: I am a 47 year kama'aina homeowner and taxpayer here on Hawai'i Island. I am OPPOSED to any new lease NOR any land swap of the 22,750 acres at Pohakuloa Training Area.

What is needed is for the Army to CLEAN UP the military mess and RETURN the lands to the Hawai'ian people, similar to what was done on Kaho'lawe.

Lastly, I believe that (2) public meetings are insufficient for residents to give input
What is needed are PUBLIC HEARINGS in EACH one of the (9) districts of Hawai'i Island.
Mahalo
Jeffrey Mermel
PO Box 342
Volcano, HI 96785
Jeffrey.Volcano@gmail.com

Hafiya M

Please give back this land to the native hawaiins. You are poisoning the environment with this military training and harming fragile ecosystems. The native Hawaiians have been oppressed and harmed long enough by the US military. Demilitarize Hawaii.

Tabol Michael

• The obliteration of Bikini Atoll in the Marshall Islands by Military nuclear testing.

• The destruction of Kaho'olawe's water table by Military nuclear testing.

• The contamination and poisoning of Oahu's water from the Navy's multiple fuel leaks.

These are only a few of many examples of how the Military has treated the land that feeds all of us. They seem to have no regard for humanity. For Hawai'i to lease Pohakuloa back to the Army would mean the destruction of those lands and sacred sites. Their track record is indicative of this. The fact that they only paid a dollar for Pohakuloa also shows a big inbalance within Hawai'i's relationship with the US Military.

Ua Mau ke Ea o ka ʻĀina i ka Pono
"The sovereignty of the land is perpetuated in righteousness".

George Miller

Please stop the use of this land for training military. The bombing and shooting of weapons training is so bad for the environment and probably our water sources. This island isn't that big and doing the things the military has done for 65 years is ruining what we could have for clean water and growing food. I strongly oppose the military getting a renewed or new lease to this land and hope they can actually clean up the damage they have done

Leah Miller

As a resident of Hawaii I do not support continued military occupation of Hawaiian land. The use of this land as a military training area has negative impacts to both people and the environment.

Debbie Misajon

Hi. My name is Debbie Misajon, M-I-S-A-J-O-N. And I am calling in opposition to renewing the lease of the military at Pōhakuloa Training Area. If you need to reach me directly, you can call me at [REDACTED] or you can send an email to me at [REDACTED]. Thank you.

Alex Mitchell

I am a prior service member of the US Air Force. I separated out of Joint Base Elmendorf Richardson in 2010 as a Senior Airman. My grandmother is full blooded Hawaiian, born on Molokai, and raised in the foster system on O'ahu. The occupation and desecration of sacred land of the Hawaiian people makes me sick to my stomach. Amongst the other atrocities inflicted by the us military, the occupation of these and other native lands by the United States speaks to the insidious motives and foundation this country has been built upon. Time and time again, this country was built on the enslavement of black and brown people, the illegal occupation of native land and the erasure of their culture, language, tradition, and history. The lands of these people was never yours to claim or own. Give the land back and make a step toward owning the damage you've inflicted on our people.

Daniel Morimoto

Dear Sirs:
Your lease should NOT be renewed.
You have not at all been stewards of our Aina. Please withdraw your lease renewal request and start the substantive cleanup required.
Also, please share the "virtual reality simulations" that you have said you have used.
Thank you,
Daniel Morimoto MD
[redacted]

Karen Murray

Enough is enough. People live here. What century are we in that such dangerous things should be done in populated areas.

Evelyn Navas-Aron

From: [redacted]
Sent: Tuesday, June 4, 2024 3:41 AM
To: G70 - ATLR PTA EIS
Cc: [redacted]
Subject: End Pohakuloa lease.

Dear PTA Commander and Esteemed Representatives and Senators,

I am writing to express my strong opposition to the renewal of the military land lease on the Big Island, Hawaii. Although I have left with my family to Washington DC, we hope one day to return, and as concerned citizens who wish to invest in the future of Hawaii Island's environmental and social well-being, we find the current proposal to extend the PTA lease both troubling and unacceptable.

As we understand, the environmental review process has been inadequate. The documentation provided failed to assess the long-term environmental impacts of continued military presence on the island. Given the Big Island's rich biodiversity and delicate ecosystems, the potential for irreparable harm to native species and habitats necessitates a far more rigorous and comprehensive review than what has been presented.

Furthermore, the history of land stewardship and cultural and historic impacts under military control have been subpar. Numerous instances of environmental degradation and insufficient remediation efforts have resulted in lasting damage to the land and surrounding communities. The military's history of neglect and opacity raises grave concerns about future environmental stewardship. Irreparable harm has been done to cultural and historic sites and native wildlife. The people of Hawaii deserve better.

A growing movement in our community is now advocating for demilitarization of the island, and the continued military presence is at odds with the values and aspirations of residents who envision a future focused on peace, sustainability, and cultural preservation. Renewing this lease would further entrench the military's footprint on the island, diverting resources and attention away from initiatives that align more closely with these goals.

Please end the military land lease on the Big Island and instead prioritize our native environment, ensure responsible land stewardship, and heed the voices of the community calling for a shift toward a more peaceful and sustainable future.

Thank you for your attention to this matter.

Sincerely,

Michael R. Newman
7035 Blair Road NW Apt 117
Washington, DC 20012
[redacted]
[redacted]

Virus-free.www.avast.com

Zara Nicholson

Aloha,

My name is Zara Nai'a Nicholson. I am Kanaka Maoli born and raised in Kailua-Kona, Hawaii.

I am writing in opposition to the Army's Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State.

There are many endemic and indigenous plants and animals living in this area. Some of these species are only found within the Pōhakuloa region and are critically endangered. The landscape of Pōhakuloa is a unique region that once consisted of even more lifeforms than what we see today. As long as the Army retains control of the State-owned lands, native species are under threat of continued mismanagement and negligence.

Mahalo for the opportunity to comment.

Zara Nai'a Nicholson

Debra Norenberg

Aloha! :)

4/23/2024

To: Whom it may concern,

From: Debra K Norenberg

Re: Public Comment submitted regarding the Pohakuloa Training Area Second Draft EIS, Documents :: U.S. Army Garrison Hawaii

Please allow me to get right to the point, (I have many), with respect to everyone's time especially in the Volunteer Community tasked with much, free of charge.

1) In Table ES-3 found in the Draft EIS and copied here for your convenience, the legend indicates that the preferred Alternative 2, (preferred by the Army/Petitioner), has room for improvement because the bull's eye legend erroneously indicates no impact or very little impact to soil, water, and air quality resources and further erroneously indicates that the activities, which are made part and parcel to this "real estate activity" will not contribute hazardous materials into the environment. Also, the Legend used to describe significant impacts, (with room for possible improvement), indicates biological resources would be adversely affected by the Army's ongoing and escalated activities via their proposed "Stryker Brigade" intentions, again made part of this EIS "Real estate Action". Obviously, something in this EIS is amiss when biological life forms are threatened in the area and yet, soil, water, air quality, geography, and hazardous materials are not an issue. So, please tell me, exactly how are these biological organisms threatened and what manner of death do they face?

Table ES-3: Potential Environmental Impacts				
Resource	**Alternative 1**	**Alternative 2**	**Alternative 3**	**No Action Alternative**
Land Use	⊗⃠/⊗/+	⊗⃠/⊗/+	⊗⃠/⊗/+	+
Biological Resources	⃠/⃠/⃠	⃠/⃠/⃠	⃠/⃠/⃠	⊗
Historic and Cultural Resources and Cultural Practices	⊙/⊙/⊙ ⊗/⊗/⊙	⊙/⊙/⊙ ⊗/⊗/⊙	⊙/⊙/⊙ ⊗/⊗/⊙	⊙ +
Hazardous Substances and Hazardous Wastes	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Air Quality and Greenhouse Gases	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Noise	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Geology, Topography and Soils	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Water Resources	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Socioeconomics	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊗
Environmental Justice	⊗/⊗/+	⊗/⊗/+	⊗/⊗/+	+
Transportation and Traffic	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Airspace	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Electromagnetic Spectrum	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙
Utilities	⊙/⊙	⊙/⊙	⊙/⊙	⊗
Human Health and Safety	⊙/⊙/⊙	⊙/⊙/⊙	⊙/⊙/⊙	⊙

LEGEND

⊗ = significant, adverse impact
⃠ = significant, adverse impact but could be reduced to less than significant
⊙ = less than significant impact
\+ = significant, beneficial impact

2) Whatever the Army "would consider" in section ES.11 of the Second Draft EIS copied and pasted below for your convenience, should simply be as good as done if it meets the expectations of those the Army is "considering". That said, ES.11 does not consider the land itself and that has not gone unnoticed nor is that acceptable in my opinion, all things considered.

ES.11 Existing Management Measures and Potential Mitigation Measures

The Army would continue to implement existing 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. The existing management measures are presented in each resource area in **Chapter 3** and in **Appendix E** of this EIS. The Army will identify selected mitigation measures and mitigation monitoring plans in the ROD. These potential mitigation measures are summarized below and in **Table 3-32** in **Section 3.17** of this EIS.

Land Use: The Army would consider adding non-barbed wire fencing and signage to minimize encroachment and accidental or intentional trespass from adjacent State-owned land not retained (Alternatives 1, 2, and 3).

Historic and Cultural Resources and Cultural Practices: The Army would consider the following mitigation measures to further reduce potential adverse impacts on cultural practices: (1) through consultation with Native Hawaiians and cultural practitioners, the Army would formalize a cultural access request process to enable Native Hawaiians and cultural practitioners opportunities to promote and preserve cultural practices, beliefs, and resources; and (2) the Army would explore options to provide unlimited cultural access to specific locations to be determined in consultation with Native Hawaiians and cultural practitioners (Alternatives 1, 2, and 3).

Environmental Justice: Through consultation with Native Hawaiians and cultural practitioners, the Army would formalize a cultural access request process to enable Native Hawaiians and cultural practitioners opportunities to promote and preserve cultural practices, beliefs, and resources. In addition, the Army

would explore options to provide unlimited cultural access to specific locations to be determined in consultation with Native Hawaiians and cultural practitioners (Alternatives 1, 2, and 3).

Human Health and Safety: The Army would consider the following mitigation measures to further reduce potential adverse impacts on human health and safety: (1) negotiation of an agreement with the State to allow the Army to monitor the State-owned land not retained for wildfires, and (2) continue or renegotiate its Memorandum of Agreement with the Hawai'i County Fire Department to assist wildfire responders with wildfire suppression outside of the PTA area of responsibility (Alternatives 1, 2, and 3).

3) Section ES.13 of the Second Draft EIS also copied below for your convenience discusses consistency with "other Federal, State, and County Land Use Plans, Policies, and Controls." Given the first point I mentioned above, it follows that there may be discrepancies in the interpretations of the law(s) mentioned below given the flawed premises upon which the Army erroneously stands to conclude that their ongoing and planned escalated activities will have no impacts in areas where even to the untrained eye, that it is quite obvious that they will. That said, there is no law in Hawaii greater than the Law of the Land thanks be to God, whose sovereignty rules supreme. I see no consideration of that law in Section ES.13 or anywhere in the second Draft EIS for the P.T.A. Furthermore, I am aware of the little-known fact that Hawaii's laws are rather confounded at the moment, being driven largely by love considering the "strange form of occupation" we have been subjected to that has been recently recognized among members of the United Nations since at least the year 1893. I am also aware of the fact that the United States Military is also aware of this fact concerning their "occupation" here. Finally, the last paragraph of section ES.13 is a repeat paragraph stated elsewhere numerous times in the Draft EIS and claims that the "Proposed Action" is a Real Estate Action when in fact, it is so much more than a "Proposed Action" in Real Estate that allows a mere continuation of previous activities because the Army, in the Draft EIS, also proposes to conduct escalated military operations via the inclusion of their "Stryker Brigade" et al.

ES.13 Consistency with other Federal, State, and County Land Use Plans, Policies, and Controls

The Proposed Action would comply with all applicable federal and state land use plans and policies. Federal regulations include: 10 U.S.C. Section 2852, Military Construction Projects: Waiver of Certain Restrictions; 10 U.S.C. Section 2661, Miscellaneous Administrative Provisions Relating to Real Property; 10 U.S.C. Section 2663, Land Acquisition Authorities; 10 U.S.C. Section 2802, Military Construction Projects; The Sikes Act, as amended, (16 U.S.C. Section 670a–670o); Coastal Zone Management Act, as amended (16 U.S.C. Section 1451); Endangered Species Act (ESA) of 1973 (16 U.S.C. Section 1531 *et seq.*); Clean Water Act of 1972, 33 U.S.C. Sections 1251 to 1387 *et seq.*; Clean Air Act, 42 U.S.C. Section 85; Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Section 11001 *et seq.*; National Flood Insurance Act of 1968, 42 U.S.C. Section 4001 *et seq.*; Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq.;* and National Historic Preservation Act, 54 U.S.C. Section 300101 *et seq*. The State land use plans and policies include: Historic Preservation, HRS Chapter 6E; Hawai'i State Plan, HRS Chapter 226; State Land Use Law, HRS Chapter 205, which sets rules related to the Conservation District; and State Environmental Policy, HRS Chapter 344. No County of Hawai'i permits, licenses, authorizations, or approvals are anticipated.

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. **Chapter 3** of this EIS lists the regulatory environment and BMPs employed by the Army by resource area. The project's consistency with regulations, land use plans, policies, and controls is provided in more depth in **Section 5.3**.

In conclusion, I believe 3 points that indicate errors in the Draft EIS are enough to send it back to the drawing board and end my critique with a simple rejection of the content in it's entirety so as not to waste my time or anyone else's time for that matter, especially volunteers from the community. I do realize and appreciate the importance and purpose of the United States Army's presence which doesn't concern me much however, what does concern me much is what the United States Army is DOING while in my homeland. Together, I'm sure we can always do better to create a peaceful and sustainable present from the lessons learned in the past that our mutually beneficial future will appreciate. Have a great day!

Aloha,

Debra Koonohiokala Norenberg, Alii
(Kauwamakaainanakahunaalii, a real person many can rip apart but, not many can put together)

Debra Koonohiokala Norenberg

Aloha,

I previously submitted my public comment for the Second Draft EIS with a simple rejection of the Draft in it's entirety due to three fundamental flaws I found within. After much thought, I feel that the problems I found within deserve at least in some small part a viable solution. This solution I propose does not in any way shape or form allow for the escalation or continuation of the U.S. Army's activities, especially those activities that seek the use of weaponry that contain depleted uranium. It merely provides guidance regarding the consideration of the land itself that the U.S. Army wishes to lease. That said, Pohakuloa was once a thriving forest rich in vibrant life. It was harvested to practical oblivion and is now occupied by the U.S. Army with no intention of restoring said forest. The corporation, Weyerhauser, headquartered in Oregon is a perfect example of forestry restoration and sustainable harvesting, an example I want to see implemented in Pohakuloa on 8000 acres. So, every year, as part of the U.S. Army Core of Civil Engineer's, et al training, 100 acres are to be planted and the project overseen by "Native" Hawaiians/ "Cultural Practitioners" paid to oversee the project at the Army's expense and as part of the U.S. Army's clean up program. Trees planted need to be those that are native to the area and suitable for the climate/weather there. For forty years, these trees will be planted on a hundred acres resulting in four thousand acres of reforested land with trees present at different ages one year apart. Thereafter, 100 acres will be harvested every year and 100 acres will be planted every year. The proceeds from said harvest will benefit sustainable initiatives island wide. The excess four thousand acres will be reserved lands to be revitalized similarly/used in agriculture to raise livestock as the community sees fit. The program, part of the U.S. Army's clean up program, needs to include members of the U.S. Army in it's operations as a matter of their training and readiness in restorations of environments devastated by warfare.

Have a great day!

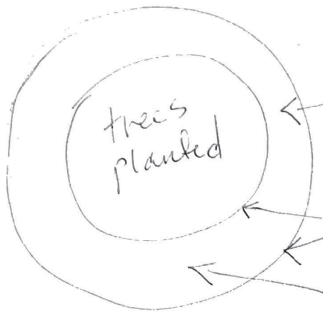
Aloha,

Debra Koonohiokala Norenberg, Alii
(Kauwamakaainanakahunaalii, a real person many can rip apart but, not many can put together)
*Can doesn't mean should.

Debra Koonohiokala Norenberg

Please find attached to this comment a simple rendering to accompany my previous two comments already submitted. I hope this helps provide a visualization for the project proposed moving forward. Also, please note this is one of many possible doable designs for the project. Thank you in advance for your time and attention and have a great day! Aloha! Koonohiokala

#1
100 acre plot



all subsequent 100 acre plots can be connected to the first 100 acre plot and designed with circular fencing just like the first 100 acre plot. The design is based on Temple Grandin's circular corralls that reduce stress and injury to livestock.

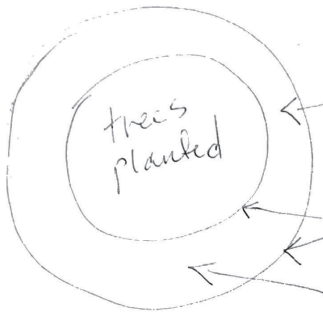
This simple rendition of the Pihakuloa forest restoration proposal is provided to the U.S. Army and refers to the 5000 acres that should be purposed for reforestation and sustainable agriculture.

Debra Koonohiokala Norenberg

In case you didn't get the attachment I sent in my third comment, here it is again, to be sure every effort was made by me to be of some assistance to the General Public and Family. Have a great day!
Aloha, Koonohiokala

#1
100 acre plot

11



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This simple rendition of the Pihakuloa forest restoration proposal is provided to the U.S. Army and refers to the 5000 acres that should be purposed for reforestation and sustainable agriculture.

Brent Norris

1. The military has bankrupted the United States.

2. The military leaves death everywhere it is invited.

3. The military relies on war to justify taking our money. We need less war.

4. Providing a training area for the military is not in alignment with the needs of the land. Therefore, we need less military.

5. Train for war somewhere else please. We are safe. Remove your assets if you think they or you are not safe. Consider moving to an area where people are afraid.

6. Training for war doesn't make you smarter in a place where we value aloha.

Thank you for changing your awareness and riding yourself of fear. You don't have to be afraid to make an honest living. Go train for war somewhere else please.

Momi Nuuhiwa

My name is Momi Nuuhiwa from Hilo. We know that Oahu Circuit Judge, Gary Chang, ordered the state to provide a written -- written stewardship plan, regular monitoring and inspections, inspection reports with recommendations and procedures for addressing violations and debris removal plans. We know that the Hawaii State Supreme Court ruled that the state, the fake state of Hawaii, has not properly managed lands leased to the military on the Big Island, and that part of the military's lease states that DLNR must monitor activities and ensure that trash and unexploded ordinance is removed. The 101-page ruling notes that the large parcel of land was once part of more than 2 million acres owned by the Hawaiian Kingdom. Those lands were transferred illegally to the fake state of Hawaii, and most are managed by DLNR. I believe -- thank you for talking about Public Law 103-150 for reconciliation efforts need to occur beginning with the renewal of all lands going back to the Hawaiian Kingdom. And any lease monies that have been incurred, they need to go to the beneficiaries of these lands, the Kānaka Maoli. The Hawaii State Supreme Court ruling also mandates that the state must make reasonable efforts to preserve and protect the land and develop a land for onsite inspections. The plan must require the military to follow all directives of cleanup and monitoring. We've already heard how unsuccessful the military has been historically in Hawaii in cleanup. You do not have a good record here. The EPA also gave a lot of testimony on the subject of range of contamination for DU, the mention of white phosphorus. We know that Pohakuloa is one of the places for training that uses its training in order to do war against countries like how we're funding the war in -- for Israel; and white phosphorus is being used there against the Palestinian people. All of these weapons that you guys are using and testing here in Hawaii affects not only our people, it's affecting people around the world in a very obscene and degenerate way. I do not support any extension of any leases to the military in Hawaii for the reasons that so many have provided here. You must pack up your things, clean up your mess, and leave Hawaii alone. Mahalo.

From: Anela Oh <[redacted]>
Sent: Tuesday, May 7, 2024 10:53 AM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa Draft 2 EIS

To whom it may concern,

I am writing to voice my concern about the Pohakuloa draft for retention of land on Hawai'i and community outreach/ communication.

I find it deeply disrespectful that there would be little time between the public announcement of community meetings with such a massive document. I personally only heard about them this week.

I would also like to state that the armies continued disrespect and desecration of our aina is deeply concerning and therefore requires community engagement and allowances for real input. Which given the length of document and time/availability of the given meetings around it is not possible. How are we supposed to come, let alone come educated and with comments under these circumstances?

Mahalo,
Anela Oh

Jeffrey Overton, Group 70
ATLR PTA EIS Comment
P.O. BOX 3444
Honolulu, HI 96801-3444

June 6, 2024

Re: Pohakuloa Lease Renewal- A Request for Information and My Comment

Dear Mr. Overton,

I am trying to learn the 2-sides of Pohakuloa lease renewal. I watched the entire YouTube videos of the May 6 & 7, 2024 public meetings on the Big Island. I noticed a posterboard display that was facing away from the camera. 1. Do you think you could post the posterboard display online in a way that I can read and share the content?

The two representatives from the military gave a brief oral presentation, but they didn't respond to the many questions and concerns from the community members that attended the meetings. 2. Could you please post a response to their questions and concerns at a community online site as part of the EIS purpose and process to inform? Then, please share the community online site with me. I want to know, too. My email address is: jomokawa9@gmail.com

It's sort of heart-breaking to hear the angst of so many with unanswered questions. I know that angst. I am from the generation of kids that went to college in the 60s that asked questions about the Vietnam War and didn't get answers. Our kids were dying in that war. Why? There is a really sad letter from a Keio University student during WWII that someone shared with me. The student wrote about getting a college degree with a future to die in a war he didn't understand. This was the angst our 60s university students were living with.

Sincerely,

J. Omokawa, Oahu
Email Address: [redacted]

From: J. Omokawa <[redacted]>
Sent: Friday, June 7, 2024 7:59 PM
To: G70 - ATLR PTA EIS
Subject: Re: Pohakuloa Lease Renewal- A Request for Information and My Comment

Jeffrey Overton, Group 70

ATLR PTA EIS Comment

P.O. BOX 3444

Honolulu, HI 96801-
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Sincerely,
J. Omokawa, Oahu

Email Address: [redacted]

Hawaii Island Chamber of Commerce (Miles Yoshioka)

Aloha and good evening. Aloha and good evening, everyone. My name is Miles Yoshioka. I represent the members of the Hawaii Island Chamber of Commerce. Our organization fully supports the US military's training mission at Pohakuloa Training Area. Our organization represents over 330 member businesses, nonprofit organizations, and professionals from east away and beyond. Many of our neighbors, family members, and friends in uniform in the Hawaii Army and Air National Guard, US Army Reserves, and Hawaii County Police and fire departments are trained at Pohakuloa. Guardsmen are able to gain critical experience here at home at this premier training facility rather than facing long-term deployments on the mainland. Additionally, PTA Fire and Rescue team members are the first responders on the Saddle Road area, handling emergencies in the first critical minutes, often resulting in saved lives from responding to car accidents, finding lost hunters and hikers to fighting wildfires alongside HFD and state personnel. We are grateful PTA is around. As part of the stewardship of the land, the army manages the preservation of dozens of endangered plants and animals, which includes propagating rare native plants and stocking a seed bank. A team of archeologists manage over 1200 archeological sites with monitoring, preservation, and surveying to find additional areas. Units visiting PTA are briefed on arrival and are required to adhere to natural and cultural restrictions on base and leave the training areas clean after each exercise. The military boosts our local economy through military contracts with Hawaii Island-based companies, community services and support for nonprofits and patronage of our local businesses. A large majority of the personnel who work at PTA year-round are civilians who live in our communities like Waimea, Waikoloa, Hilo, or Puna. A few years back, I had the opportunity to visit a live training exercise out in the field at PTA. Our group was briefed by a young man, a captain who was about my own kids' age. He was responsible for leading a company and I remember being impressed by how dedicated he was to the safety and wellbeing of his soldiers. I remember getting a little emotional as I put myself in this officer's parents' shoes and thinking how much they would want their kid to get the best training and experience he can get under the most lifelike battle conditions in a location that has the climate and terrain he may have -- have to face in battle. All this so he is best prepared to deal with whatever challenges come his way and then be able to bring his soldiers and himself back home to his families. Okay. Thank you very much.

Danielle Pacific

Aloha
I am writing to suggest that honoring a request such as "Please Stop" could be the most respectful decision for the Army to make, representing the organization's integrity as well as their ability to listen and respond with honor.

"The Army proposes to retain up to approximately 22,750 acres of State-owned land at PTA. The Proposed Action is a real estate action that would enable continuation of ongoing activities on the State-owned land."
The ongoing activities--a vague and euphemistic phrase, indeed--includes damage to the habitat, watershed, native species and the people who live upon this land. ALL of the people, including (though not most importantly) your soldiers. It does not include, to my knowledge, restoration of soil, species, habitat, environment and damaged land.

When a person asks you to stop harming them, stop hurting them, stop violating their requests....stop, stop, stop...What do you do?

When an entire population asks you to stop violating their land, Why have you not stopped?

You do not NEED to test any more bombs, weapons or soldiers' skills in this habitat. Please stop.

Please return this land to its original condition before you permanently damage THE ISLAND'S watershed with the continuous 'testing'.

Mahalo,
Danielle Pacific
USNavy Veteran
Resident of Hawai'i Island

Merle Pak

No more military use of Hawaiian land! No more leases to US military! They destroy the land and leave their mess behind. So sick of the disregard for human life and safety. Never forget Red Hill!

May 30, 2024

Avalon Paradea
MS, Tropical Conservation Biology and Environmental Science
ʻĀina-based artist, ecologist, environmental educator, and hoaʻāina
avalonc@hawaii.edu
www.avalonparadea.com

Re: Pōhakuloa Training Area (PTA) Second Draft EIS Comments

Positionality Statement

Aloha kākou. My name is Avalon Paradea and I am from Waikōloa Village, Hawaiʻi Island. I am writing in opposition to the Army's Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through direct purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State.

I was raised in Waikōloa Village, where I continue to reside with my mother, brother, and partner. From 2017 to 2021, I worked as a cultural resources technician and specialist under the Research Corporation of the University of Hawaiʻi (RCUH) at PTA. During the three and a half years I worked within this ʻāina, I learned a great deal – both about the rich cultural legacy that Kānaka ʻŌiwi 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 second draft EIS, 15 environmental topics are assessed for potential impacts caused by the Proposed Action and each of the four Alternatives. Herein, I provide detailed thoughts on 10 of these subject areas which I feel best qualified to speak on. I include a section on additional concerns and my concluding thoughts following this breakdown.

3.3 Biological Resources

Within the ~22,750 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 ʻōhiʻa (*Metrosideros polymorpha*), naio (*Myoporum sandwicense*), māmane (*Sophora chrysophylla*), ʻaʻaliʻi (*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. 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.

Mere months after the release of the first draft EIS, the Army demonstrated their incompetency once again by causing another fire on July 20th, 2022. This fire, referred to as the Leilani Fire (presumably for its proximity to Puʻu Leilani), spread across 17,712 acres. 12,458 of these acres were outside of PTA and included about half of the remaining forest of the Puʻu Anahulu Game Management Area. The remaining 5,254 acres (which includes 2,880 acres of State-owned land) encompassed threatened and endangered species habitat areas within the training area. As described in the EIS, post-fire assessment determined a net decline of four endangered plant species, as well as destruction to potential habitat of ʻōpeʻapeʻa (Hawaiian hoary bat, *Aeorestes semotus*). It is important to note that this fire surpassed both annual and cumulative allowances for authorized incidental take of roosting habitat.

The Leilani Fire exemplifies the Army's inability to adequately mitigate actions that could prevent such travesties from occurring. It does not matter that troops check conditions hourly; weather at Pōhakuloa can change rapidly. Fires are extremely challenging to predict or control, especially in such a dry, windy landscape. The fact that the initial point of ignition occurred within the Impact Area, rendering it impossible to access early on due to the threat of UXO, is especially concerning. The Impact Area is thus likely to pose greater threats over time, both through buildup of UXO and through degradation that exacerbates the probability of wildfires.

Pōhakuloa is home to several critically endangered species found nowhere else in Hawaiʻi. It does not matter how much funding the Army provides the NRO when the Army cannot guarantee that they will not undo decades of labor put towards protecting these species. Money cannot resurrect the dead.

Federal agencies must prevent and minimize the threat of invasive plants, yet wildfires create new habitat for such species, particularly fire-loving fountain grass (*Cenchrus setaceus*). This easily ignitable grass now dominates most of Pōhakuloa and the arid regions of our leeward side, resulting in a predictable cycle wherein fires lead to more fountain grass leads to more fires. Invasive species management is nearly impossible in such a system.

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 fires is no minor thing.

Another species of interest is the ʻuaʻu (*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 ʻuaʻu 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 not done enough to curb the negative effects of invasive ungulates across 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.

One of the most horrific things I observed at PTA was a scenario in which Army personnel had shot numerous ʻōhiʻa trees within the IPBC. While this training course is not located on State lands, the fact that it happened at all exhibits how little environmental awareness is imparted on soldiers stationed here. There is no reason for me to believe that such blatant disrespect cannot happen to ʻōhiʻa or other plants within the State-owned lands. Wounding trees in this way opens them to potential infection, including rapid ʻōhiʻa death (ROD).

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 Alternative 1 will result in any beneficial impacts to our ʻāina, and furthermore, the claim that the No Action Alternative could result in significant, adverse impacts. These claims fly 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.

3.4 Historic and Cultural Resources and Cultural Practices

It is important to note that the entirety of the Pōhakuloa region is a culturally significant wahi pana. 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 and ahupuaʻa, among other activities. Were it not for Army occupation, this ʻāina would still be enjoyed as a safe locale to conduct cultural practices.

The ethnographic study by McCoy and Orr (2012) mentioned in 3.4.2.1 absolutely baffles me. Why would a study that references no Hawaiian language resources be accepted by the Army? This work was completed seven years after Kēpā and Onaona Maly's exceptional compilation, "Mauna Kea – Ka Piko Kaulana o ka ʻĀina" (2005), which documents oral histories, translated nupepa articles, land ownership over time, and other resources that paint a vivid picture of Mauna Kea and the surrounding lands, including Pōhakuloa. In the moʻolelo of Kamiki and Makaʻiole, Pōhakuloa features as a guardian of Lake Waiau, demonstrating how deeply intertwined these land features are to one another and to Kānaka. There is no such "lack of information" regarding how important Pōhakuloa is.

It is worth pointing out that the State-owned lands do not only reside within Kaʻohe (Hāmākua) and Humuʻula (Hilo), as claimed in the EIS, but also in the ahupuaʻa and moku of Puʻuanahulu (Kona) and Waikōloa (Kohala).

Dozens of archaeological sites 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 assessment. 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 impossible.

In the first draft EIS, it was stated that 11,920 acres of State-owned land have yet to undergo proper archaeological investigation. This data is absent from the second draft for reasons not made clear. However, it is mentioned that there are large tracts of State land that have not been archaeologically surveyed. One of the given reasons for this is that certain portions of the State-leased lands are not used for training. This is a sorry excuse to not survey these lands. As seen with the Leilani Fire and other detrimental events, harm can originate far from impacted areas. The State lands ought to be surveyed in full. Additionally, it is stated that of the 25 sites on State land that were within the footprint of the Leilani Fire, only nine have been evaluated post-fire. Why are the others not being investigated?

Under Alternative 1, it is noted that the Proposed Action would result in adverse impacts on cultural practices due to access limitations, yet impacts to historic and cultural resources are deemed as "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 the No Action Alternative, it is noted that both cultural practices and cultural resources 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 ʻŌiwi who wish to build pilina with Pōhakuloa. Cultural connections to the land are beneficial to people and to the continued health and prosperity of the land, itself.

3.5 Hazardous Substances and Hazardous Wastes

Living downwind from PTA, I am deeply concerned about the quality of our air, soils, and water. Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The BAX V-10 was constructed only 13 years ago and already contains dangerous levels of these metals, as stated in the EIS. I worry that these will break down over time and make their way downslope as airborne particulates, or infiltrate our watershed. It is also admitted that future cleanup efforts may include "emerging contaminants" that are as yet unknown, which I find unsettling.

I do not agree with the statement that no new impacts on the environment associated with hazardous substances would occur under Alternative 1. Obviously, hazardous substances accumulate over time, and the more activity the Army conducts, the greater the risk of contamination becomes. Under the No Action Alternative, the removal of the Army would result in beneficial impacts.

My concerns with the topics highlighted in this section are further allocated to connecting points made in other sections below.

3.6 Air Quality and Greenhouse Gases

In section 3.5, 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. Our prevailing 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 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. “Dust” is the accumulation of numerous types of particulates, not just soil alone.

The monitoring program mentioned in 3.6.4 feels inadequate. This limited study assessed "fugitive dust," which is not well defined herein and likely does not refer to accumulations of dirt and dust downwind, which result from lack of vegetation and subsequent exposure and erosion across the region. How is the standard set? Where did this study take place? Any efforts at controlling fugitive dust are laughable – there will never not be dust emanating from PTA as long as the landscape is treated like garbage.

Wildfire frequency is mentioned as being 37 per year, which is extremely high. As noted in this section, wildfires result in detrimental effects to air quality. I can attest to these effects lasting weeks, even months, in Waikōloa. It is common for ash to continue raining down on our home long after fires have been extinguished. We breathe in these burnt particles, causing short term and possible long term health impacts.

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.

3.7 Noise

Those of us in Waikōloa Village regularly hear (and feel) training activity throughout the day. I am aware of many people in Waimea having the same experience. It is disturbing, even miles 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? Claims that birds can become “habituated” to noise pollution are inaccurate. Even a cursory glance at biological literature will show that birds are especially sensitive to noise and that disruptive, ongoing sounds can and do adversely affect their behavior and overall health.

The statement that “long-term neighbors outside the installation” acknowledge noises from training but “most are not annoyed by it” seems dubious. Who was asked, and when? There are no references to a survey or a meeting where such a consensus was found.

I find it ridiculous that the draft EIS states that under Alternative 1, there is a “less than significant” level of impact regarding noise. I cannot fathom how this determination was made. I agree that the No Action Alternative would result in long-term, beneficial impacts.

3.8 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.

If the Army were serious about wanting to mitigate erosion and errant dust, there would be a greater focus on reforestation efforts, rather than temporary applications of lignin sulfonate and the like.

Using local rock for onsite construction in order to minimize the introduction of exotic species onto the land initially comes off as reasonable. However, given the fact that not all of the State-owned lands have been archaeologically surveyed, this activity could very well result in the destruction of unidentified archaeological sites.

The draft EIS claims that Alternative 1 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.

3.9 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 section 3.5, 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 section 3.5, “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 continues to threaten our soil and water resources.

The fact that the waters under Pōhakuloa are in excess of 5,000 years of shows how slow recharge rates are in this region. This is all the more reason for surface soils to be cared for now, with the knowledge that our actions today will reverberate across generations into the future.

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. The EIS admits that no surface water quality studies have ever been conducted on these ephemeral streams.

Once again, I disagree with the determination that Alternative 1 will result in “less than significant” effects to our water resources. There is not enough scientific evidence to back up this claim.

3.10 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.

3.11 Environmental Justice

If the Army is serious about involving people in having agency over the decision-making process, then they need to listen to voices callin for them to vacate this land. The ongoing gaslighting of "caring" for Kānaka and 'āina is exhausting. I could not have put it better than the statement that ongoing Army activity has resulted in "… generations of Hawaiians experiencing military culture and land uses that do not align with traditional cultural values." These are indeed the sentiments of Kānaka 'Ōiwi and other locals in my networks. It does not matter how much discourse the Army engages in with the public, or how much money is put towards natural resource management; at the end of the day, the Army is an instrument of war, and training activities will result in future damages regardless of so-called mitigation efforts. There is no justice to be found when 'āina is treated with such carelessness.

3.16 Human Health and Safety

Once again, I shall refer back to section 3.5. 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 nearly 30 years; I cannot help but wonder if breathing contaminants may be a factor in either, or both, of her health problems. I myself have experienced sudden and incapacitating health issues 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. I am hardly alone in my fears, as other community members have raised similar concerns during the public scoping process.

Mental and emotional wellbeing are sorely lacking in this section. Working at PTA took a dramatic toll on my mental health. Seeing how the land has been desecrated is painful. I know many, many other folks who feel the same, including those who have never set foot on this landscape yet who can feel the pain that emanates from it. Simply driving through the saddle region and briefly glimpsing what has now become a veritable dustbowl is enough to elicit tears from me, every single time.

Alternative 1 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 has no negative impact on human health.

Additional Concerns

Within this section, I include bullet points highlighting additional concerns, points of confusion, and inconsistencies I found while reading the second draft EIS.

- In Figure 1-2, the State owned lands total 22,971 acres. Removing the 250 acres of DHHL land, that leaves 22,721 acres that the Army proposes to retain. Why is this number constantly rounded up to 22,750? Where are the exact boundaries of the lands the Army wishes to retain? Given how important the Proposed Action is, I would think the Army would be more precise with numbers. Estimates are not legally binding.
- The formalized process to allow cultural practitioners access to PTA (ES.11) is absolutely not enough and comes off as a false promise. Access would still be challenging and limited, and there are no guarantees herein that the Army would honor even the most paltry of methods in providing safe access to practitioners.
- Is there a list of the stakeholders identified during the scoping period? How were these people or organizations selected?
- Under 3.2 Land Use, is "Lawsuit Against the State" a reference to Ching vs. Case 2019? If so, why not simply name the court case correctly? This is a legal case, which should be explicitly referred to.
- It is mentioned that the Army keeps fire records from 1975 on, and yet apparently most of the records prior to 2012 have been lost. What happened to these records? Why were they not backed up somewhere safe? Losing such data is a huge issue, and it suggests that the Army is incapable of protecting and preserving critical information.
- If all of PTA is classified as conservation district under the State's 1961 Land Use Law, any attempt at a future lease agreement or purchase from the State would be unlawful, since military activity on conservation land is not legal. As of the current lease, use by the Army is considered "nonconforming," given the timing of when the lease began and when the land was declared as conservation district, but this allowance would expire the moment the current lease does. For both the State and the Army to be in compliance of the Law, there should be no future lease agreement or purchase of these lands by the Army.
- One of my greatest concerns are the inconsistencies in reference to cleanup of the State-leased lands. In some sections of the EIS, cleanup (and even reforestation) are written about as a matter-of-fact action; "Implementation of Army lease compliance actions could result in… beneficial impacts… during cleanup and reforestation" (3.11.6.4). In others, cleanup is referred to in uncertain terms; for example, "After the lease expires, and *if deemed necessary*…" (section 2.2.4, italics added for emphasis). I am wary of the Army not following through with protocol that demands cleanup of the State-leased lands once the lease expires. Thus far, they have proven entirely incapable of cleaning up any part of their mess.

Concluding Thoughts

In conclusion, I support the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative

consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1, or from the other Alternative actions.

The Army has proven, time and time again, to be a bad neighbor. Public engagement and community outreach has been sorely lacking. I include in this the woefully short timeframe by which community members are expected to read, analyze, and respond to the draft EIS. Among the many, many threats posed by Army training, wildfires sit squarely at the top. I have had to evacuate my home twice due to wildfires. I am terrified at the prospect that Waikōloa will one day be consumed in flames. Should this ever happen, the likelihood that such fires will have been caused by Army negligence are sky high.

I care deeply for our ʻāina, for the perpetuity of ʻike Hawaiʻi, and for the wellbeing of our communities, human and otherwise. 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 Pōhakuloa, may this phenomenal ʻāina experience improved health and continued growth in the years to come.

Supplementary Images

Below are several photographs exemplifying damages I observed while working at Pōhakuloa.

ʻŌhiʻa tree with severe damage to trunk and limbs due to intentional Army activity, IPBC.

Another severely damaged and dying ʻōhiʻa tree, IPBC.

Bullet marks on a culturally important rock outcrop, TA 18.

Live ammunition pile, TA 18.

Blackened trunk of dead ʻōhiʻa tree in TA 22, a result of the 2018 fire.

Fresh rubbish near a cultural cave site in the IPBC (MRE packets circled in red). Other trash found nearby that same day included 30 mm helicopter ammunition casings, glow sticks, fabric, more MRE packets, helmet padding, batteries, ear plugs, zip ties, and plastic bottles, amongst other items.

From: Avalon Paradea <[redacted]>
Sent: Tuesday, May 7, 2024 9:30 PM
To: G70 - ATLR PTA EIS
Subject: Testimony on DEIS v.2

Aloha kākou,

I am writing in to share how outraged I am at the poor planning continuously shown by the Army in engaging with the public. The second draft EIS was only just released on April 23rd. While I understand that the meetings that took place yesterday and today were in part aimed at educating the public, the notion that community members would have time to read through this enormous document and be able to provide commentary within two weeks in absurd.

Are these the only in-person meetings that will be held? That's it? Two opportunities, back to back, on weekdays? How does it not register to you folks that we need more chances to involve people in this process? The 200,000+ residents who live on Hawai'i Island are spread out: you need to go to the people, not make them come to you. Organize meetings in more than two places, and plan several weekend meetings to allow busy families a chance to actually attend.

Additionally, it appears testimony cannot be given over zoom. Will there be any virtual meetings that invite folks to share their sentiments? There really ought to be. Virtual meetings are far more accessible for many, undoubtedly including members of your own team.

I see that comments on the second DEIS will only be taken until June 7th. This is absolutely not enough time for people to read through and comment on this document. Three months from release ought to be the minimum amount of time given to provide folks a chance for feedback. Again, this document is lengthy. It is not easy to understand for many people.

Finally, there needs to be a concerted effort to raise awareness that this document exists and that our community can comment on it. It always seems that a select few folks (such as myself) know how to find this information, and then it is up to us to disseminate it. The Army should be putting up more fliers, emailing well-established organizations and community boards, putting notices on social media -- really, anything to clarify what this document is and how folks can share their thoughts.

It find it disheartening and disrespectful how little the military cares about engaging with our kama'āina. Do better.

--

Avalon Paradea (they/them)

2023-2024 Vibrant Hawai'i Art Fellow

'Āina-based creative & lā'au lover

MS, Tropical Conservation Biology and Environmental Science

[redacted]

www.avalonparadea.com

Mālama 'Āina, Aloha 'Āina. All ways, always.

Laura Parker

I was a volunteer on the Friends For Fitness project on Saturday May 25th in KailuaKona, HI. Daily I see one or two people stepping in to assist for a short time. The work that these military citizens had to offer made a big difference. They were willing to do heavy lifting, hauling, cleaning, whatever was needed. They worked together as a team and yet each showed individual leadership responsibility.
Thank you supporting our community and our nation.

Stephen Paulmier

Thank you. My name is Stephen Paulmier. I live in Hilo and I've been here 15 years. It's a short time. There's something called shame, and sometimes we blush, and I just want to say to the officers here who are representing the army, that that would be the appropriate response to what you're hearing. It's a human thing to blush, it's a human thing to have shame when your dignity is lost. Honor is something you must have to defend anything. The honor here is lost. The training that is supposed to happen in the training area, well, there's evidence for whether the training is working or not. Our country's military has been involved in many, many military operations. And we're all blushing from Korea to Vietnam to Afghanistan to Iraq to Libya. They're too many to mention. It is a very, very authentic embarrassment. Something -- there isn't enough blushing and shame to be done with. Do you remember when you were young and you did something you knew was wrong? That's the feeling you should be feeling now. When your mother came to you with tears in her eyes about something you had done, that's the shame that we're all feeling for this mistake. When you don't have honor, when you've been caught in a lie over and over and over again, it's time to stop. The EIS is inappropriate. There shouldn't even be an application. I'm against this. Aloha.

Alfred Pestrello

The Military has placed an unfair amount of restrictions on our ability to go hunting, to gather and traverse this property that we once had .
And Pohakuloa is now a dustbowl . You could call it a wasteland.
The US Army has not been the good neighbor or caretaker of these properties.

From: Rebecca M Pierotti <[redacted]>
Sent: Thursday, June 6, 2024 8:24 PM
To: G70 - ATLR PTA EIS
Cc: Rebecca M Pierotti
Subject: Pōhakuloa EIS

Aloha,
I am in opposition to the continuation of the army continuing its lease of Pōhakuloa and in no respect shall it be expanded. As a resident of the Big Island, Volcano, District of Kāu, I frequently travel the Saddle Road for work, and also am at higher elevations for several days on Mauna Loa. The environmental destruction, noise pollution, and general emotional impact of army presence greatly impacts residents, the native landscape and fauna. Even at high elevation on Mauna Loa the bombing can be heard, and their heavy machines and war games create extreme high dust and fire hazards in a sensitive area. The army's heavy machinery also degrades our roads as they move their convoys up and down the sides of major routes. Hawaii deserves peace.
Rebecca M. Pierotti

Rebecca M Pierotti
[redacted]
HNP, HI 96718
[redacted]

Shakeisha Angay Pihi

Aloha,
I kindly ask that the army does not retain the least on the land. The land needs time to heal and regenerate. Please take this into consideration.

Mahalo,

Shakeisha Olalokahi Angay-Pihi

Dylan Pilger

To whom it may concern:

As a life-long resident of Hawai‘i and a public health professional with a Master of Public Health and Bachelor of Science in Biochemistry, I am firmly opposed to the Army‘s retention of any of the "State" lands at Pōhakuloa. I support the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. This endangers the health of the ‘āina including native species and may even pose a risk to human health.

Here are two major issues:
1) The EIS does not adequately investigate potential harm from the presence and use of PFASs on environmental and human health. PFAS use has been noted in the report "FINAL PRELIMINARY ASSESSMENT AND SITE INSPECTION OF PER- AND POLYFLUOROALKYL SUBSTANCES Pohakuloa Training Area and Kilauea Military Reservation, Hawaii" published by the Army. PFAS is known to be highly persistent in the environment, toxic even in low doses, and has been shown to bio-accumulate in aquatic animals, terrestrial plants, and humans. Historically, PFAS has been used at multiple sites in Pōhakuloa the health impacts of which have never been fully evaluated. Furthermore, live-fire training is a source of wild fires and necessitates the use of fire-fighting services which often make use of PFAS.

2) The EIS drastically under-emphasizes the cultural significance of Pōhakuloa and did not investigate the impacts to health caused by historical trauma associated with the desecration of cultural sites. As Indigenous peoples Native Hawaiians are subject to unique health risks including historical trauma as a result of historical and ongoing cultural erasure, dispossession, and genocide. Conducting live-fire trainings near cultural sites and the lack of access to these cultural sites due to ongoing training and legacy contaminants poses a health risk to the Native Hawaiian community that must be addressed.

Please add to the "Alternatives" section, alternatives that include:
1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises in places like Pōhakulua.

2) Reprioritization of food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet purpose and need through the long term goal of securing Hawai`i against the depredations of state enemies.

3) A thorough examination of the health impacts of PFAS usage to wildlife and the environment in Pōhakuloa and implementation of a third-party Health Risk Assessment to assess the risk posed to human health before considering offers to extend the Army's lease.

4) Provide a full account of the cultural significance of Pōhakuloa as a cultural site, including oral testimony included in previous iterations of the EIS. Furthermore, an appropriate third-party conduct an Environmental Justice Analysis to determine the impacts to the health of Native Hawaiians related to activities at Pōhakuloa and the cultural impacts to Native Hawaiians which may contribute to historical trauma prior to consideration of lease extensions.

Thank you for your attention to this matter,

Dylan Pilger

FINAL PRELIMINARY ASSESSMENT AND SITE INSPECTION OF PER- AND POLYFLUOROALKYL SUBSTANCES

Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

Prepared For:
U.S. Army Corps of Engineers, Baltimore District
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July 2023

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Preliminary Assessment and Site Inspection of Per- and Polyfluoroalkyl Substances

Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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July 2023

PRELIMINARY ASSESSMENT/SITE INSPECTION OF PFAS AT POHAKULOA TRAINING AREA AND KILAUEA MILITARY RESERVATION, HAWAII

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Appendix B Preliminary Assessment/Site Inspection Quality Control Checklist

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PRELIMINARY ASSESSMENT/SITE INSPECTION OF PFAS AT POHAKULOA TRAINING AREA AND KILAUEA MILITARY RESERVATION, HAWAII

Appendix L Data Usability Summary Report (Level IV analytical reports included in final electronic deliverable only)

Appendix M Site Inspection Laboratory Analytical Results

EXECUTIVE SUMMARY

The United States Army (Army) is performing preliminary assessments (PAs) and site inspections (SIs) on the current or potential historical use of per- and polyfluoroalkyl substances (PFAS) with a focus on perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorobutanesulfonic acid (PFBS), perfluorononanoic acid (PFNA), perfluorohexane sulfonate (PFHxS), and hexafluoropropylene oxide dimer acid (HFPO-DA) at Army installations nationwide because the Office of the Secretary of Defense (OSD) has developed risk-based screening levels for these chemicals. The PA identifies areas of potential interest (AOPIs) where PFAS-containing materials were used, stored, and/or disposed, or areas where known or suspected releases to the environment occurred. The SI includes multi-media sampling at AOPIs to determine whether or not a release has occurred. The SI may conclude further investigation is warranted, a removal action is required to address immediate threats, or no further action is required. This report provides the PA/SI for Pohakuloa Training Area (PTA) and Kilauea Military Reservation (KMR), which are both located on the island of Hawaii, and was completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), National Oil and Hazardous Substances Pollution Contingency Plan, and Army/Department of Defense (DoD) policy and guidance.

PTA is an approximately 108,000-acre live-fire and maneuver training facility located on the island of Hawaii, approximately 30 miles west of Hilo and 30 miles southeast of Waimea. PTA is the largest live-fire and maneuver training complex within the U.S. Army Garrison – Hawaii (USAG-HI) and consists of the following: a training area with 19,148 acres of maneuver training land; 565 acres of live-fire static ranges; 566 acres of cantonment area; and, approximately 37,520 acres of land classified as unsuitable for training.

KMR, officially known as Kilauea Military Reservation, occupies approximately 54 acres on the northern rim of Kilauea crater at Hawaii Volcanoes National Park on the island of Hawaii. Located approximately 30 miles southwest of Hilo, KMR is bounded by Highway 11 (Mamalahoa Highway) to the north, Crater Rim Drive to the south, and undeveloped land to the east and west. The installation provides active and retired military, reservists, DoD civilians, families, and sponsored groups a recreation area.

The PTA PA identified six AOPIs for investigation during the SI phase. The KMR PA identified two AOPIs for investigation during the SI phase. SI sampling results from the six AOPIs at PTA and the two AOPIs at KMR were compared to risk-based screening levels calculated by the OSD for PFOS, PFOA, PFBS, PFNA, and PFHxS. Of the six PFAS compounds presented in the 06 July 2022 OSD memorandum, HFPO-DA (commonly referred to as GenX) was not included as an analyte at the time of this SI. Based on the conceptual site model developed during the PA and revised based on SI findings, the presence of HFPO-DA is not anticipated at PTA and KMR because HFPO-DA is generally not a component of military specification aqueous film forming foam (AFFF) and based on its history including distribution limitations that restricted use of HFPO-DA, it is generally not a component of other products the military used. In addition, it is unlikely that HFPO-DA would be an individual chemical of concern in the absence of other PFAS. Therefore, there are no HFPO-DA SI analytical results to screen against the 2022 OSD risk screening levels. PFOS, PFOA, PFBS, PFNA and/or PFHxS were detected in soil at five AOPIs at PTA; and all five AOPIs had PFOS, PFOA, PFBS, PFNA, and/or PFHxS present at concentrations greater than the risk-based screening levels. The PTA PA/SI identified the need for further study in a CERCLA

remedial investigation. PFOS, PFOA, PFBS, PFNA and/or PFHxS were detected in soil and/or sediment at two AOPIs at KMR; and one AOPI had PFOS, PFOA, PFBS, PFNA, and/or PFHxS present at concentrations greater than the risk-based screening levels. The KMR PA/SI identified the need for further study in a CERCLA remedial investigation. **Table ES-1** below summarizes the PA/SI sampling results and provides recommendations for further study in a remedial investigation or no action at this time at each AOPI.

Table ES-1. Summary of AOPIs Identified during the PA, PFOS, PFOA, PFBS, PFNA, and PFHxS Sampling at PTA and KMR, and Recommendations

Installation Name	AOPI Name	PFOS, PFOA, PFBS, PFNA, and/or PFHxS detected greater than OSD Risk Screening Levels? (Yes/No/ND/NS)		Recommendation
		SO	GW	
PTA	Building 39: Former Fire Station	Yes	NS[1]	Further study in a remedial investigation
	Building 390: Fire Station	Yes	NS[1]	Further study in a remedial investigation
	Current and Former Fire-Training Pits	Yes	NS[1]	Further study in a remedial investigation
	Former Aqueous Film-Forming Foam Training Area	Yes	NS[1]	Further study in a remedial investigation
	Landing Zone Rob Helicopter Crash	ND	NS[1]	No action at this time
	Bradshaw Army Airfield Runway	Yes	NS[1]	Further study in a remedial investigation
KMR	Building 43: Former Fire Station	No	NS[2]	No action at this time
	Building 59: Fire Station #19	Yes	NS[2]	Further study in a remedial investigation

Notes:
1 = Historical reports indicate groundwater at PTA has been identified several hundred to more than 1,000 feet below ground surface (bgs). The significant depth to groundwater precludes collection of groundwater samples as part of this SI; instead, soil samples were collected to verify the presence of PFAS at PTA.
2 = KMR is underlain with accumulated surface lava flows of the Keamoku lava flow from Mauna Loa's southeastern flank and the Puna volcanic series and the intrusive rocks of Kilauea's dike-complex. There is no groundwater development in the area, nor is groundwater connected to a water source. Additionally, due to the rapid increase in temperature with depth, water that infiltrates the subsurface turns to steam, which precluded the collection of groundwater samples as part of this SI; instead, soil samples were collected to verify the presence of PFAS at KMR.
Light gray shading – detection greater than the OSD risk screening level
GW – groundwater
ND – non-detect
NS – not sampled
SO – soil

1 INTRODUCTION

The United States (U.S.) Army (Army) is performing preliminary assessments (PAs) and site inspections (SIs) on the current or potential historical use of per- and polyfluoroalkyl substances (PFAS) with a focus on perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorobutanesulfonic acid (PFBS), perfluorononanoic acid (PFNA), perfluorohexane sulfonate (PFHxS), and hexafluoropropylene oxide dimer acid (HFPO-DA) at Army installations nationwide because the Office of the Secretary of Defense (OSD) has developed risk-based screening levels for these chemicals. The Army is the lead agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Executive Order 12580 and is conducting the PA/SI consistent with its authority under CERCLA, 42 United States Code §§ 9600, et seq. (as amended), and the Defense Environmental Restoration Program, 10 United States Code §§ 2701, et seq. The PFAS PA/SI included two distinct efforts. The PA identified locations that are areas of potential interest (AOPIs) at Pohakuloa Training Area (PTA) and Kilauea Military Reservation (KMR) based on the use, storage and/or disposal of PFAS-containing materials, in accordance with the 2018 Army Guidance for Addressing Releases of PFAS (Army 2018). The SI included multi-media sampling at AOPIs to determine whether or not a release has occurred, and the analytical results were compared to the OSD PFOS, PFOA, PFBS, PFNA, and PFHxS risk screening levels to determine whether further investigation is warranted. Of the six PFAS compounds presented in the 06 July 2022 OSD memorandum, HFPO-DA (commonly referred to as GenX) was not included as an analyte at the time of this SI. Based on the conceptual site model (CSM) developed during the PA and revised based on SI findings, the presence of HFPO-DA is not anticipated at PTA and KMR because HFPO-DA is generally not a component of military specification (MIL-SPEC) aqueous film forming foam (AFFF) and based on its history including distribution limitations that restricted use of HFPO-DA, it is generally not a component of other products the military used. In addition, it is unlikely that HFPO-DA would be an individual chemical of concern in the absence of other PFAS. Therefore, there are no HFPO-DA SI analytical results to screen against the 2022 OSD risk screening levels. This report provides the PA/SI for PTA and KMR and was completed in accordance with CERCLA and The National Oil and Hazardous Substances Pollution Contingency Plan.

1.1 Project Background

PFAS are a class of compounds that have been used in a wide range of industrial applications and commercial products due to their unique surface tension/leveling properties. Due to industry and regulatory concerns about the potential health effects and adverse environmental impacts, there has been a reduction in the manufacture and use of PFAS worldwide. In the U.S., significant reductions in the production, importation, and use of PFOS and PFOA (two individual compounds in the PFAS class) occurred between 2001 and 2015 (Interstate Technology Regulatory Council 2017). PFBS replaced PFOS in some applications and is currently used and manufactured in the U.S.

In 2016, the United States Environmental Protection Agency (USEPA) established a lifetime health advisory of 70 nanograms per liter (ng/L) in drinking water for PFOS or PFOA and for the sum of PFOS and PFOA when both are present (USEPA 2016a). On 15 October 2019, the OSD provided guidance on the investigation of PFOS, PFOA, and PFBS at Department of Defense (DoD) restoration sites (OSD 2019). The DoD guidance provides risk screening levels for PFOS, PFOA, and PFBS in tap water and

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soil, calculated using the USEPA's Regional Screening Level (RSL) calculator for residential and industrial/commercial worker receptor scenarios. Following the issuance of the 2019 OSD memo, on 08 April 2021, USEPA published an updated toxicity assessment for PFBS (USEPA 2021). Based on the updated toxicity assessment for PFBS, the OSD issued a memorandum on 15 September 2021 to include updated PFBS risk screening levels (OSD 2021). On 18 May 2022, the USEPA published an update to the RSLs table. The May 2022 RSL table included six PFAS constituents: PFOS, PFOA, PFBS, PFNA, PFHxS, and HFPO-DA (USEPA 2022). On 06 July 2022, the OSD issued a memorandum to include revised risk screening levels based on the May 2022 USEPA RSLs (OSD 2022). The July 2022 Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program is provided for reference as **Appendix A**. These screening criteria are discussed further in **Section 6.5**.

1.2 PA/SI Objectives

This PA/SI was conducted consecutively because the results of the PA yielded AOPIs that necessitated continuing onto the SI phase in accordance with CERCLA. Consequently, this report provides the combined objectives of both PA and SI reports.

1.2.1 PA Objectives

During the PA, investigators collect readily available information and conduct site reconnaissance. This PA will evaluate and document areas where PFAS-containing materials were used, stored, and/or disposed, so the Army can distinguish between sites that pose little or no threat to human health and the environment and sites that require further investigation.

1.2.2 SI Objectives

A SI is conducted when the PA determines an AOPI exists based on probable use, storage, and/or disposal of PFAS-containing materials. The SI includes multi-media sampling at AOPIs to determine whether or not a release has occurred. The SI may conclude further investigation is warranted, a removal action is required to address immediate threats, or no further action is required.

Installation-specific data quality objectives (DQOs) and the sampling design and rationale are summarized in **Sections 6.1** and **6.2**.

1.3 PA/SI Process Description

For PTA and KMR, PA/SI development followed the process as described below. **Section 3** provides a summary of the PA activities completed, and **Section 6** provides a summary of the SI activities completed for PTA and KMR. The PA and SI processes are documented in the PA/SI Quality Control Checklist included as **Appendix B**.

1.3.1 Pre-Site Visit

First, an installation kickoff teleconference was held between applicable points of contact (POCs) from United States Army Environmental Command (USAEC), United States Army Corps of Engineers (USACE), PTA, KMR, and Arcadis U.S., Inc. (Arcadis). The kickoff call occurred on 07 January 2019, to discuss the goals and scope of the PA, project scheduling, installation access, timeline for the site visit, access to installation-specific databases, and to request available records.

Records review was conducted before the site visit to obtain electronically available documents from the installation and external sources for review. The purpose of the records research was to identify any area on the installation that may have been a location where PFAS-containing materials were used, stored, and/or disposed, as well as to gather information on the physical setting and site history at PTA and KMR.

A read-ahead package was prepared and submitted to the appropriate POCs 2 weeks before the site visit. The read-ahead package contains the following information:

- The Installation Management Command (IMCOM) operation order
- The PFAS PA kickoff call minutes
- An information paper on the PA portion of the Army's PFAS PA/SI
- Contact information for key POCs
- A list of the data sources requested and reviewed
- A list of preliminary locations identified during the kickoff call and pre-site visit records review to be evaluated for use, storage, and/or disposal of PFAS-containing materials, where additional information on those areas will be collected through personnel interviews, additional document review, and site reconnaissance.
- A list of roles for the installation POC to consider when recommending potential interviewees.

1.3.2 Preliminary Assessment Site Visit

The site visit was conducted in conjunction with multiple other Hawaii installations between 05 and 22 March 2019. An in-brief meeting was held to provide installation staff with the objectives of the site visit and team introductions. **Section 3** includes information regarding personnel interviewed.

Personnel interviews were conducted with individuals having significant historical knowledge at PTA and KMR. The interviews focused on confirming information discussed in historical documents, collecting information that may have not been in historical documents, corroborating other interviewees' information.

Site reconnaissance included visual surveys that assessed the points of potential use, storage, and/or disposal of PFAS-containing materials, as well as potential secondary impacts, and the migration potential from each AOPI (e.g., stormwater drains, building drains and sumps, cracks in the floor/pavement). Physical attributes of the preliminary locations were documented, including local slope and ground and floor conditions (i.e., paved, unpaved, visual staining), surface water bodies and surface flow, potential receptors, and the distance to the installation boundary. Access to existing groundwater monitoring wells, if present, were also noted during the site reconnaissance in case the monitoring wells

could be proposed for SI sampling. Photo documentation of the preliminary locations was collected, and access limitations or advantages related to potential future sampling activities were noted.

An exit briefing was offered to installation personnel at the conclusion of the site visit to raise any items identified during the site visit, discuss any follow-up items, and review the schedule for submitting deliverables. An informal exit briefing was conducted on 21 March 2019 with U.S. Army Garrison Hawaii (USAG-HI) to discuss preliminary findings of the PA site visit.

1.3.3 Post-Site Visit

Information collected before, during, and after the site visit was reviewed and corroborated by cross-referencing records and reviewing interview details and observations noted during site visit reconnaissance. A site visit trip report was completed and provided to the installation POC, applicable USAEC POCs, and USACE regional POCs following the site visit. The information collected during the pre-site visit and site visit activities was compiled to develop the installation-specific PA portion of the PA/SI report (**Section 3**). Site data obtained during the PA were used to develop preliminary CSMs for each AOPI, which serve as the basis for developing the SI scope of work presented in an installation-specific Quality Assurance Project Plan (QAPP) Addendum.

1.3.4 Site Inspection Planning and Field Work

The SI process was initiated at the installations to evaluate PFOS, PFOA, PFBS, PFNA, and PFHxS presence or absence at each AOPI and determine whether further investigation is warranted. An SI kickoff/scoping teleconference was held on 09 January 2020 to obtain concurrence on the SI sampling plan for PTA and KMR from USAEC, USACE, and USAG-HI.

The objectives of the SI kickoff/scoping teleconference were to:

- discuss the AOPIs selected for sampling and the proposed sampling plan for each AOPI
- identify specific installation access requirements and potential schedule conflicts
- discuss general SI deliverable and field work schedule information and logistics
- discuss health and safety considerations

A Programmatic Uniform Federal Policy-Quality Assurance Project Plan (PQAPP) was developed and finalized in October 2019 for the USAEC PFAS PA/SI (Arcadis 2019). The PQAPP details general planning processes for collecting data and describes the implementation of quality assurance (QA) and quality control (QC) activities for the SI portion for Army installations nationwide. Additionally, an installation-specific QAPP Addendum was developed to define the DQOs, present the sampling design and rationale, and provide qualifications for project personnel. The SI field work was completed in accordance with the PQAPP (Arcadis 2019) and the approved installation-specific QAPP Addendum. A Site Safety and Health Plan (SSHP) was also developed as an attachment to the QAPP Addendum to identify specific health and safety hazards that may be encountered at the installation during sampling. The SSHP was designed to supplement the Accident Prevention Plan (Arcadis 2018), which was developed for Army installations nationwide. The QAPP Addendum and SSHP were submitted to the installation and finalized before commencement of field work.

The DQOs, sampling design and rationale, and field methods employed for the SI are summarized from the QAPP Addendum developed for PTA and KMR (Arcadis 2021) in **Sections 6.1** through **6.3**.

After finalization of the QAPP Addendum and SSHP, field planning and coordination with the installation and subcontractors was completed. Once the schedule was determined, field teams mobilized to the installation to complete the scope of work defined in the QAPP Addendum.

1.3.5 Data Analysis, Validation, and Reporting

Environmental samples collected during the SI were submitted to a laboratory which is DoD Environmental Laboratory Accreditation Program (ELAP)-accredited for PFOS, PFOA, PFBS, PFNA, and PFHxS analysis by liquid chromatography with tandem mass spectrometry and compliant with the DoD Quality Systems Manual (QSM) 5.3 (DoD and Department of Energy 2019). Laboratory analytical results were then validated and verified by a project chemist to assess the usability of the data collected. Validated analytical results were summarized in the context of OSD risk screening levels (defined in **Section 6.5**).

2 INSTALLATION OVERVIEW

The following subsections provide general information about PTA and KMR, including the location and layout, the installation mission(s) over time, a brief site history, current and projected land use, climate, topography, geology, hydrogeology, surface water hydrology, potable wells within a 5-mile radius of the installation, and applicable ecological receptors.

2.1 Installation Overview of Pohakuloa Training Area (PTA)

2.1.1 Site Location

PTA (**Figure 2-1**) is located at the intersection of three mountain ranges on the island of Hawaii: Mauna Kea, Mauna Loa, and the Hualalai Volcanic Mountains. The installation consists of 108,800 acres and is located 32 miles west of Hilo and 27 miles southeast of Waimea, which is the closest city to PTA (Army Defense Environmental Restoration Program [ADERP] 2016). **Figure 2-2** details the installation layout of PTA.

2.1.2 Mission and Brief Site History

The mission of PTA is to train, equip, and sustain Army forces in the Pacific Theater. Specifically, PTA is the largest live-fire and maneuver training complex within the USAG-HI. The training area consists of 19,148 acres of maneuver training land, 565 acres of live-fire static ranges, and 566 acres of cantonment area. The installation is used to train, equip, and sustain Army forces annually by approximately 18,000 Soldiers from the 25th Infantry Division, 8th Theater Sustainment Command, Marines from the 3rd Marine Regiment at Kaneohe Bay, the U.S. Air Force, National Guard, and Army Reserves. Approximately 37,520 acres of the PTA are classified as unsuitable for training (ADERP 2016).

2.1.3 Current and Projected Land Use

PTA was established in 1955 and originally encompassed approximately 740 acres of land for base camp development. An additional 84,220 acres were acquired in 1956 for firing ranges and impact areas. Subsequent lease acquisitions from the State of Hawaii and private landowners increased the total land area to 108,960 acres within portions of the Mauna Kea and Mauna Loa Forest reserves.

Currently, 85,057 acres at PTA are designated as impact area, of which 51,000 acres are used for testing high explosives. The Army leases about 23,900 acres of land for training and maneuver areas, rights-of-way for tank trails and crossings and for water pipelines over state, commercial, and private lands. An additional 6.4 acres of land at Kawaihae Bay (west shore of the island), Kawaihae Military Reservation, is used by the Army as a port facility for the assembly of equipment and supplies prior to shipment to PTA. Before the military's use of the installation property, the land was undeveloped (PRC Environmental Management, Inc. [PRC] 1997). There are no foreseeable future land use changes for PTA.

2.1.4 Climate

The Island of Hawaii is in the humid tropical Pacific, but elevation and orographic processes at PTA results in a climate classified as a cool, tropical dry climate. The installation is more "wet" at lower

elevations. The position of the installation is to the west and below the Humu'ula Saddle and on the leeward side of Mauna Kea. Moisture carried by the summer easterly trade winds is lost as precipitation with the increase in elevation, and rarely reaches PTA at higher elevation. Much of the installation is situated above the thermal inversion layer and is not influenced by the trade wind-orographic rainfall regime. Occasionally, moist air trapped below the inversion layer rises into the Saddle Region in the late afternoon. Fog is typical of late winter and early spring when trade winds fail. Mornings can be clear and sunny at lower and mid-installation elevations, and in the afternoon, a cloud belt can develop from about 750 to 1,675 meters (about 2,500 to 5,500 feet). Visibility becomes limited at lower elevations, whereas the base camp has clear skies. Fog and fog-drip is a source of precipitation and may equal rainfall on some parts of the island. However, the majority of the installation is above the thermal layer and dry. Drought is common when winter storms fail. The 59-year average annual precipitation at PTA Weather Station 107 is 35.4 centimeters (14.4 inches). Most rainfall occurs during the winter months. Diurnal temperature fluctuations are greater than the seasonal variations (USAG-HI 2010). The mean temperature at PTA ranges from 50 to 60 degrees Fahrenheit and the average rainfall is approximately 15 inches per year (PRC 1997). Temperatures at PTA are influenced by the high elevation and central location of the installation on the island of Hawaii (PRC 1997).

2.1.5 Topography

The elevation on Pohakuloa ranges from about 768 meters (2,520 feet) above mean sea level (amsl) near the northwestern corner of the installation where the boundary meets the Māmalahoa Highway to about 2,719 meters (8,920 feet) at the southeast corner of the installation on the slopes of Mauna Loa. The topography is nearly flat to gently rolling across the center of the installation (**Figure 2-3**). In this area, slopes increase or decrease in the southern and northern extents of the installation, respectively. The overall slope is about 6 percent (%) with large variations and a slightly west-northwest aspect (USAG-HI 2010).

2.1.6 Geology

PTA is situated at the intersection of the Mauna Kea, Mauna Loa, and Hualalai volcanic mountain ranges, the installation extends 6,800 feet up Mauna Kea and 9,000 feet up Mauna Loa (ADERP 2016). The northern portion of PTA is situated in the Mauna Kea Forest Reserve and the southern portion of PTA is in the Mauna Loa Forest Reserve (PRC 1997). The soil horizon is underlain with horizontally layered, accumulated lava flows of the Kau volcanic series (massive basaltic lavas resulting from frequent eruptions of Mauna Loa) (PRC 1997). There are no perennial surface water bodies (e.g., surface streams, lakes, or other bodies of water) on PTA, and intermittent stream channels quickly dry after rainfall (USAG-HI 2010). The following information is associated with the geology, surface soil, and surface water characteristics found at PTA (PRC 1997): the surficial geology is comprised primarily of lava flows consisting of approximately 40% pahoehoe lava and approximately 30% a'a lava; the hydraulic conductivity of massive lava flows underlying the area is relatively low; in general, the soils are coarse to medium textured, excessively drained, and formed on volcanic ash, pumice, and cinders; the majority of soil is generally permeable; and, due to the relatively low rainfall and the high permeability of the soils and underlying bedrock, there are no perennial streams within 15 miles of the PTA installation.

2.1.7 Hydrogeology

Available records indicate there are two types of groundwater beneath PTA, basal groundwater (which lies below the main water table) and high-level groundwater (which is water held at levels above basal groundwater by relatively impermeable rocks) (USAG-HI 1996). The depth to basal groundwater at PTA is estimated to be approximately 6,000 feet bgs (PRC 1997). Test borings drilled within the PTA cantonment area in 2013 identified the presence of a shallow perched aquifer at approximately 700 to 1,200 feet bgs, and a deeper saturated aquifer at approximately 1,800 to 5,786 feet bgs (Amarosa 2019). Volcanic aquifers can form connected geologic structures in the subsurface (Kreyns et al. 2020); however, the vertical subsurface distance between the two aquifers likely indicates that interconnection is minimal, if any. Additionally, a review of readily available documentation provides no evidence that the aquifers below PTA are hydrologically interconnected.

The following groundwater data is also available (USAG-HI 1996): groundwater was not encountered at a different test boring drilled to a depth of 1,001 feet bgs on the PTA installation; and, high-level groundwater has been encountered at depths of 1,280 feet bgs and 1,500 feet bgs in private wells drilled 12 miles northwest of PTA at elevations of 4,000 feet and 4,200 feet amsl (USAG-HI 1996). Currently, groundwater at PTA is not used as a source of potable water. A hydrological investigation to evaluate potential groundwater source(s) for potable water at PTA was scheduled to be conducted in 2019, with results "required in 2020" (Amarosa 2019). The results from the hydrological investigation were not readily available at the time of this PA/SI. The availability and use of groundwater sources at PTA for potable water in the future is unknown.

There is limited information regarding the direction of groundwater flow at PTA. A review of readily available documents identified no drinking water receptors downgradient of PTA. In general, groundwater moves southwest downgradient toward the sea and discharges at or near the coast (PRC 1997).

2.1.8 Surface Water Hydrology

Because of the high permeability of the soils and underlying bedrock, and relatively low rainfall at PTA, there are no perennial streams within 15 miles of the PTA installation. Within the same drainage area, however, at least seven intermittent streams drain surface water off the steep southwestern flank of Mauna Kea. Along the western boundary of the installation, the closest stream is Popolo Gulch, which converges with Auwaiakeokua Gulch to drain surface water toward the Waikoloa community. Within 2 miles of the cantonment area, three intermittent streams, Waikahalulu Gulch, Pohakuloa Gulch, and an unnamed gulch, collect runoff from the southern flank of Mauna Kea. Waikahalulu Gulch and the unnamed gulch extend on and off post while Pohakuloa Gulch is completely off post (PRC 1997).

2.1.9 Relevant Utility Infrastructure

The following subsections provide general information regarding the installation's stormwater and wastewater management systems, as well as information on how the utility infrastructures may influence the fate and transport of PFAS constituents at PTA.

2.1.9.1 Stormwater Management System Description

Stormwater runoff at PTA flows to downgradient drainage ditches. The drainage ditches are not connected to any perennial water bodies that flow off-installation. Due to the high permeability of the soils and underlying bedrock, stormwater runoff likely quickly recharges groundwater (Arcadis 2021).

2.1.9.2 Sewer System Description

According to an interview conducted during the site visit, PTA has historically used cesspools (an underground container/pit for the temporary storage and infiltration of liquid waste and sewage) to manage untreated, raw sewage, however they are in the process of being closed and replaced by septic tanks at the time of this report. During the interview, it was noted that eight septic tanks and leach fields had been installed at the time of this report. Wastewater is processed through septic tanks (where they have already been installed), leaching fields, and underground injection wells which are managed in accordance with federal and state regulations. The newly installed septic tanks are used by the Army and have an Underground Injection Control permit issued by the State Department of Health, Safe Drinking Water Branch (USAG-HI 2010).

2.1.10 Potable Water Supply and Drinking Water Receptors

According to a historical environmental report for the installation, prior to 1994, PTA used high-level, perched water collected from springs at 8,600 feet to 10,400 feet amsl along the west side of Pohakuloa Gulch (PRC 1997). Historically, this drinking water was supplemented with Hawaii County water from Hilo and Waimea (PRC 1997). The report also indicates that, as of 1997, groundwater was not used as a drinking water source within a 4-mile radius downgradient of PTA, and PTA did not use drinking water from drilled wells, but instead used water hauled from the City of Waimea (PRC 1997). Additionally, two wells associated with Waiki'i Ranch, which are also not downgradient of PTA, are located northeast of PTA. These wells are designated for agricultural use and are also suspected to be used as a drinking water source. At the time of this report drinking water for PTA does not come from either of these sources and instead is hauled in from an off-site source.

An Environmental Data Resources, Inc. (EDR) report includes search results from a variety of environmental, state, city, and other publicly available databases for a referenced property. An EDR report was generated for PTA, which along with state and county geographic information system (GIS) provided by the installation identified several off-post public and private wells within 5 miles upgradient of the installation boundary (**Figure 2-4**). However, Army-owned wells and on-post wells/water sources, if present, are not shown or identified on figures in this PA/SI report due to operational security guidance/requirements. The EDR report providing well search results provided as **Appendix C**.

2.1.11 Ecological Receptors

The PA team collected information regarding ecological receptors that was available in the installation documents. The following information is provided for future reference should the Army decide to evaluate exposure pathways relevant to the ecological receptors.

Since 1997, PTA has conducted avian surveys annually and monitors for the presence of some federally listed species. Over the course of these studies, one federally listed endangered mammal (Lasiurus

cinereus semotus/ ʻopeʻapeʻa/Hawaiian hoary bat) and three birds (Branta sandvicensis—nēnē, Hawaiian goose; Buteo solitaries— ʻio, Hawaiian hawk; and Pterodroma sandwichensis—ʻuaʻu, Hawaiian dark-rumped petrel) have been identified, along with a number of invertebrate species of concern. Other species that have a historical presence include the palila (Loxioides bailleui), Hawaiian crow (Crovus hawaiiensis), akepa (Loxops coccineus), and Hawaiian creeper (Oreomystis mana). Because these later species have not been seen for over 20 years on the installation, they are no longer included in any specific management actions (USAG-HI 2010).

PTA has 15 federally listed endangered, one federally listed threatened, and two candidate plants (**Table 2-2**). Three of the endangered plant species are located in the Keʻāmuku Parcel. Twelve taxa have a Global Rank of G1, which recognizes these species as critically imperiled globally. This ranking extends to subspecies and variety for two taxa. Four taxa are categorized as imperiled globally (G2), with the ranking extending to variety for one of the taxa. The Army considers federal candidate species and G1-G2 and T1-T2 as species at risk. Proactive management that prevents federal listing is more cost-effective and less destructive to military training and testing (USAG-HI 2010).

Table 2-2 Federally Listed and Candidate Flora at PTA

Scientific Name	Common Name	Status	Heritage Global Rank
Asplenium peruvianum var. insulare	fragile fern	LE	G5 T1
Festuca hawaiiensis	Hawaiian fescue	C	G1
Haplostachys haplostachya	honohono	LE	G1
Isodendrion hosakae	aupaka	LE	G1
Kadua coriacea (Syn. Hedyotis coriacea)	kioʻele	LE	G1
Lipochaeta venosa (Syn. Melanthera venosa)	nehe	LE	G1
Neraudia ovata	maʻaloa	LE	G1
Portulaca sclerocarpa	ʻihi makole	LE	G2
Schiedea pubescens	Hairy schiedea	C	G1
Silene hawaiiensis	Hawaiian catchfly	LE	G2
Silene lanceolata	lanceleaf catchfly	LE	G1
Solanum incompletum	popolu ku mai	LE	G1
Spermolepis hawaiiensis	Hawaiian parsley	LE	G2
Stenogyne angustifolia var. angustifolia	creeping mint	LE	G2

Scientific Name	Common Name	Status	Heritage Global Rank
Tetramolopium arenarium var. arenarium	Mauna Kea pamakani	LE	G1 T1
Vigna o-wahuensis	no common name	LE	G1
Zanthoxylum hawaiiense	a'e	LE	G1

LE – listed endangered
C – candidate for listing
G1 – species critically imperiled globally (typically 1 to 5 occurrences)
G2 – species imperiled globally (typically 6 to 20 occurrences)
G5 – species possibly extinct
T1 – subspecies or variety critically imperiled globally (typically 1 to 5 occurrences)

2.1.12 Previous PFAS Investigations

Previous (i.e., pre-PA) PFAS investigations relative to PTA, including both those conducted and not conducted by the Army, are summarized to provide full context of available PFAS data for PTA. However, only data collected by the Army will be used to make recommendations for further investigation.

The USEPA conducted the third Unregulated Contaminant Monitoring Rule (UCMR3) monitoring between 2013 and 2015. UCMR3 is a national program that collects data for contaminants that are suspected to be present in drinking water and do not have health-based standards set under the Safe Drinking Water Act (USEPA 2016b). The UCMR3 included the analysis of PFOS, PFOA, PFBS, PFNA, and PFHxS in public water systems serving more than 10,000 people between 2013 and 2015. During monitoring events conducted in September 2013 and March 2014, samples were collected from three upgradient public supply wells in Waikoloa within a 5-mile radius of PTA. Results indicated that PFOS, PFOA, PFBS, PNFA, and PFHxS were not detected in any of the samples collected from the public supply wells. The minimum reporting level at the time of UCMR3 sampling was 40 ng/L for PFOS, 20 ng/L for PFOA, 90 ng/L for PFBS, 20 ng/L for PFNA, and 30 ng/L for PFHxS. The laboratory that analyzed the samples under UCMR3 met the USEPA's UCMR3 Laboratory Approval Program application and Proficiency Testing criteria for USEPA Method 537 Version 1.1.

In response to the IMCOM Operations Order 16-088, drinking water samples were collected from PTA by the U.S. Army Public Health Center on 18 October 2016 for PFAS analysis (including PFOS, PFOA, PFBS, PFNA, and PFHxS) using USEPA Method 537 (Department of the Army 2016). None of the PFAS analytes were detected above the method reporting limit of 2.0 ng/L (0.002 micrograms per liter) in the drinking water samples. A PFAS Testing Report provided by USAG-HI indicated that samples were taken on installation at Building 161x and the samples were collected from post-treated/finished water that is trucked in from the Hawaii County Water System. The laboratory which analyzed samples met the USEPA's Laboratory Approval Program application and Proficiency Testing criteria for USEPA Method 537 Version 1.1.

2.2 Installation Overview of Kilauea Military Reservation (KMR)

2.2.1 Site Location

KMR, officially known as Kilauea Military Reservation, occupies approximately 54 acres on the northern rim of Kilauea crater at Hawaii Volcanoes National Park on the island of Hawaii (**Figure 2-5**). Located approximately 30 miles southwest of Hilo, KMR is bounded by Highway 11 (Mamalahoa Highway) to the north, Crater Rim Drive to the south, and undeveloped land to the east and west (TLI Solutions, Inc. [TLI] 2007). **Figure 2-6** details the installation layout of KMR.

2.2.2 Mission and Brief Site History

KMR was established by a group of citizens in 1916 on 5 acres of land to create a training facility for the National Guard and a recreation area for the Army. Subsequent lease acquisitions have increased the total area to 54 acres. KMR was originally intended to be an encampment for the Hawaiian National Guard but was never used for that purpose. In October 1916, it became a recreation center and rest camp. Except for a period of time between 1941 and 1943, when it was used alternately to house Japanese prisoners of war and tactical troops, KMR has remained a rest and recreational facility at the time of this report (USAG-HI 1997). Since the 1960s, the camp has been located in its present site and has served as a rest and recreation area for all branches of military personnel. The installation mission as of 2006 is to provide active military, retired military, reservists, DoD civilians, families, and sponsored groups a recreation area (TLI 2007).

2.2.3 Current and Projected Land Use

Past and current operations at KMR are light industrial and residential. Generally, this includes infrastructure operations and maintenance, routine vehicle maintenance, fuel storage, and vehicle refueling. A total of 90 one, two, and three-bedroom cottages and apartments at KMR function as hotel style lodging for military service members and their families, however the population that is in residence in the area is unknown (USAG-HI 1994). Although KMR is currently used primarily for recreational purposes, historical records indicate the installation has a "park residence area", which indicates KMR has residential housing (International Archaeological Research Institute, Inc. [IARI] 2000). There are no foreseeable future land use changes for KMR.

2.2.4 Climate

KMR is located in a transitional area between a humid montane rainforest (east of KMR) and montane seasonal environment (west of KMR) with a summer dry climate. The distribution and intensity of rainfall in the volcano region is tied to orographic conditions generated by the northeast trade winds (IARI 2000). The average annual precipitation at Hawaii Volcano National Park Headquarters (Station 54) from 01 October 1949 to 22 June 2015 was 106.84 inches (Western Regional Climate Center 2020). The mean annual temperature ranges from approximately 53 to 68 degrees Fahrenheit (IARI 2000).

2.2.5 Topography

At an elevation of 4,000 feet amsl, KMR is surrounded by the gentle southeast slope of Mauna Loa and the steep bluffs at the northern rim of Kilauea Caldera (**Figure 2-7**) (TLI 2007).

2.2.6 Geology

Kilauea is an active volcano that formed during the Pleistocene Age on the southeast flank of Mauna Loa, a larger and older neighboring volcano (TLI 2007). Volcanic features including calderas, pit craters, cinder cones, spatter ramparts, fumaroles, solfataras, pahoehoe and a'a lava flows, tree molds, lava tubes, and thermal areas can be found within Hawaii Volcanoes National Park (TLI 2007). KMR is located on a thin soil horizon over a thick section of basaltic flows, ash, and cinder (TLI 2007). KMR is underlain with accumulated surface lava flows of the Keamoku lava flow from Mauna Loa's southeastern flank and the Puna volcanic series and the intrusive rocks of Kilauea's dike-complex, where magma intruded into fissures beneath the summit caldera (TLI 2007).

2.2.7 Hydrogeology

There is no groundwater development, nor is groundwater connected to a water source, at KMR due to the volcanic nature of the island and close proximity to Kilauea volcano (TLI 2007). Subsurface temperatures increase rapidly with depth, causing any infiltrating water to turn into steam. Although there are steam vents within Hawaii Volcanoes National Park, there are no steam vents near KMR (TLI 2007).

2.2.8 Surface Water Hydrology

There are no perennial surface water bodies (e.g., surface streams, lakes, or other bodies of water) at KMR and, due to the porosity of the ground surface, and there are no streams nearby. Surface water runoff is limited due to permeable volcanic bedrock (TLI 2007).

2.2.9 Relevant Utility Infrastructure

The following subsections provide general information regarding the installation's stormwater and wastewater management systems, as well as information on how the utility infrastructures may influence the fate and transport of PFAS constituents at PTA.

2.2.9.1 Stormwater Management System Description

Stormwater runoff at KMR quickly infiltrates the ground surface due to its porous nature, and then turns to steam due to increased temperatures with depth as described above (TLI 2007).

2.2.9.2 Sewer System Description

According to an interview conducted during the site visit, KMR formerly had cesspools to manage sewage, however they are now closed and were replaced by septic tanks as of 1984. There are also portable toilets located throughout the installation for sanitary waste disposal.

PRELIMINARY ASSESSMENT/SITE INSPECTION OF PFAS AT POHAKULOA TRAINING AREA AND KILAUEA MILITARY RESERVATION, HAWAII

2.2.10 Potable Water Supply and Drinking Water Receptors

As discussed in **Section 2.2.7**, historical reports indicate there is no groundwater at KMR, nor is groundwater connected to a drinking water source; and, due to the rapid increase in temperature with depth, water that infiltrates the subsurface turns to steam (TLI 2007). Due to the porosity of the ground surface and permeable bedrock, there are no streams nearby and surface water runoff is limited. Drinking water at KMR is obtained through a rainwater catchment system and is supplemented with potable water from the City of Hilo.

An EDR report includes search results from a variety of environmental, state, city, and other publicly available databases for a referenced property. An EDR report was generated for KMR, which along with state and county GIS provided by the installation identified one off-post public supply wells within 5 miles of the installation boundary (**Figure 2-8**); additionally, in compliance with operational security requirements no on-installation or army-owned water supply features are shown on **Figure 2-8**. The EDR report providing well search results provided as **Appendix C**.

As noted above, an EDR DataMap™ Well Search Report for KMR, there is one public water supply well within 5 miles of KMR (EDR 2018). The well, located east of the installation, is identified as well number HI0000146 with an "active" status under the name Hawaii Volcanoes National Park. The EDR DataMap™ Well Search Report lists the "source" as "groundwater" (EDR 2018). The well identified and HI0000146 is likely not a groundwater well used at KMR for the following reasons.

The facility name listed on the EDR DataMap™ Well Search Report for this well has "catchment" in the name (i.e., the facility name for well HI0000146 is Volcano Catchment Chlorinator), indicating the water is likely from a catchment system.

2.2.11 Ecological Receptors

The PA team collected information regarding ecological receptors that was available in the installation documents. The following information is provided for future reference should the Army decide to evaluate exposure pathways relevant to the ecological receptors.

KMR has one federally listed endangered mammal (Lasiurus cinereus semotus/ 'ope'ape'a/Hawaiian hoary bat) and two birds (Branta sandvicensis—nēnē, Hawaiian goose and Buteo solitaries—'io, Hawaiian hawk). As of October 2003, there were 137 nēnēs at KMR and only 1,287 in the world. KMR also has one federally listed threatened plant (Silene hawaiiensis). The land is currently managed by the park for exotic species as part of the Keanakakoi Special Ecological Area (TLI 2007).

2.2.12 Previous PFAS Investigations

Previous (i.e., pre-PA) PFAS investigations relative to KMR, including both those conducted and not conducted by the Army, are summarized to provide full context of available PFAS data for KMR. However, only data collected by the Army will be used to make recommendations for further investigation.

As stated in **Section 2.1.12**, the USEPA conducted UCMR3 monitoring between 2013 and 2015 to investigate if suspect contaminants without health-based standards set under the Safe Drinking Water Act were present in public water systems. None of the wells sampled during the UCMR3 monitoring were within a 5-mile radius of KMR.

In response to the IMCOM Operations Order 16-088, drinking water samples were collected from KMR by the U.S. Army Public Health Center on 18 October 2016 for PFAS analysis (including PFOS, PFOA, PFBS, PFNA, and PFHxS) using USEPA Method 537 (Department of the Army 2016). None of the PFAS analytes were detected above the method reporting limit of 2.0 ng/L (0.002 micrograms per liter) in the drinking water samples. A PFAS Testing Report provided by USAG-HI indicated that samples were taken on installation and collected from post-treated/finished water. The laboratory which analyzed samples met the USEPA's Laboratory Approval Program application and Proficiency Testing criteria for USEPA Method 537 Version 1.1.

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3 SUMMARY OF PA ACTIVITIES AT PTA AND KMR

To document areas where any potential current and/or historical PFAS-containing materials were used, stored and/or disposed at PTA and KMR, data was collected from three principal sources of information and are described in the subsections below:

1. Records review
2. Personnel interviews
3. Site reconnaissance

Preliminary locations of potential use, storage, and/or disposal of PFAS-containing materials were then evaluated in the PA (during records review, personnel interviews, and/or site reconnaissance) and were categorized as AOPIs or as areas not retained for further investigation at this time based on a combination of information collected (e.g., records reviewed, personnel interviews, internet searches). A summary of the observations made, and data collected through records reviews (**Appendix D**), installation personnel interviews (**Appendix E**), site reconnaissance photos (**Appendix F**) and site reconnaissance logs (**Appendix G**) during the PA process for PTA and KMR is presented in **Section 4**. Further discussion regarding rationale for not retaining areas for further investigation is presented in **Section 5.1**, and further discussion regarding categorizing areas as AOPIs is presented in **Section 5.2**.

3.1 Records Review

The records reviewed for this PA included, but were not limited to, various Installation Restoration Program (IRP) administrative record documents, compliance documents, PTA and KMR fire department documents, PTA and KMR Directorate Of Public Works documents, and GIS files. Internet searches were also conducted to identify publicly available and other relevant information. A list of the specific documents reviewed for PTA and KMR is provided in **Appendix D**.

3.2 Personnel Interviews

Interviews were conducted during the site visit. The list of roles for the installation personnel interviewed during the PA process for PTA and KMR is presented below.

- PTA Fire Chief
- PTA Deputy Commander
- PTA Cultural Resources Manager, Archeologist
- KMR Fire Fighter

The compiled interview logs are provided in **Appendix E**[1].

[1] At the time of the PA, KMR was referred to in interviews as Kilauea Military Camp (KMC). It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES.

3.3 Site Reconnaissance

Site reconnaissance and visual surveys were conducted at the preliminary locations identified at PTA and KMR during the records review process, the installation in-brief meeting, and/or during the installation personnel interviews. A photo log from the site reconnaissance is provided in **Appendix F**; photos were used to assist in verification of qualitative data collected in the field. The site reconnaissance logs are provided in **Appendix G**.

4 POTENTIAL PFAS USE, STORAGE, AND/OR DISPOSAL AREAS

PTA and KMR were evaluated for all potential current and historical use, storage, and/or disposal of PFAS-containing materials. As such, this section is organized to summarize the AFFF-related uses first, and all remaining potential PFAS-containing materials in the subsequent section.

4.1 Pohakuloa Training Area

4.1.1 AFFF Use, Storage, and Disposal Areas at PTA

AFFF Storage Areas and Fire Stations

AFFF was developed in the mid-1960s in response to a need for firefighting foams better suited to extinguish Class B, fuel-based fires. AFFF formulations consist of water, an organic solvent, up to 5% hydrocarbon surfactants, and 1 to 3% PFAS (Interstate Technology Regulatory Council 2020). AFFF concentrate is designed to be diluted with water to become a 1, 3, or 6% foam. AFFF releases at DoD facilities may have occurred during firefighter training, emergency response actions, equipment testing, or accidental releases. The military still primarily uses AFFF for Class B fires; however, the current formulations of AFFF contain significantly lower amounts of PFOS, PFOA, and their precursors, and significant operational changes have been implemented to restrict uncontrolled releases and non-essential use of PFAS-containing foams. Army installations may still house AFFF, commonly stored in closed containers (e.g., 55-gallon drums, 5-gallon buckets), within designated storage buildings or at firehouses.

AFFF was historically stored and used by fire department personnel to fill fire trucks at the Building 39: Former Fire Station from 1969 until 1996, at which point the PTA fire department moved its operations to the Building 390: Fire Station. AFFF has been stored throughout the interior and exterior of the current fire station in various types of containers including, but not limited to, buckets and CONEX boxes. From approximately 1992 to 1999, spills were known to have occurred from buckets stacked on the exterior of the building. In 2019, there were approximately 310 gallons (sixty-two 5-gallon buckets) of AFFF stored in a shed west of the station building. The AFFF had been purchased approximately 8 years prior. Historically, truck maintenance activities were conducted at the station (until approximately 1999), and fire trucks were filled with AFFF on the fire station apron.

Fire Training Areas

The PTA Fire Department potentially used AFFF in historical firefighting training activities at two iterations of fire-fighting training pits, in a designated AFFF training area, at an airfield runway, and at the current fire training area. A former pit was used from an unknown date until 1984 and a newer pit was constructed in 1984 and operated until 2003. From 1992 to 1999, there were at least six to seven training events. During each event, 1,000 gallons of water and approximately 100 gallons of 3% AFFF were sprayed in a sweeping motion into the pit and the surrounding area. Liquid drained to nearby injection wells. Usage was likely less frequent before 1992 and after 1999. There have been no PFAS-containing materials used at the training pits since at least 2003. The Former AFFF Training Area was used for firefighting training one to two times per year from approximately 1999 to 2009 where foam was sprayed

towards and into a brush-filled drainage ditch. Training exercises were performed on the Bradshaw Army Airfield Runway from 1992 to 1997, to empty PFAS-containing materials from fire truck reservoirs prior to performing truck plumbing maintenance. Training was performed throughout the runway; however, most of the training was likely conducted on the ends of the runway. The specific location of each training exercise depended on the wind direction. Current fire training activities take place in a designated area south of the Bradshaw Airfield Runway; however, it was confirmed during the PA site visit interviews that no training with AFFF has taken place at this location since 2003 when the current fire chief arrived. There is no evidence of historical AFFF usage in the area prior to 2003.

Fire Response Activities

In addition to fire training activities, AFFF was potentially used related to emergency fire responses by the PTA Fire Department at the following locations:

- Landing Zone (LZ) Rob Helicopter Crash
- Forward Aircraft Refueling Point (FARP) 17 Fire Response
- OH-58 Kyla Helicopter Crash/Fire Response
- (Old) Saddle Road (on-post portion)
- Wildfire Responses (on-post portion)

In the late 1990s, a Marine CH-53 helicopter crashed at LZ Rob, a bulldozed lava rock landing zone. The crash did not generate a fire; however, fuel was released to the landing zone area. Response efforts included the use of 3,000 gallons of water and 90 gallons of AFFF.

During interviews conducted during the PA site visit to PTA, no specific evidence was identified confirming AFFF was used in response to the other fires listed above.

4.1.2 Other PFAS Use, Storage, and/or Disposal Areas at PTA

Following document research, personnel interviews, and site reconnaissance at PTA, landfills and former pesticide storage areas were also identified as preliminary locations for use, storage, and/or disposal of PFAS-containing materials. A summary of information gathered in the PA for each of these preliminary locations is described below. Specific discussion regarding areas not retained for further investigation is presented in **Section 5.1.1** and specific discussion regarding areas retained as AOPIs is presented in **Section 5.1.2**.

Landfills

Two historical landfills at PTA were identified. Following the PA site visit, information from interviews and acquired documents were reviewed and no specific evidence was identified confirming disposal of PFAS-containing waste at these landfills.

Pesticide Storage Areas

One building was identified as a potential storage area for PFAS-containing pesticides. During a telephonic interview with the IMCOM Pest Management Consultant, it was noted that products containing Sulfluramid (i.e., associated with insecticides) may have contained PFAS and were phased out in 1996.

During the PA records review, the IMCOM Pest Management Consultant provided records of potentially PFAS-containing pesticides and insecticides used at and/or stored at Army installations, and did not identify PTA as an installation having used or stored PFAS-containing pesticides/insecticides. Additionally, the PA team reviewed available pesticide use inventory documentation provided by the installation and did not identify PFAS-containing pesticides use, storage, or disposal.

4.1.3 Readily Identifiable Off-Post PFAS Sources at PTA

An exhaustive search to identify all potential off-post PFAS sources (i.e., not related to operations at PTA) is not part of the PA/SI. However, potential off-post PFAS sources within a 5-mile radius of the installation that were identified during the records search and site visit are described below:

- According to the interviews conducted during the PA, off-post emergency fire responses from the PTA Fire Department as requested by Hawaii County may have used AFFF to extinguish wildfires near PTA.
- The PTA Fire Department responded to vehicle crashes and associated fires along approximately 30 miles (mile marker 17 to 48) of old Saddle Road, which in areas extends beyond the bounds of the installation.

4.2 Kilauea Military Reservation

4.2.1 AFFF Use, Storage, and Disposal Areas at KMR

AFFF Storage Areas and Fire Stations

AFFF was historically stored and used by fire department personnel to fill fire trucks at the Building 43: Former Fire Station from 1942 until 1994, at which point the KMR Fire Department moved its operations to the Building 59: Fire Station #19. AFFF was stored in 5-gallon pails within the former station, fire trucks were filled with AFFF at the former station, and fire trucks containing AFFF were washed on the former fire station concrete apron. Rinse water generated when washing the trucks flowed onto the paved street to the west and then further south down the road. The roads near the former fire station have volcanic rock curbs with no storm or sewer drains present; as such, it is assumed that rinse water that flowed onto the street confined by the curb would then likely evaporate in the road. The station housed two fire trucks, each containing 60 gallons of AFFF. Four or five 5-gallon pails of 3% or 6% AFFF were stored within the building during a 1990 U.S. Army Toxic and Hazardous Materials Agency assessment.

Historically, the current fire station was used to store AFFF and fire trucks containing AFFF were washed on the station apron or driveway. Prior to approximately 2009, when a trench drain was installed on the station apron, the apron and station bays were known to flood during heavy rains. The trench drains discharge to a grassy area southwest of the station. According to firefighting staff, since at least 2009, no PFAS-containing materials have been used at KMR, including for training; however, one 5-gallon pail of AFFF was at the station during the PA site visit.

4.2.2 Other PFAS Use, Storage, and/or Disposal Areas at KMR

Following document research, personnel interviews, and site reconnaissance at KMR, no other areas were identified as preliminary locations for use, storage, and/or disposal of PFAS-containing materials. A summary of information gathered in the PA for each of these preliminary locations is described below. Specific discussion regarding areas not retained for further investigation is presented in **Section 5.2.1** and specific discussion regarding areas retained as AOPIs is presented in **Section 5.2.2**.

During the PA records review, the IMCOM Pest Management Consultant provided records of potentially PFAS-containing pesticides and insecticides used at and/or stored at Army installations and did not identify KMR as an installation having used or stored PFAS-containing pesticides/insecticides. Additionally, the PA team reviewed available pesticide use inventory documentation provided by the installation and did not identify PFAS-containing pesticides use, storage, or disposal.

4.2.3 Readily Identifiable Off-Post PFAS Sources at KMR

An exhaustive search to identify all potential off-post PFAS sources (i.e., not related to operations at KMR) is not part of the PA/SI. However, no potential off-post PFAS sources within a 5-mile radius of the installation were identified during the records search and site visit.

5 SUMMARY AND DISCUSSION OF PA RESULTS

The preliminary locations evaluated for potential use, storage, and/or disposal of PFAS-containing materials at PTA and KMR, were further refined during the PA process and identified either as an area not retained for further investigation or as an AOPI. In accordance with the established process for the PA/SI, six areas at PTA and two areas at KMR have been identified as AOPIs. The process used for refining these areas is presented on **Figure 5-1**, below.

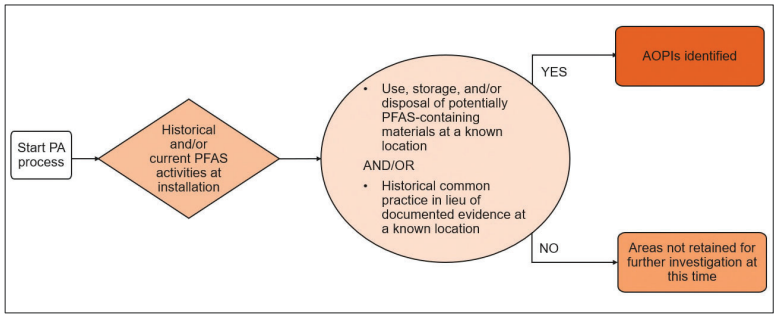

Figure 5-1: AOPI Decision Flowchart

The areas not retained for further investigation are presented in **Section 5.1.1** and **Section 5.2.1**. The areas retained as AOPIs are presented in **Section 5.1.2** and **Section 5.2.2**.

Data limitations for this PA/SI at PTA and KMR are presented in **Section 8**.

5.1 Pohakuloa Training Area

5.1.1 Areas Not Retained for Further Investigation at PTA

Through the evaluation of information obtained during records review, personnel interviews, and/or site reconnaissance, the areas described below were categorized as areas not retained for further investigation at this time.

A brief site history and rationale for areas not retained for further investigation are presented in **Table 5-1**

Table 5-1. PTA Installation Areas Not Retained for Further Investigation

Area Description	Dates of Operation	Relevant Site History	Rationale
FARP 17 Fire Response	Unknown	Fire response near the FARP 17 (training area). The Fire Chief believes no AFFF was used.	No evidence of PFAS-containing materials used, stored, and/or disposed of at this location.
OH-58 Kyla Helicopter Crash/Fire Response	Unknown	Location of a historical OH-58 helicopter crash. When interviewed during the PA the PTA Fire Chief stated he was confident that no AFFF was used in the response.	No evidence of PFAS-containing materials used, stored, and/or disposed of at this location.
Current Fire-Fighting Training Area	Unknown to Present	The current fire-fighting training area is located south of the Bradshaw Army Airfield runway. A helicopter prop is used for training. According to interviewees no training with AFFF or AFFF testing has taken place at this location.	No evidence of PFAS-containing materials used, stored, and/or disposed of at this location.
(Old) Saddle Road	Late 1960s to present	PTA responds to vehicle crashes/fires along approximately 30 miles of Saddle Road. There were frequent vehicle crashes/ fires along old Saddle Road. According to the PTA Fire Chief, the location of responses within the area of aid from mile marker 17 to 48 is no longer known due to the relocation and repaving of Saddle Road.	Specific locations are unknown.

Area Description	Dates of Operation	Relevant Site History	Rationale
Wildfire Responses	Likely late 1960s to present	Sometimes AFFF was used on wildland fires on PTA ranges. AFFF occasionally would get placed in brush trucks (300-gallon tank). for use after the Class A foam was depleted. AFFF may have been used on off-post wildland fires as assistance requested by Hawaii County. Activities conducted over a large area with no known specific instances or locations of AFFF use, and no known areas of on-post release associated with these responses.	Specific locations are unknown.
Landfill #1 and #2	Unknown to approximately1984	X-ray development solution from KMR (separate AOPI) was sent to PTA for disposal. Landfill 1 operated 1955 to 1977, and Landfill 2 operated from 1979 to 1993. No researched documentation stated that known PFAS-containing materials were disposed of at either facility.	No evidence of PFAS-containing materials used, stored, and/or disposed of at this location.
Building T-21: Former Pesticide Storage Shed	Unknown to 1980s	Former pesticide storage shed with a wood floor and a gravel driveway. Spills may have occurred, but none were confirmed. As indicated in **Section 4.1.2**, no readily available information provided evidence that pesticides at KMR were PFAS containing	No evidence of PFAS-containing materials used, stored, and/or disposed of at this location.

5.1.2 AOPIs at PTA

Overviews for each AOPI identified during the PA process are presented in this section. One of the AOPIs overlaps with PTA IRP site and/or Headquarters Army Environmental System (HQAES) site (**Figure 5-2**). The AOPI, overlapping IRP site identifier, HQAES number, and current site status are discussed within each AOPI subsection presented below. At the time of this PA, none of the PTA IRP sites have historically been investigated or are currently being investigated for the possible presence of PFAS.

The AOPI locations are shown on **Figure 5-2**. Aerial photographs of each AOPI that also show the approximate extent of AFFF use (if applicable) are presented on **Figures 5-3** through **5-8**.

5.1.3 Building 39: Former Fire Station

The Building 39: Former Fire Station is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical use of PFAS-containing materials and/or AFFF (**Figure 5-3**). Building 39 was operated as a fire station from 1969 through approximately 1996. AFFF was stored throughout the interior and exterior of the building, in various types of containers including, but not limited to, buckets and CONEX boxes. The buckets of AFFF were stacked vertically, which frequently resulted in the bottom buckets becoming cracked due to the weight of the buckets above. Fire trucks were filled with AFFF on the fire station apron. Truck maintenance activities were also conducted at the station.

5.1.4 Building 390: Fire Station

The Building 390: Fire Station is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical use of PFAS-containing materials and/or AFFF (**Figure 5-4**). The current fire station was constructed circa 1983 to 1985. AFFF has been stored throughout the interior and exterior of the building in various types of containers including, but not limited to, buckets and CONEX boxes. From approximately 1992 to 1999, spills were known to have occurred from buckets stacked on the exterior of the building. In 2019, there were approximately 310 gallons (sixty-two 5-gallon buckets) of AFFF stored in a shed west of the station building. The AFFF had been purchased approximately 8 years prior. Historically, truck maintenance activities were conducted at the station (until approximately 1999), and fire trucks were filled with AFFF on the fire station apron.

5.1.5 Current and Former Fire-Fighting Training Pits

The Current and Former Fire-Fighting Training Pits (HQAES:2216A.1001) is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical firefighting training activities (**Figure 5-5**). Two iterations of fire-fighting training pits were used at PTA: a former pit that was used from an unknown date until 1984 and a newer pit that was constructed in 1984 and operated until 2003. The former pit was constructed with loose rubber plates covered with dirt, surrounded by an earthen berm. Flammable liquids that were poured into the burn pit during fire training exercises may have seeped into the underlying soil and bedrock along the unsealed plate seams. The former pit was decommissioned due to an unsuitable design for flammable liquids and access problems. In 1984, the pit was renovated by installing a concrete pit and covering the surrounding fire break with red

cinder fill material. From 1992 to 1999, there were at least six to seven training events. During each event, 1,000 gallons of water and approximately 100 gallons of 3% AFFF were sprayed in a sweeping motion into the pit and the surrounding area. Liquid drained to nearby injection wells. Usage was likely less frequent before 1992 and after 1999. The pit was used a few times as a target for helicopter water drops in the 1990s. According to the interview with the PTA Fire Chief, here have been no PFAS-containing materials used at the training pits since at least 2003.

5.1.6 Former AFFF Training Area

The Former AFFF Training Area is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical firefighting training activities (**Figure 5-6**). The Former AFFF Training Area, located near the Bradshaw Army Airfield control tower, was used for firefighting training one to two times per year from approximately 1999 to 2009. Foam was sprayed towards and into a brush-filled drainage ditch.

5.1.7 LZ Rob Helicopter Crash

The LZ Rob Helicopter Crash is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical fire response using PFAS-containing materials (**Figure 5-7**). Circa the late 1990s, a Marine CH-53 helicopter crashed at LZ Rob, a bulldozed lava rock LZ. The crash did not generate a fire; however, fuel was released to the LZ area. Response efforts included the use of 3,000 gallons of water and 90 gallons of AFFF.

5.1.8 Bradshaw Army Airfield Runway

The Bradshaw Army Airfield Runway is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical use and disposal of PFAS-containing materials (**Figure 5-8**). From 1992 to 1997, training exercises were performed on the Bradshaw Army Airfield Runway to empty PFAS-containing materials from fire truck reservoirs prior to performing truck plumbing maintenance. Training was performed throughout the runway; however, most of the training was likely conducted on the ends of the runway. The specific location of each training exercise depended on the wind direction.

5.2 Kilauea Military Reservation

5.2.1 Areas Not Retained for Further Investigation at KMR

Through the evaluation of information obtained during records review, personnel interviews, and/or site reconnaissance, the areas described below were categorized as areas not retained for further investigation at this time.

A brief site history and rationale for areas not retained for further investigation are presented in **Table 5-2**.

Table 5-2. KMR Installation Areas Not Retained for Further Investigation

Area Description	Dates of Operation	Relevant Site History	Rationale
Building 47: Health Clinic	Unknown to approximately 1989	The Building was constructed in 1930, and historically used to process X-rays. Interviewee indicated these activities ceased at least prior to 1989. Spent X-ray development solution was sent to PTA for disposal (separate AOPI). Potential for spills on site exist, but none were confirmed.	No confirmed release of PFAS-containing material.

5.2.2 AOPIs at KMR

Overviews for each AOPI identified during the PA process are presented in this section. One of the AOPIs overlap with KMR IRP sites and/or Headquarters Army Environmental System (HQAES) sites (**Figure 5-9**). The AOPI, overlapping IRP site identifier, HQAES number, and current site status are discussed within each AOPI subsection presented below. At the time of this PA, none of the KMR IRP sites have historically been investigated or are currently being investigated for the possible presence of PFAS.

The AOPI locations are shown on **Figure 5-9** and details of each AOPI that also show the approximate extent of AFFF use (if applicable) are presented on **Figures 5-10** through **5-11**.

5.2.3 Building 43: Former Fire Station

The Building 43: Former Fire Station (HQAES: 2213A.1005) is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical use of PFAS-containing materials and/or AFFF (**Figure 5-10**). Building 43 was constructed in 1942 and operated as a fire station until 1994. The fire station bay had a concrete floor with no drains. AFFF was stored in 5-gallon pails within the building, fire trucks were filled with AFFF at the station, and fire trucks containing AFFF were washed on the fire station concrete apron. Rinse water generated when washing the trucks flowed onto the street, which did not have storm or sewer drains. The station housed two fire trucks, each containing 60 gallons of AFFF. Four or five 5-gallon pails of 3% or 6% AFFF were stored within the building during a 1990 U.S. Army Toxic and Hazardous Materials Agency assessment.

5.2.4 Building 59: Fire Station #19

The Building 59: Fire Station #19 is identified as an AOPI following records research, personnel interviews, and site reconnaissance due to historical use of PFAS-containing materials and/or AFFF (**Figure 5-11**). Firefighting operations moved to Building 59 in 1994. Historically, the station was used to store AFFF and fire trucks containing AFFF were washed on the station apron or driveway. Prior to approximately 2009, when a trench drain was installed on the station apron, the apron and station bays were known to flood during heavy rains. The trench drains discharge to a grassy area southwest of the station. According to interviews conducted during the PA, since at least 2009, no PFAS-containing materials have been used at KMR, including for training; however, one 5-gallon pail of AFFF is currently stored at the station. There is no known historical use of PFAS-containing materials in response to a fire or crash on or off post.

6 SUMMARY OF SI ACTIVITIES

Based on the results of the PA at PTA and KMR, an SI for PFOS, PFOA, PFBS, PFNA, and PFHxS was conducted in accordance with CERCLA. SI sampling was completed at PTA at all six AOPIs and KMR at both AOPIs to evaluate presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS in comparison with the OSD risk screening levels. As such, an installation-specific QAPP Addendum (Arcadis 2021) was developed to supplement the general information provided in the PQAPP (Arcadis 2019) and to detail the site-specific proposed scopes of work for the SI. A preliminary CSM was prepared for each of the installation's AOPIs in accordance with the USACE Engineer Manual on Conceptual Site Models, EM 200-1-12 (USACE 2012). The preliminary CSMs identified potential human receptors and chemical exposure pathways based on current and/or reasonably anticipated future land uses. The preliminary CSMs identified soil, groundwater, surface water, and sediment pathways as potentially complete which guided the SI sampling. The QAPP Addendum details the sampling design and rationale based on each AOPI's preliminary CSM. The SI scope of work was completed in August 2021 at PTA and December 2022 at KMR through the collection of field data and analytical samples.

The SI field work was completed in accordance with the standard operating procedures (SOPs), technical guidance instructions (TGIs), sampling design, and QA/QC requirements as detailed in the QAPP Addendum (Arcadis 2021) and PQAPP (Arcadis 2019). The subsections below summarize the DQOs, sampling design and rationale, sampling activities and methods, and data analyses procedures for the SI phase at PTA and KMR. Non-conformances to the prescribed procedures in the PQAPP and QAPP Addendum are described in **Section 6.3.3**. Analytical results obtained through SI field activities are summarized in **Section 7**.

6.1 Data Quality Objectives

As identified during the DQO process and outlined in the site-specific QAPP Addendum (Arcadis 2021), the objective of the SI is to identify whether there has been a release to the environment at the AOPIs identified in the PA and to determine if further investigation is warranted. This SI evaluated soil and sediment for PFOS, PFOA, PFBS, PFNA, and PFHxS presence or absence at each of the sampled AOPIs.

6.2 Sampling Design and Rationale

The rationale for sampling at each AOPI is illustrated on **Figure 6-1** below.

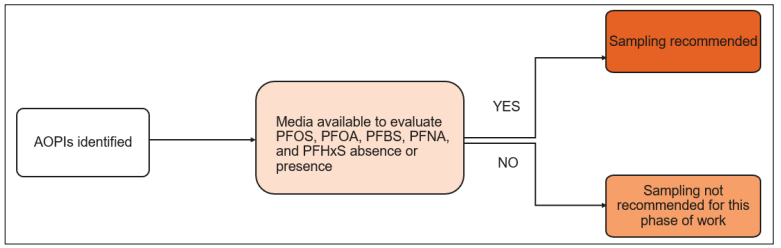

Figure 6-1: AOPI Sampling Decision Tree

6.2.1 Pohakuloa Training Area

The sampling design for SI sampling activities at PTA is detailed in Worksheet #17 of the QAPP Addendum (Arcadis 2021). For each of the six AOPIs at PTA (Building 39: Former Fire Station, Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, Former AFFF Training Area, LZ Rob Helicopter Crash, and Bradshaw Army Airfield Runway) samples were collected at locations of known or suspected use, storage, and/or disposal of PFAS-containing materials, locations of surface runoff collection, and downgradient locations if exact use, storage, or disposal locations are unknown. Sample locations were selected based on site-specific historical evidence and surface runoff / surface conditions observed in the field at each sampled AOPI. Sample media types collected for each AOPI were based on media most likely to confirm the presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS.

Soil samples were collected from each of the six AOPIs to evaluate PFOS, PFOA, PFBS, PFNA, and PFHxS presence at potential release areas, to evaluate the potential for those areas to be sources of PFAS to surface water and groundwater as an influence to drinking water, and to update the individual AOPI CSMs. The focus of the soil sampling was the upper 2 feet of soil. Soil samples were collected over the 0 to 2 feet bgs interval or an interval of 2 feet bgs below any surface coverings (asphalt). One soil sample per AOPI with planned soil sampling was also analyzed for total organic carbon (TOC), pH, and grain size. These data were collected as they may be useful in future fate and transport studies.

Historical reports indicate groundwater at PTA has been identified several hundred to more than 1,000 feet bgs. The significant depth to groundwater precludes collection of groundwater samples at PTA.

6.2.2 Kilauea Military Reservation

The sampling design for SI sampling activities at KMR is detailed in Worksheet #17 of the QAPP Addendum (Arcadis 2021). For both of the AOPIs at KMR (Building 43: Former Fire Station and Building 59: Fire Station #19) samples were collected at locations of known or suspected use, storage, and/or disposal of PFAS-containing materials, locations of surface runoff collection, and downgradient locations if exact use, storage, or disposal locations are unknown. Sample locations were selected based on site-specific historical evidence and surface runoff / surface conditions observed in the field at each sampled

AOPI. Sample media types collected for each AOPI were based on media most likely to confirm the presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS.

Soil samples were collected from both AOPIs and a sediment sample from one AOPI (Building 59: Fire Station #19) to evaluate PFOS, PFOA, PFBS, PFNA, and PFHxS presence at potential release areas, to evaluate the potential for those areas to be sources of PFAS to surface water and groundwater as an influence to drinking water, and to update the individual AOPI CSMs. The focus of the soil sampling was the upper 2 feet of soil. Soil samples were collected over the 0 to 2 feet bgs interval or an interval of 2 feet bgs below any surface coverings (asphalt). One soil sample per AOPI with planned soil sampling was also analyzed for TOC, pH, and grain size. These data were collected as they may be useful in future fate and transport studies.

Groundwater sampling is not included as part of the SI at either of the AOPIs (Building 43: Former Fire Station and Building 59: Fire Station #19) at KMR. No wells exist onsite and historical reports indicate that there is no groundwater at KMR.

6.3 Sampling Methods and Procedures

Environmental data were collected and analyzed in accordance with the PQAPP (Arcadis 2019), the SOPs and TGIs included as Appendix A to the PQAPP, the QA/QC requirements identified in Worksheet #20 of the PQAPP, the approved scope and sampling methods outlined in the site-specific QAPP Addendum (Arcadis 2021), and the safety procedures specified in the Accident Prevention Plan (Arcadis 2018) and SSHP (Arcadis 2021). The sampling methods described in the SOPs and TGIs establish equipment requirements, procedures for preparing equipment and containers before sampling, sampling procedures under various conditions, and procedures for storing samples to ensure that sample contamination does not occur during collection, and transport. In general, sampling techniques used in the SI were consistent with conventional sampling techniques used in the environmental industry, but special considerations were made regarding PFAS-containing materials and equipment and cross-contamination potential.

The sampling methods employed during the SI are detailed in the PQAPP (Arcadis 2019) and QAPP Addendum (Arcadis 2021). The subsections below provide a summary of the field methods and procedures utilized to complete the SI scope of work. Field notes and field forms (i.e., soil boring logs, equipment calibration forms, tailgate health and safety forms, utility and structures checklist and sample collection logs) documenting the SI sampling activities are included in **Appendices H** and **I**, respectively. Photographs of the sampling activities are included in **Appendix J**.

6.3.1 Field Methods

Composite soil samples were collected via a 3.25 inch diameter, nickel plated, alloy steel hand auger from the top 2 feet of native soil at the shallow soil sampling locations at PTA and KMR. Several borings at PTA were not able to be advanced to 2 feet bgs due to refusal; instead, the soil sample was collected from soil present at the surface to the depth of refusal. In general, sampling points were positioned in the center, downgradient, and/or cross gradient of a suspected release area. Soil collected with the hand auger was transferred to a stainless-steel bowl where it was mixed for homogenization. A portion of the homogenized soil was then placed in the sample container and packed with ice in a cooler to meet the

preservation temperature requirements. Nitrile gloves were worn during sample collection to prevent PFAS cross-contamination. Soil lithological descriptions were continuously logged and documented on field forms and coordinates for each sampling location were recorded using a handheld global positioning system device. Excess soil cuttings were used to backfill the boring location where they were generated. Decontamination water was discharged to the boring location where they were generated.

For the AOPI LZ Rob Helicopter Crash, the bulldozed lava rock LZ, soil samples were collected using a trowel from soil present at the surface to a maximum depth of 1-foot bgs.

For the AOPI Building 39: Former Fire Station, newly graded material was present at the offsite drainage area; so, a deeper, composite subsurface soil sample was collected from a sampling location from a 2-foot interval of native material located at 1 to 3 feet bgs.

For the AOPI Current and Former Fire-Fighting Training Pits, an additional deeper, composite subsurface soil sample was collected from a sampling location from a 1.5-foot interval of native material located at 2.5 to 4 feet bgs.

One sediment sample was collected at KMR from the following location: the drainage canal within the Building 59: Fire Station #19 AOPI. The sediment sampling method used was determined based on the condition of the stream/drainage canals in accordance with TGI – Sediment, Surface Water, and Stormwater Sample Collection for PFAS Analysis, provided in Appendix A to the PQAPP (Arcadis 2019). The sediment sample was collected from the upper 5 centimeters of sediment within the canal using a hand-held stainless-steel trowel. Surface water was present during the sampling event, so decanting of the sediment sample was necessary. The sediment description was documented on a field form and coordinates for the sediment sample location were recorded using a handheld global positioning system device.

Decontamination procedures for non-dedicated equipment used during sampling are described in **Section 6.3.4**.

6.3.2 Quality Assurance/Quality Control

Worksheets #20 of the PQAPP and QAPP Addendum provide QA/QC requirements for field duplicates, matrix spike/matrix spike duplicates, equipment blanks (EBs), source blanks for water used in the initial decontamination step for hand tools, and field blanks for laboratory-supplied water used in the final decontamination step.

QA/QC samples were collected at the frequencies specified in the QAPP Addendum (Arcadis 2021), typically at a rate of 1 per 20 parent samples. Field duplicates and matrix spike/matrix spike duplicate samples were collected for media sampled for PFOS, PFOA, PFBS, PFNA, and PFHxS, and TOC only. EBs were collected for media sampled for PFOS, PFOA, PFBS, PFNA, and PFHxS, at a frequency of one per piece of relevant equipment for each sampling event, as specified in the QAPP Addendum (Arcadis 2021). The decontaminated reusable equipment from which EBs were collected include the hand auger, stainless steel trowel, and stainless steel bowl. Source blanks were collected from the water used to decontaminate the hand auger, stainless-steel trowel, and stainless-steel bowl. Analytical results for blank samples are discussed in **Section 7.1.8** and **Section 7.2.4**.

6.3.3 Field Change Reports

No instances of major scope modifications (i.e., those that may have had a significant impact on the project scope and/or data usability/quality, or required stop-work, and warranted discussion with USACE) were encountered during the PTA or KMR SI work.

In some cases, clarifications to the established scope of work were needed but do not necessarily constitute a non-conformance from the sampling plans described in the QAPP Addendum. Minor modifications from and clarifications for the procedures and scope of work detailed in the QAPP Addendum and PQAPP and that did not affect DQOs are documented in Field Change Reports (FCRs) included as **Appendix K** and are summarized below:

- FCR-PTA-01: Three soil samples (PTA-BLDG39-4-SO, PTA-BLDG39-5-SO, and PTA-BLDG39-6-SO) were moved at the Building 39: Former Fire Station AOPI due to new construction (since the PA mobilization) that obstructed the originally planned sample locations.
- FCR-PTA-02: At each soil sampling location at PTA, soil representative of the designated soil sampling interval (0 to 2 feet bgs) was placed in a PFAS-free container and composited. Soil samples were collected by subsampling the composited soil present in the PFAS-free container to obtain soil samples that were more representative of the soil sampling interval than discrete soil sample collection methods.
- FCR-PTA-03: Two soil samples (PTA-LZR-3-SO and PTA-LZR-4-SO) were moved at the LZ Rob Helicopter Crash due to surface materials not suitable or available for sampling.
- FCR-KMR-01: One soil sample (KMR-BLD59-4-SO) at the Building 59: Fire Station #19 AOPI was replaced by a sediment sample (KMR-BLDG59-4-SE) due to presence of standing water at the planned sampling location.

6.3.4 Decontamination

Non-dedicated reusable sampling equipment (e.g., stainless-steel trowel, stainless-steel bowl, and hand auger) that came into direct contact with sampling media was decontaminated before first use, between sampling locations/intervals, and before demobilization in accordance with P-09, TGI – Groundwater and Soil Sampling Equipment Decontamination (Arcadis 2019, Appendix A).

6.3.5 Investigation-Derived Waste

Investigation-derived waste, including soil cuttings and decontamination fluids were disposed on the ground at the point of collection. Disposable equipment was collected in bags and disposed in municipal waste receptables. Equipment investigation-derived waste includes personal protective equipment and other disposable materials (e.g., nitrile gloves and plastic sheeting) that may come in contact with sampling media.

6.4 Data Analysis

The subsections below summarize the laboratory analytical methods and the methodology used to evaluate data collected during the SI through data verification and usability assessments (as completed by a project chemist, independent of the project team).

6.4.1 Laboratory Analytical Methods

Analytical samples collected during the SI were submitted to Eurofins Lancaster Laboratories Environmental, an ELAP-accredited laboratory for PFAS analysis, including PFOS, PFOA, PFBS, PFNA, and PFHxS, by liquid chromatography with tandem mass spectrometry. Laboratory analyses associated with the SI were completed in accordance with Worksheets #12.1 through #12.5 in the PQAPP (Arcadis 2019). Eighteen PFAS-related compounds, including PFOS, PFOA, PFBS, PFNA, and PFHxS, were analyzed for in soil and/or sediment samples using an analytical method that is ELAP-accredited and compliant with QSM 5.3 (DoD and Department of Energy 2019), Table B-15. Potable water samples were analyzed for 14 PFAS compounds, including PFOS, PFOA, PFBS, PFNA, and PFHxS, according to USEPA Method 537 Version 1.1, in accordance with Worksheet #15 of the PTA and KMR QAPP Addendum (Arcadis 2021).

Additionally, the following general chemistry and physical characteristic analyses were completed for select soil samples in accordance with Worksheet #18 of the QAPP Addendum (Arcadis 2021) by the analytical method noted:

- TOC by Solid Waste Test Method 846 9060A
- Grain size analysis by American Society for Testing and Materials D422-63
- pH by Solid Waste Test Method 846 9045D.

These data are collected as they may be useful in future fate and transport studies.

The laboratory limit of detection (LOD) is defined as “the lowest concentration for reliable reporting of a non-detect of a specific analyte in a specific matrix with a specific method at 99 percent confidence” (DoD 2017). The lowest concentration of a substance that produces a quantitative result within specified limits of precision and bias is known as the limit of quantitation (LOQ; DoD 2017). Concentrations detected between the LOD and LOQ, therefore, are considered estimates and are qualified as such on laboratory analytical reports. Instrument-specific detection limits (e.g., the smallest analyte concentration that can be demonstrated to be different from zero or a blank concentration with 99 percent confidence; DoD 2017), as provided for each analyte by the laboratory, are reported along with the LODs and LOQs in the laboratory analytical reports included in the Data Usability Summary Report (DUSR) (**Appendix L**).

6.4.2 Data Validation

All analytical data generated during the SI, except grain size, were verified and validated in accordance with the data verification procedures described in Worksheets #34 through #36 of the PQAPP (Arcadis 2019). Each laboratory data package/sample delivery group underwent Stage 3 data validation in accordance with DoD QSM 5.3 (DoD and Department of Energy 2019). Additionally, 10% of the data underwent Stage 4 data validation. Copies of the data validation reports for each sample delivery group

are included as attachments to the DUSR in **Appendix L**. The Level IV analytical reports are included within **Appendix L** in the final electronic deliverable only.

6.4.3 Data Usability Assessment and Summary

A data usability assessment was completed for all analytical data associated with SI sampling at PTA and KMR. Documentation generated during the data usability assessments, which were compiled into a DUSR (**Appendix L**), was prepared in accordance with the USACE Engineer Manual 200-1-10 (USACE 2005), the Final DoD General Data Validation Guidelines (DoD 2019) and the Final DoD Data Validation Guidelines Module 3: Data Validation Procedure for Per-and Polyfluoroalkyl Substances Analysis by QSM Table B-15 (DoD 2020), that reviewed precision, accuracy, completeness, representativeness, comparability, and sensitivity. A statement of overall data usability is included in the DUSR.

Based on the final data usability assessment, the environmental data collected at PTA and KMR during the SI were found to be acceptable and usable for this SI evaluation with the qualifications documented in the DUSR and its associated data validation reports (**Appendix L**), and as indicated in the full analytical tables (**Appendix M**) provided for the SI results. These data are of sufficient quality to meet the objectives and requirements of the PQAPP (Arcadis 2019) and PTA and KMR QAPP Addendum (Arcadis 2021). Data qualifiers applied to laboratory analytical results for samples collected during the SI at PTA and KMR are provided in the data tables, data validation reports, and the Data Usability Summary Table located at the end of DUSR. Qualifiers for data shown on figures are defined in the notes of figures.

6.5 Office of the Secretary of Defense Risk Screening Levels

The OSD risk screening levels for PFOS, PFOA, PFBS, PFNA, PFHxS, and HFPO-DA in groundwater (tap water) and soil were calculated using the USEPA's RSL calculator for residential and industrial/commercial worker receptor scenarios and current toxicity values. These risk screening levels are shown in **Table 6-2**.

Table 6-2 OSD Risk Screening Levels Calculated for PFOS, PFOA, PFBS, PFNA, PFHxS, and HFPO-DA in Tap Water and Soil Using USEPA's Regional Screening Level Calculator

Chemical	Residential Scenario Risk Screening Levels Calculated Using USEPA RSL Calculator		Industrial/Commercial Scenario Risk Screening Levels Calculated Using USEPA RSL Calculator
	Tap Water (ng/L or ppt) [1]	Soil (mg/kg or ppm) [1,2]	Soil (mg/kg or ppm) [1,2]
PFOS	4	0.013	0.16
PFOA	6	0.019	0.25
PFBS	601	1.9	25
PFNA	6	0.019	0.25
PFHxS	39	0.13	1.6
HFPO-DA[3]	6	0.023	0.35

Notes:
1. Risk screening levels for tap water and soil provided by the OSD. 2022. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. July 06 (**Appendix A**).
2. All soil data will be screened against both the Residential Scenario and Industrial/Commercial risk screening levels (if collected from less than 2 feet bgs), regardless of the current and projected land use of the AOPI. Soil samples collected from greater than 2 feet but less than 15 feet bgs will be compared to the industrial/commercial risk screening levels only.
3 Of the six PFAS compounds presented in the 06 July 2022 OSD memorandum, HFPO-DA (commonly referred to as GenX) was not included as an analyte at the time of this SI. Based on the CSM developed during the PA and revised based on SI findings, the presence of HFPO-DA is not anticipated at PTA and KMR because HFPO-DA is generally not a component of MIL-SPEC AFFF and based on its history including distribution limitations that restricted use of HFPO-DA, it is generally not a component of other products the military used. In addition, it is unlikely that HFPO-DA would be an individual chemical of concern in the absence of other PFAS.
mg/kg = milligram per kilogram
ng/L = nanograms per liter
ppm = parts per million
ppt = parts per trillion

While the current and most likely future land uses of the AOPIs at PTA and KMR are industrial/commercial, both residential and industrial/commercial soil risk screening levels for PFOS, PFOA, PFBS, PFNA, and PFHxS will be used to evaluate detected soil concentrations. The data from the SI sampling event are compared to the OSD risk screening levels in **Section 7**. If concentrations of PFOS, PFOA, PFBS, PFNA, or PFHxS are detected greater than the applicable OSD risk screening levels, further study in a remedial investigation is recommended in **Section 8**.

7 SUMMARY AND DISCUSSION OF SI RESULTS

This section summarizes the analytical results obtained from samples collected during the SI at PTA and KMR (field duplicate results are provided in the associated tables). Sampled media and QA/QC samples were analyzed for the constituents prescribed per Worksheet #18 of the QAPP Addendum (Arcadis 2021). The sample results discussion below focuses on the PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results because they have OSD risk screening levels. The Army will make subsequent investigation decisions based on these constituents' concentrations relative to the OSD risk screening levels.

Table 7-1 provide a summary of the soil analytical results for PFOS, PFOA, PFBS, PFNA, and PFHxS at PTA. **Table 7-2** and **Table 7-3** provide a summary of the soil and sediment analytical results for PFOS, PFOA, PFBS, PFNA, and PFHxS at KMR. **Table 7-4** summarizes AOPIs and whether their SI results exceed the OSD risk screening levels. **Appendix M** includes the full suite of analytical results for these media, as well as for the QA/QC samples. An overview of AOPIs at PTA and KMR with OSD risk screening level exceedances is depicted on **Figure 7-1** and **Figure 7-8**, respectively. **Figures 7-2** through **7-7** show the PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results in soil for each AOPI at PTA. **Figures 7-9** through **7-10** show the PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results in soil and sediment for each AOPI at KMR. Non-detected results are reported as less than the LOQ. Detections of PFOS, PFOA, PFBS, PFNA, and/or PFHxS greater than the applicable OSD risk screening levels are highlighted in summary tables and on figures. Final qualifiers applied to the data by the laboratory and the project chemist (as defined in **Section 6.4.3**) are presented on the analytical tables. Soil and sediment data are reported in mg/kg, or ppm. Soil descriptions are provided on the field forms in **Appendix I**. The results of the SI are grouped by AOPI and discussed for each medium as applicable.

Table 7-4 AOPIs and OSD Risk Screening Level Exceedances

Installation	AOPI Name	OSD Exceedances (Yes/No)
PTA	Building 39: Former Fire Station	Yes
	Building 390: Fire Station	Yes
	Current and Former Fire-Fighting Training Pits	Yes
	Former AFFF Training Area	Yes
	LZ Rob Helicopter Crash	No
	Bradshaw Army Airfield Runway	Yes
KMR	Building 43: Former Fire Station	No
	Building 59: Fire Station #19	Yes

7.1 Pohakuloa Training Area

7.1.1 Building 39: Former Fire Station

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Building 39: Former Fire Station. The soil sampling locations are presented on **Figure 7-2**. The soil analytical results are presented in **Table 7-1**.

Six soil samples were collected via hand auger from the Building 39: Former Fire Station AOPI on 29 and 30 August 2021. Soil samples PTA-BLDG39-1-SO-082921 (0.33 to 1.2 feet bgs), PTA-BLDG39-2-SO-082921 (0.33 to 1.3 feet bgs), PTA-BLDG39-3-SO-083021 (0.33 to 1 foot bgs), and PTA-BLDG39-6-SO-3.0-083021 (1 to 3 feet bgs) were located on the west side of the former fire station. Soil samples PTA-BLDG39-4-SO-083021 (0 to 2 feet bgs) and PTA-BLDG39-5-SO-083021 (0 to 2 feet bgs) were located in a grassy area north of the former fire station. All sampling locations are shown on **Figure 7-2**.

- PFOS was detected in all six soil samples at concentrations of 1.6 mg/kg, 0.23 mg/kg, 1.1 mg/kg, 1.3 mg/kg, 1.4 mg/kg, and 1.7 mg/kg at PTA-BLDG39-1-SO-082921, PTA-BLDG39-2-SO-082921, PTA-BLDG39-3-SO-083021, PTA-BLDG39-4-SO-083021, PTA-BLDG39-5-SO-083021, PTA-BLDG39-6-SO-3.0-083021, respectively. All six detected concentrations exceed the OSD residential risk screening level (0.013 mg/kg) and the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all six soil samples at concentrations of 0.095 mg/kg, 0.0078 mg/kg, 0.061 mg/kg, 0.0022 mg/kg, 0.032 mg/kg, and 0.0034 mg/kg at PTA-BLDG39-1-SO-082921, PTA-BLDG39-2-SO-082921, PTA-BLDG39-3-SO-083021, PTA-BLDG39-4-SO-083021, PTA-BLDG39-5-SO-083021, PTA-BLDG39-6-SO-3.0-083021, respectively. Three of the six detected concentrations (PTA-BLDG39-1-SO-082921, PTA-BLDG39-3-SO-083021, and PTA-BLDG39-5-SO-083021) exceed the OSD residential risk screening level (0.019 mg/kg) but not the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was detected in three of the six soil samples at concentrations of 0.005 mg/kg, 0.0034 mg/kg, and 0.18 mg/kg at PTA-BLDG39-1-SO-082921, PTA-BLDG39-2-SO-082921, and PTA-BLDG39-3-SO-083021, respectively. The detected concentrations do not exceed the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in five of the six soil samples at concentrations of 0.0043 mg/kg, 0.0005 J (estimated concentration) mg/kg, 0.0016 mg/kg, 0.012 mg/kg, and 0.00087 mg/kg at PTA-BLDG39-1-SO-082921, PTA-BLDG39-3-SO-083021, PTA-BLDG39-4-SO-083021, PTA-BLDG39-5-SO-083021, PTA-BLDG39-6-SO-3.0-083021, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all six soil samples at concentrations of 0.14 mg/kg, 0.11 mg/kg, 0.3 mg/kg, 0.0082 mg/kg, 0.026 mg/kg, and 0.018 mg/kg at PTA-BLDG39-1-SO-082921, PTA-BLDG39-2-SO-082921, PTA-BLDG39-3-SO-083021, PTA-BLDG39-4-SO-083021, PTA-BLDG39-5-SO-083021, PTA-BLDG39-6-SO-3.0-083021, respectively. Two of the six detected concentrations (PTA-BLDG39-1-SO-082921 and PTA-BLDG39-3-SO-083021) exceed the OSD residential risk screening level (0.13 mg/kg) but not the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.2 Building 390: Fire Station

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Building 390: Fire Station. The soil sampling locations are presented on **Figure 7-3**. The soil analytical results are presented in **Table 7-1**.

Four soil samples were collected via hand auger from the Building 390: Fire Station AOPI on 28 and 29 August 2021. Soil samples PTA-BLDG390-1-SO-082921 (0.3 to 2 feet bgs) and PTA-BLDG390-2-SO-082921 (0.3 to 2 feet bgs) were located on a concrete pad on the west side of the fire station. Soil samples PTA-BLDG390-3-SO-082821 (0 to 2 feet bgs) and PTA-BLDG390-4-SO-082821 (0 to 0.67 feet bgs) were collected in a grassy area west of the fire station. All sampling locations are shown on **Figure 7-3.** A field duplicate (PTA-FD-1-SO-082821) was collected and corresponds to parent sample PTA-BLDG390-3-SO-082821. The field duplicate sample results are shown in brackets below following the parent sample results.

- PFOS was detected in all four soil samples at concentrations of 0.73 mg/kg, 0.02 mg/kg, 0.054 mg/kg [0.056 mg/kg], and 0.022 mg/kg at PTA-BLDG390-1-SO-082921, PTA-BLDG390-2-SO-082921, PTA-BLDG390-3-SO-082821 [PTA-FD-1-SO-082821], and PTA-BLDG390-4-SO-082821, respectively. All four detected concentrations exceed the OSD residential risk screening level (0.013 mg/kg), while one of the four detected concentrations (PTA-BLDG390-1-SO-082921) also exceeds the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all four soil samples at concentrations of 0.021 mg/kg, 0.0017 mg/kg, 0.0057 mg/kg [0.0082 mg/kg], and 0.0042 mg/kg at PTA-BLDG390-1-SO-082921, PTA-BLDG390-2-SO-082921, PTA-BLDG390-3-SO-082821 [PTA-FD-1-SO-082821], and PTA-BLDG390-4-SO-082821, respectively. One of the four detected concentrations (PTA-BLDG390-1-SO-082921) exceeds the OSD residential risk screening level (0.019 mg/kg) but not the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in all four soil samples at concentrations of 0.0012 mg/kg, 0.00039 J mg/kg, 0.0024 mg/kg [0.0028 mg/kg], and 0.0017 mg/kg at PTA-BLDG390-1-SO-082921, PTA-BLDG390-2-SO-082921, PTA-BLDG390-3-SO-082821 [PTA-FD-1-SO-082821], and PTA-BLDG390-4-SO-082821, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all four soil samples at concentrations of 0.067 mg/kg, 0.0012 mg/kg, 0.0098 mg/kg [0.014 mg/kg], and 0.0016 mg/kg at PTA-BLDG390-1-SO-082921, PTA-BLDG390-2-SO-082921, PTA-BLDG390-3-SO-082821 [PTA-FD-1-SO-082821], and PTA-BLDG390-4-SO-082821, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.3 Current and Former Fire-Fighting Training Pits

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Current and Former Fire-Fighting Training Pits. The soil sampling locations are presented on **Figure 7-4**. The soil analytical results are presented in **Table 7-1**.

Six soil samples were collected via hand auger from the Current and Former Fire-Fighting Training Pits AOPI on 28 and 30 August 2021. Soil samples PTA-FFTP-1-SO-082821 (0 to 2 feet bgs) and PTA-FFTP-2-SO-082821 (0 to 2 feet bgs) were located on the north side of the training pits. Soil samples PTA-FFTP-4-SO-082821 (0 to 2 feet bgs), PTA-FFTP-5-SO-082821 (0 to 2 feet bgs), and PTA-FFTP-5-SO-4.0-083021 (2.5 to 4 feet bgs) were located on the south side of the training pits. Soil sample PTA-FFTP-3-SO-0.75-082821 (0 to 0.75 feet bgs) was located in the central area of the training pits. All sampling locations are shown on **Figure 7-4**.

- PFOS was detected in all six soil samples at concentrations of 0.067 mg/kg, 0.16 mg/kg, 0.025 mg/kg, 0.5 mg/kg, 0.3 mg/kg, and 0.13 mg/kg at PTA-FFTP-1-SO-082821, PTA-FFTP-2-SO-082821, PTA-FFTP-3-SO-0.75-082821, PTA-FFTP-4-SO-082821, PTA-FFTP-5-SO-082821, and PTA-FFTP-5-SO-4.0-083021, respectively. All six detected concentrations exceed the OSD residential risk screening level (0.013 mg/kg), while two of the six detected concentrations (PTA-FFTP-4-SO-082821 and PTA-FFTP-5-SO-082821) also exceed the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all six soil samples at concentrations of 0.014 mg/kg, 0.011 mg/kg, 0.0056 mg/kg, 0.03 mg/kg, 0.011 mg/kg, and 0.0034 mg/kg at PTA-FFTP-1-SO-082821, PTA-FFTP-2-SO-082821, PTA-FFTP-3-SO-0.75-082821, PTA-FFTP-4-SO-082821, PTA-FFTP-5-SO-082821, and PTA-FFTP-5-SO-4.0-083021, respectively. One detected concentration (PTA-FFTP-4-SO-082821) exceeds the OSD residential risk screening level (0.019 mg/kg) but not the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in the any of the six soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in all six soil samples at concentrations of 0.0056 mg/kg, 0.013 mg/kg, 0.0015 mg/kg, 0.0088 mg/kg, 0.066 mg/kg, and 0.023 mg/kg at PTA-FFTP-1-SO-082821, PTA-FFTP-2-SO-082821, PTA-FFTP-3-SO-0.75-082821, PTA-FFTP-4-SO-082821, PTA-FFTP-5-SO-082821, and PTA-FFTP-5-SO-4.0-083021, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all six soil samples at concentrations of 0.0049 mg/kg, 0.0013 mg/kg, 0.0059 mg/kg, 0.076 mg/kg, 0.011 mg/kg, and 0.018 mg/kg at PTA-FFTP-1-SO-082821, PTA-FFTP-2-SO-082821, PTA-FFTP-3-SO-0.75-082821, PTA-FFTP-4-SO-082821, PTA-FFTP-5-SO-082821, and PTA-FFTP-5-SO-4.0-083021, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.4 Former AFFF Training Area

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Former AFFF Training Area. The soil sampling locations are presented on **Figure 7-5**. The soil analytical results are presented in **Table 7-1**.

Four soil samples were collected via hand auger from the Former AFFF Training Area AOPI on 27 August 2021. Soil samples PTA-AFFFTA-3-SO-082721 (0 to 2 feet bgs) and PTA-AFFFTA-4-SO-082721 (0 to 2 feet bgs) were located in the northwest section of the AOPI. Soil samples PTA-AFFFTA-1-SO-082721 (0 to 2 feet bgs) and PTA-AFFFTA-2-SO-082721 (0 to 2 feet bgs) were located in the northeast and central sections of the AOPI, respectively. All sampling locations are shown on **Figure 7-5**.

- PFOS was detected in all four soil samples at concentrations of 0.16 mg/kg, 0.21 mg/kg, 1.1 mg/kg, and 1.4 mg/kg at PTA-AFFFTA-1-SO-082721, PTA-AFFFTA-2-SO-082721, PTA-AFFFTA-3-SO-082721, and PTA-AFFFTA-4-SO-082721, respectively. All four detected concentrations exceed the OSD residential risk screening level (0.013 mg/kg), while three of the four detected concentrations (PTA-AFFFTA-1-SO-082721, PTA-AFFFTA-3-SO-082721, and PTA-AFFFTA-4-SO-082721) also exceed the OSD industrial industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all four soil samples at concentrations of 0.012 mg/kg, 0.0026 mg/kg, 0.0065 mg/kg, and 0.013 mg/kg at PTA-AFFFTA-1-SO-082721, PTA-AFFFTA-2-SO-082721, PTA-AFFFTA-3-SO-082721, and PTA-AFFFTA-4-SO-082721, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in the any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in all four soil samples at concentrations of 0.0064 mg/kg, 0.0016 mg/kg, 0.0031 mg/kg, and 0.0037 mg/kg at PTA-AFFFTA-1-SO-082721, PTA-AFFFTA-2-SO-082721, PTA-AFFFTA-3-SO-082721, and PTA-AFFFTA-4-SO-082721, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all four soil samples at concentrations of 0.0056 mg/kg, 0.0026 mg/kg, 0.011 mg/kg, and 0.05 mg/kg at PTA-AFFFTA-1-SO-082721, PTA-AFFFTA-2-SO-082721, PTA-AFFFTA-3-SO-082721, and PTA-AFFFTA-4-SO-082721, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.5 LZ Rob Helicopter Crash

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with LZ Rob Helicopter Crash. The soil sampling locations are presented on **Figure 7-6**. The soil analytical results are presented in **Table 7-1**.

Four soil samples were collected via stainless-steel trowel within the bulldozed lava rock landing zone at the LZ Rob Helicopter Crash AOPI on 31 August 2021. Due to the nature of the surface material present, the soil sample was unable to be collected via the hand auger. Soil samples PTA-LZR-1-SO-083121 (circular area 1.5 feet in diameter; 0 to 0.25 feet bgs), PTA-LZR-2-SO-083121 (circular area 1 foot in diameter; 0 to 0.5 feet bgs), PTA-LZR-3-SO-083121 (circular area 1.5 feet in diameter; 0 to 1 foot bgs), and PTA-LZR-4-SO-083121 (circular area 2 feet in diameter; 0 to 0.5 feet bgs) were located in the northeast, southeast, northwest, and southwest areas of the AOPI, respectively. All sampling locations are shown on **Figure 7-6**.

- PFOS was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (0.013 mg/kg) or the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was not detected in any of the four soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.6 Bradshaw Army Airfield Runway

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Bradshaw Army Airfield Runway. The soil sampling locations are presented on **Figure 7-7**. The soil analytical results are presented in **Table 7-1**.

Six soil samples were collected via hand auger from the Bradshaw Army Airfield Runway AOPI on 31 August 2021. Soil samples PTA-BAAFR-1-SO-083121 (0 to 1.5 feet bgs), PTA-BAAFR-2-SO-083121 (0 to 1.7 feet bgs), and PTA-BAAFR-3-SO-083121 (0 to 1.4 feet bgs) were located off the west end of the runway. Soil samples PTA-BAAFR-4-SO-083121 (0 to 2 feet bgs), PTA-BAAFR-5-SO-083121 (0 to 2 feet), and PTA-BAAFR-6-SO-083121 (0 to 1.5 feet bgs) were located off the east end of the runway. A field duplicate (PTA-FD-2-083121) was collected and corresponds to parent sample PTA-BAAFR-4-SO-083121. All sampling locations are shown on **Figure 7-7**.

- PFOS was detected in all six soil samples at concentrations of 0.0073 mg/kg, 0.0097 mg/kg, 0.015 mg/kg, 0.00075 mg/kg [0.0011 mg/kg], 0.00095 mg/kg, and 0.0051 mg/kg at PTA-BAAFR-1-SO-083121, PTA-BAAFR-2-SO-083121, PTA-BAAFR-3-SO-083121, PTA-BAAFR-4-SO-083121 [PTA-FD-2-SO-083121], PTA-BAAFR-5-SO-083121, and PTA-BAAFR-6-SO-083121, respectively. One of the six detected concentrations (PTA-BAAFR-3-SO-083121) exceeds the OSD residential risk

screening level (0.013 mg/kg) but not the OSD industrial/commercial risk screening level (0.16 mg/kg).

- PFOA was detected in all six soil samples at concentrations of 0.0065 mg/kg, 0.025 mg/kg, 0.041 mg/kg, 0.00059 mg/kg [0.00088 mg/kg], 0.00061 mg/kg, and 0.0022 mg/kg at PTA-BAAFR-1-SO-083121, PTA-BAAFR-2-SO-083121, PTA-BAAFR-3-SO-083121, PTA-BAAFR-4-SO-083121 [PTA-FD-2-SO-083121], PTA-BAAFR-5-SO-083121, and PTA-BAAFR-6-SO-083121, respectively. Two of the six detected concentrations (PTA-BAAFR-2-SO-083121 and PTA-BAAFR-3-SO-083121) exceed the OSD residential risk screening level (0.019 mg/kg) but not the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in any of the six soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in five (including duplicate sample) of the six soil samples at concentrations of 0.0074 mg/kg, 0.0053 mg/kg, 0.0049 mg/kg, and 0.00046 J mg/kg at PTA-BAAFR-1-SO-083121, PTA-BAAFR-2-SO-083121, PTA-BAAFR-3-SO-083121, and PTA-BAAFR-6-SO-083121, respectively. PFNA was also detected in the field duplicate (PTA-FD-2-SO-083121) at a concentration of 0.00044 J mg/kg, while the parent sample (PTA-BAAFR-4-SO-083121) was non-detect. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in three of the six soil samples at concentrations of 0.00052 J mg/kg, 0.0017 mg/kg, and 0.0016 mg/kg at PTA-BAAFR-2-SO-083121, PTA-BAAFR-3-SO-083121, and PTA-BAAFR-6-SO-083121, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.1.7 TOC, pH, and Grain Size

In addition to sampling soil for PFOS, PFOA, PFBS, PFNA, and PFHxS, one soil sample per AOPI was analyzed for TOC, pH, moisture content, and grain size data as they may be useful in future fate and transport studies. Ranges for five AOPIs (Building 39: Former Fire Station, Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, Former AFFF Training Area, and Bradshaw Army Airfield Runway) were grouped together while one AOPI (LZ Rob Helicopter Crash) is presented separately. Samples at the LZ Rob Helicopter Crash AOPI were made up primarily of rock (gravels and coarse/medium sand) while samples at the other five AOPIs consisted of soils.

7.1.7.1 Building 39: Former Fire Station, Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, Former AFFF Training Area, and Bradshaw Army Airfield Runway

The TOC in the soil samples ranged from 1,220 J- (estimated quantity; biased low) to 6,810 J- mg/kg. The combined percentage of fines (i.e., silt and clay) in soils at PTA ranged from 13.9 to 21.9% with an average of 17.18%. In general, PFAS constituents tend to be more mobile in soils with less than 20% fines (silt and clay) and a lower TOC than typically observed in topsoil (5,000 to 3,000 mg/kg). The

percent moisture of the soil at PTA ranged from 2 to 22.4% with an average of 6.18% which was typical for sandy soil (0 to 10%). The pH of the soil ranged from 7.7 J to 8.4 J standard units with an average of 7.96 standard units, which was typical for neutral to slightly alkaline soils. Based on these geochemical and physical soil characteristics (i.e., low percentage of fines and TOC) observed underlying the installation during the SI, PFAS constituents are expected to be relatively more mobile in these AOPIs at PTA than in soils with greater percentages of fines and TOC. The full analytical results from samples collected during the SI are included in **Appendix M**.

7.1.7.2 LZ Rob Helicopter Crash

The TOC in the analyzed sample was returned as non-detect (337 UJ [The analyte was analyzed for but was not detected. The LOQ is approximate and may be inaccurate or imprecise]). The combined percentage of fines (i.e., silt and clay) in the analyzed sample was 1%. In general, PFAS constituents tend to be more mobile in soils with less than 20% fines (silt and clay) and lower TOC. The percent moisture of the samples at this AOPI ranged from 0 to 0.2% with an average of 0.05%. The pH for the analyzed sample was 6.8 J standard units. Based on these geochemical and physical characteristics (i.e., low percentage of fines and TOC) observed underlying the installation during the SI, PFAS constituents are expected to be relatively more mobile in this AOPI at PTA than in soils with greater percentages of fines and TOC.

7.1.8 Blank Samples

Detections of PFOS, PFOA, PFBS, PFNA, and PFHxS constituents are summarized below for blank samples collected at PTA. Other than those noted below, concentrations of PFOS, PFOA, PFBS, PFNA, and PFHxS in all other blank samples were not detected.

PFOS, PFOA, PFBS, PFNA, and/or PFHxS were detected in the following samples:

- The EB sample (PTA-EB-1-083021), associated with the hand auger, exhibited detections of PFOS and PFOA at a concentration of 30 ng/L and 1.2 J ng/L, respectively.
- The EB sample (PTA-EB-2-083021), associated with the stainless-steel trowel, exhibited a detection of PFOS at a concentration of 1.7 ng/L.
- The EB sample (PTA-EB-3-083021), associated with the stainless-steel bowl, exhibited a detection of PFOS at a concentration of 1.0 J ng/L.

A blank action limit of five times the concentration of a detected compound in an associated blank is calculated for QA blanks containing concentrations greater than the detection limits. The blank action limit is compared to the associated sample results to determine the appropriate qualification of the sample results, if needed. The final rinse, followed by collection of the EBs measures the potential for contamination of samples during field operations. As stated above, compounds were detected in the associated QA blanks; however, the associated sample results were greater than the blank action limit and/or were non-detect. Therefore, no qualification of the associated sample results was required. The full analytical results for blank samples collected during the SI are included in **Appendix M**.

7.2 Kilauea Military Reservation

At the time of the SI, KMR was referred to as Kilauea Military Camp (KMC); as such, the sample IDs in the sub sections below, as well as the applicable tables, figures, and appendices, retain the "KMC" acronym to be consistent with the analytical reports. It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES.

7.2.1 Building 43: Former Fire Station

This section summarizes the soil PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Building 43: Former Fire Station. The soil sampling locations are presented on **Figure 7-9**. The soil analytical results are presented in **Table 7-2**.

Three soil samples were collected via hand auger at the Building 43: Former Fire Station AOPI on 12 and 13 December 2022. Soil samples KMC-BLD43-1-SO-121222 (0 to 2 feet bgs), KMC-BLD43-2-SO-121322 (0.2 to 2 feet bgs), and KMC-BLD43-3-SO-121222 (0 to 2 feet bgs) were located off the edge of the driveway apron, within the driveway apron, and south of the driveway apron, west of the former fire station, respectively. Sampling locations are shown on **Figure 7-9**.

- PFOS was detected in all three soil samples at concentrations of 0.002 mg/kg, 0.0052 mg/kg, and 0.012 mg/kg at KMC-BLD43-1-SO-121222, KMC-BLD43-2-SO-121322, and KMC-BLD43-3-SO-121222, respectively. None of the detected concentrations exceeded the OSD residential risk screening level (0.013 mg/kg) or the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all three soil samples at concentrations of 0.00011 J mg/kg, 0.00025 J mg/kg, and 0.00054 mg/kg, at KMC-BLD43-1-SO-121222, KMC-BLD43-2-SO-121322, and KMC-BLD43-3-SO-121222, respectively. None of the detected concentrations exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in any of the three soil samples. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in all three soil samples at concentrations of 0.00027 mg/kg, 0.00012 J mg/kg, and 0.00011 J mg/kg at KMC-BLD43-1-SO-121222, KMC-BLD43-2-SO-121322, and KMC-BLD43-3-SO-121222, respectively. None of the detected concentrations exceeded the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all three soil samples at concentrations of 0.00014 J mg/kg, 0.00046 mg/kg, and 0.00094 mg/kg at KMC-BLD43-1-SO-121222, KMC-BLD43-2-SO-121322, and KMC-BLD43-3-SO-121222, respectively. None of the detected concentrations exceeded the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.2.2 Building 59: Fire Station #19

This section summarizes the soil and sediment PFOS, PFOA, PFBS, PFNA, and PFHxS analytical results associated with Building 59: Fire Station #19. The soil and sediment sampling locations are presented on

Figure 7-10. The soil and sediment analytical results are presented in **Table 7-2** and **Table 7-3**, respectively.

7.2.2.1 Soil

Three soil samples were collected via hand auger at the Building 59: Fire Station #19 AOPI on 12 and 13 December 2022. Soil samples KMC-BLD59-1-SO-121322 (0.2 to 2 feet bgs) and KMC-BLD59-2-SO-121322 (0.2 to 2 feet bgs) were located within the apron south of the fire station shown on **Figure 7-10**. Soil sample KMC-BLD59-3-SO-121222 (0 to 2 feet bgs) was located southwest of the fire station (downgradient from stormwater flow) adjacent to the covered drain in a grassy area shown on **Figure 7-10**. A field duplicate (KMC-FD-1-SO-121222) was collected and corresponds to parent sample KMC-BLD59-2-SO-121322. The field duplicate sample results are shown in brackets below following the parent sample results.

- PFOS was detected in two of the three soil samples at concentrations of 0.02 mg/kg and 0.051 mg/kg [0.057 mg/kg] at KMC-BLD59-1-SO-121322 and KMC-BLD59-2-SO-121322 [KMC-FD-1-SO-121222], respectively. Both of the detected concentrations exceed the OSD residential risk screening level (0.013 mg/kg) but not the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected in all three soil samples at concentrations of 0.00079 mg/kg, 0.0016 mg/kg [0.0018 mg/kg], and 0.00015 J mg/kg at KMC-BLD59-1-SO-121322, KMC-BLD59-2-SO-121322 [KMC-FD-1-SO-121222], and KMC-BLD59-3-SO-121222, respectively. None of the detected concentrations exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was detected in one of the three soil samples (KMC-BLD59-2-SO-121322) at a concentration of 0.000053 J mg/kg. The field duplicate associated with this sample [KMC-FD-1-SO-121222] was reported as non-detect. The detected concentration does not exceed the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected in all three soil samples at concentrations of 0.0006 mg/kg, 0.001 mg/kg [0.0011 mg/kg], and 0.000074 J mg/kg at KMC-BLD59-1-SO-121322, KMC-BLD59-2-SO-121322 [KMC-FD-1-SO-121222], and KMC-BLD59-3-SO-121222, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was detected in all three soil samples at concentrations of 0.00033 mg/kg, 0.00061 mg/kg [0.00057 mg/kg], and 0.000072 J mg/kg at KMC-BLD59-1-SO-121322, KMC-BLD59-2-SO-121322 [KMC-FD-1-SO-121222], and KMC-BLD59-3-SO-121222, respectively. The detected concentrations do not exceed the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.2.2.2 Sediment

One sediment sample was collected from the upper 5 centimeters via stainless-steel trowel at the Building 59: Fire Station #19 AOPI on 12 December 2022. Sediment sample KMC-BLD59-4-SE-121322 was located southwest of the fire station, at the mouth of the covered drain shown on **Figure 7-10**. A field

duplicate (KMC-FD-1-SE-121322) was collected and corresponds to parent sample KMC-BLD59-4-SE-121322. The field duplicate sample results are shown in brackets below following the parent sample results.

- PFOS was not detected in the parent or duplicate sediment sample. Therefore, there were no exceedances of the OSD residential risk screening level (0.013 mg/kg) or the OSD industrial/commercial risk screening level (0.16 mg/kg).
- PFOA was detected at a concentration of 0.00028 J mg/kg in the parent sample, and in the duplicate sample no concentration was detected. The parent sample concentration does not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFBS was not detected in the parent or duplicate sediment sample. Therefore, there were no exceedances of the OSD residential risk screening level (1.9 mg/kg) or the OSD industrial/commercial risk screening level (25 mg/kg).
- PFNA was detected at a concentration of 0.00019 J mg/kg [0.000084 J mg/kg]. The parent and duplicate sample concentrations do not exceed the OSD residential risk screening level (0.019 mg/kg) or the OSD industrial/commercial risk screening level (0.25 mg/kg).
- PFHxS was not detected in the parent or duplicate sediment sample. Therefore, there were no exceedances of the OSD residential risk screening level (0.13 mg/kg) or the OSD industrial/commercial risk screening level (1.6 mg/kg).

7.2.3 TOC, pH, and Grain Size

In addition to sampling soil for PFOS, PFOA, PFBS, PFNA, and PFHxS, one soil sample per AOPI was analyzed for TOC, pH, moisture content, and grain size data as they may be useful in future fate and transport studies. The TOC in the soil samples from both AOPIs were 2,230 J- mg/kg and 4,440 J mg/kg. The combined percentage of fines (i.e., silt and clay) in soils at KMR was 28.4% and 35.6% with an average of 32%. In general, PFAS constituents tend to be more mobile in soils with less than 20% fines (silt and clay) and lower TOC. The percent moisture of the soil at KMR ranged from 7.5 to 24.1% with an average of 13.66% which was typical for sandy soil with an elevated percentage of fines. The pH of the soil at both AOPIs was 8 J standard units, which was typical for slightly alkaline soils. While PFAS constituents are relatively less mobile in soils with high percentages of fines, depleted TOC may allow for enhanced mobility of the constituents in soil.

7.2.4 Blank Samples

PFOS, PFOA, PFBS, PFNA, and PFHxS were not detected in any of the blank samples collected during the SI work.

The full analytical results for blank samples collected during the SI are included in **Appendix M**.

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7.3 Conceptual Site Models

The preliminary human health CSMs presented in the QAPP Addendum (Arcadis 2021) were re-evaluated and updated, if necessary, based on the SI sampling results. The CSMs for PTA presented on **Figures 7-11** through **7-13,** for KMR presented on **Figures 7-14** and **7-15**, and in this section therefore represent the current understanding of the potential for human exposure. For some AOPIs, the CSM is the same and thus shown on the same figure.

Many of the PFAS constituents found in AFFF are surfactants (which do not volatilize) and are found in a charged or ionic state at environmentally-relevant pH (i.e., pH 5 to 9 standard units). PFOS, PFOA, PFBS, PFNA, and PFHxS are each negatively charged at environmentally-relevant pH. The media potentially affected by PFOS, PFOA, PFBS, PFNA, and PFHxS releases at Army installations are soil, groundwater, surface water and sediment. Once released to the environment, a primary factor that inhibits the movement of PFAS constituents is the presence of organic matter and organic co-constituents in soils and sediments. Generally, PFAS constituents are mobile in the potentially affected media, and they are not known to be fully broken down by natural processes.

Based on the use, storage, and/or disposal of PFAS-containing materials at the AOPIs, affected media are likely to consist of soil and groundwater and could include surface water and sediment. Release and transport mechanisms include dissolution/desorption from soil to groundwater, transport via sediment carried in and dissolution to stormwater, groundwater recharge, and, if a drainage area is present, adsorption/desorption between intermittent surface water and sediment. Generic categories of potential human receptors and their associated exposure scenarios that are typically evaluated in a CERCLA human health risk assessment were considered and include on-installation site workers (e.g., industrial/commercial workers, utility workers, or future construction workers who could be exposed to chemicals in soil at an AOPI or to chemicals in tap water in an industrial/commercial building), on-installation residents (e.g., adults and children who could be exposed to chemicals in tap water in a residence), and on-installation recreational users (e.g., hikers or hunters who could be exposed to chemicals in waterways at an installation). Off-installation receptor types could include drinking water receptors (i.e., commercial/industrial workers or residents) and recreational users.

Human exposure pathways are shown as “complete”, “potentially complete”, or “incomplete” on the CSM figures. A complete exposure pathway consists of a constituent source and release mechanism, a transport or retention medium, an exposure point where human contact with the contaminated medium could occur, and an exposure route at the exposure point. If any of these elements is missing, the exposure pathway is incomplete. Pathways are “potentially complete” where data are insufficient to conclude the pathway is either “complete” or “incomplete”. Additionally, the CSMs do not include ecological receptors and exposure pathways. The potential for ecological exposures to PFOS, PFOA, PFBS, PFNA, and PFHxS may be evaluated at a future date if those pathways warrant further consideration.

CSMs were developed for each individual AOPI and were combined where source media, potential migration pathways and exposure media, and human exposure pathway determinations are congruent.

The following exposure pathway determinations apply to all CSMs at PTA (**Figures 7-11** through **7-13**):

- Groundwater was not sampled during the SI at PTA. PTA purchases drinking water from the Hawaii County Water System, which sources raw water from Waimea, about 30 miles north of the site. Two

existing wells located northeast of the installation identified under the name PTA are presumed to be inactive and are unlikely to be impacted by groundwater underlying the AOPIs. Therefore, the groundwater exposure pathways (via drinking water ingestion and dermal contact) for on-installation site workers and residents are considered to be incomplete. Recreational users are not likely to contact groundwater; therefore, the groundwater exposure pathway for on-installation recreational users is also considered to be incomplete.

Additional exposure pathway descriptions for the AOPIs at PTA are listed below by figure.

Figure 7-11 shows the CSM for the Building 39: Former Fire Station and Former AFFF Training Area AOPIs at PTA. PFAS-containing material was released to soil and/or paved surfaces during PFAS-containing materials storage, truck maintenance, and firefighter training activities.

- PFOS, PFOA, PFBS, PFNA, and/or PFHxS were detected in soil at the AOPIs, and site workers could contact constituents in soil via incidental ingestion, dermal contact, and inhalation of dust. Therefore, the soil exposure pathway for on-installation site workers is complete.
- The AOPIs are not likely to be regularly accessed by on-installation residents and recreational users, or by off-installation receptors. Therefore, the soil exposure pathways for these receptors are incomplete.
- Groundwater originating at the AOPIs likely flows southwest downgradient toward the sea and discharges at or near the coast (PRC 1997). However, there is limited information regarding the direction of groundwater flow at PTA. Due to the absence of land use controls that prevent potable use of off-post groundwater, the groundwater exposure pathway for off-installation drinking water receptors is considered to be potentially complete.
- Intermittent stormwater runoff from these AOPIs flows to downgradient drainage ditches. While unlikely, on-installation site workers or recreational users could contact constituents in the drainage ditches through incidental ingestion and dermal contact; therefore, the surface water and sediment/soil exposure pathways for these receptors are considered to be potentially complete.
- The drainage ditches are not connected to any perennial water bodies that flow off-installation. There are intermittent water bodies present at PTA, however any nearby intermittent water bodies are upgradient of all AOPIs at PTA and none are directly connected with AOPIs at PTA. Due to the depth to groundwater, shallow groundwater is unlikely to discharge to off-installation surface water bodies. Therefore, the surface water and sediment/soil exposure pathways for off-installation receptors are considered to be incomplete.

Figure 7-12 shows the CSM for Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, and Bradshaw Army Airfield Runway AOPIs at PTA. PFAS-containing materials were or may have been released to soil and/or paved surfaces during PFAS-containing materials storage, truck maintenance, and firefighter training activities.

- PFOS, PFOA, PFBS, PFNA, and/or PFHxS were detected in soil at the AOPIs, and site workers could contact constituents in soil via incidental ingestion, dermal contact, and inhalation of dust. Therefore, the soil exposure pathway for on-installation site workers is complete.

- The AOPIs are not likely to be regularly accessed by on-installation residents and recreational users, or by off-installation receptors. Therefore, the soil exposure pathways for these receptors are incomplete.
- Groundwater originating at the AOPIs likely flows southwest downgradient toward the sea and discharges at or near the coast (PRC 1997). However, there is limited information regarding the direction of groundwater flow at PTA. Due to the absence of land use controls that prevent potable use of off-post groundwater, the groundwater exposure pathway for off-installation drinking water receptors is considered to be potentially complete.
- Due to the high permeability of the soils and underlying bedrock, stormwater runoff likely quickly recharges groundwater at, or near, these AOPIs. There are no perennial waterbodies at PTA, and it is unlikely that PFOS, PFOA, PFBS, PFNA, and/or PFHxS would be transported to off-installation surface water bodies. Therefore, surface water and sediment are not potential exposure media in the CSM for these AOPIs.

Figure 7-13 shows the CSM for AOPI LZ Rob Helicopter Crash at PTA. PFAS-containing material was released to soil and/or basalt rock during emergency response efforts at the helicopter crash site.

- PFOS, PFOA, PFBS, PFNA, and PFHxS were not detected in soil at the AOPI; therefore, the soil exposure pathways for all receptors are incomplete.
- Based on the non-detect soil sample results, the groundwater exposure pathway for off-installation drinking water receptors is also considered to be incomplete.

The following exposure pathway determinations apply to all CSMs at KMR (**Figures 7-14** and **7-15**):

- The AOPIs are not likely to be regularly accessed by on-installation residents or recreational users, or by off-installation receptors. Therefore, the soil exposure pathways for these receptors are considered to be incomplete.
- There are no drinking water wells at KMR. Drinking water is obtained via a rainwater catchment system, which is supplemented with potable water from the City of Hilo. Due to the rapid increase in temperature with depth, water that infiltrates the subsurface turns to steam at KMR. Therefore, the groundwater exposure pathways (via drinking water ingestion and dermal contact) for on-installation site workers and residents are considered to be incomplete. Recreational users are not likely to contact groundwater; therefore, the groundwater exposure pathway for on-installation recreational users is considered to be incomplete.
- Although available information indicates there is no groundwater at KMR, database records indicate there are wells (i.e., listed as catchment systems, abandoned-sealed wells, observation wells, and/or U.S. Geological Survey wells) located within 5 miles of KMR. Therefore, in the absence of additional information and given the evidence that infiltrated water becomes steam in the subsurface with rapid increase in temperature with depth, the groundwater exposure pathway for off-installation receptors is considered to be incomplete.

Additional exposure pathway descriptions for the AOPIs at KMR are listed below by figure.

Figure 7-14 shows the CSM for Building 43: Former Fire Station AOPI at KMR. PFAS-containing material was released to soil and/or paved surfaces during PFAS-containing materials storage, truck maintenance, and firefighter training activities.

- PFOS, PFOA, PFBS, PFNA, and/or PFHxS were detected in soil at the AOPIs, and site workers could contact constituents in soil via incidental ingestion, dermal contact, and inhalation of dust. Therefore, the soil exposure pathway for on-installation site workers is potentially complete.
- There are no surface water bodies at KMR. Additionally, stormwater runoff from the Building 43: Former Fire Station AOPI is limited by the porous nature of the ground surface, making it unlikely that PFOS, PFOA, PFBS, PFNA, and/or PFHxS detected in soil would be transported to off-installation surface water bodies. Therefore, surface water and sediment are not potential exposure media in the CSM for this AOPI.

Figure 7-15 shows the CSM for Building 59: Fire Station #19 AOPI at KMR. PFAS-containing materials were or may have been released to soil and/or paved surfaces during PFAS-containing materials storage, truck maintenance, and firefighter training activities.

- PFOS, PFOA, PFBS, PFNA, and/or PFHxS were detected in soil at the AOPIs, and site workers could contact constituents in soil via incidental ingestion, dermal contact, and inhalation of dust. Therefore, the soil exposure pathway for on-installation site workers is complete.
- There is a trench drain on the station apron that discharges stormwater to a grassy area southwest of the station. One sediment sample was collected at the mouth of the covered drain. PFOA and PFNA were detected in the sediment sample. In the event of maintenance activities, on-installation site workers could contact constituents in the drain sediment through incidental ingestion and dermal contact; therefore, the sediment exposure pathway is complete.
- Due to the porous nature of the ground surface, it is likely stormwater runoff quickly infiltrates groundwater, which then likely turns to steam. Therefore, it is unlikely that human receptors would contact intermittent stormwater on post or surface water and sediment off post, and these exposure pathways are considered to be incomplete.

Following the SI sampling, five out of the six AOPIs at PTA and all the AOPIs at KMR were considered to have complete or potentially complete exposure pathways. Although the CSMs indicate complete or potentially complete exposure pathways may exist, the recommendation for remedial investigation is based on the comparison of analytical results for PFOS, PFOA, PFBS, PFNA, and PFHxS to the OSD risk screening levels (**Table 6-2**).

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8 CONCLUSIONS AND RECOMMENDATIONS

The PFAS PA/SI included two distinct efforts. The PA identified AOPIs at PTA and KMR based on the use, storage, and/or disposal of PFAS-containing materials, in accordance with the 2018 Army Guidance for Addressing Releases of Per-and Polyfluoroalkyl Substances (Army 2018). The SI included soil and sediment sampling at AOPIs to determine whether or not a release of PFOS, PFOA, PFBS, PFNA, and PFHxS to the environment occurred.

OSD provided residential risk screening levels based on the USEPA oral reference dose for PFOS, PFOA, PFBS, PFNA, and PFHxS in soil and groundwater (tap water) and industrial/commercial risk screening levels for PFOS, PFOA, PFBS, PFNA, and PFHxS in soil (**Appendix A**). A combination of document review, internet searches, interviews with installation personnel, and an installation site visit were used to identify specific areas of suspected PFOS, PFOA, PFBS, PFNA, and PFHxS use, storage, and/or disposal at PTA and KMR. Following the evaluation, six AOPIs were identified at PTA and two AOPIs were identified at KMR.

Drinking water samples were collected from PTA on 18 October 2016 for PFAS analysis (including PFBS, PFOS, and PFOA) using USEPA Method 537 (Department of the Army 2016). None of the PFAS analytes were detected above the method reporting limit of 2.0 ng/L (0.002 micrograms per liter) in the drinking water samples.

Of the six PFAS compounds presented in the 06 July 2022 OSD memorandum, HFPO-DA (commonly referred to as GenX) was not included as an analyte at the time of this SI. Based on the CSM developed during the PA and revised based on SI findings, the presence of HFPO-DA is not anticipated at PTA and KMR because HFPO-DA is generally not a component of MIL-SPEC AFFF and based on its history including distribution limitations that restricted use of HFPO-DA, it is generally not a component of other products the military used. In addition, it is unlikely that HFPO-DA would be an individual chemical of concern in the absence of other PFAS.

Six AOPIs were sampled during the SI at PTA to identify presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS at each AOPI. The SI scope of work was completed in accordance with the Final PQAPP (Arcadis 2019) and the PTA and KMR QAPP Addendum (Arcadis 2021). Five AOPIs had detections of PFOS, PFOA, PFBS, PFNA, and PFHxS in soil and all five AOPIs exceeded OSD risk screening levels.

Two AOPIs were sampled during the SI at KMR to identify presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS at each AOPI. The SI scope of work was completed in accordance with the Final PQAPP (Arcadis 2019) and the PTA and KMR QAPP Addendum (Arcadis 2021). Both AOPIs had detections of PFOS, PFOA, PFBS, PFNA, and PFHxS in soil and one AOPI exceeded OSD risk screening levels. Following the SI sampling at PTA, five out of the six AOPIs at PTA were considered to have complete or potentially complete exposure pathways. Soil exposure pathways for on-installation site workers are complete and the groundwater exposure pathways for off-installation drinking water receptors are potentially complete at five AOPIs (Building 39: Former Fire Station, Former AFFF Training Area, Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, and Bradshaw Army Airfield Runway). The surface water and sediment exposure pathways for on-installation site workers and recreational users are potentially complete at two AOPIs (Building 39: Former Fire Station and Former AFFF Training Area).

Following the SI sampling at KMR, one AOPI at KMR was considered to have complete or potentially complete exposure pathways. The soil exposure pathways for on-installation site workers are complete at the Building 59: Fire Station #19 AOPI. Additionally, the exposure pathway for trench drain sediment is complete for on-installation site workers at Building 59: Fire Station #19.

Although the CSMs indicate complete or potentially complete exposure pathways may exist, the recommendation for future study in a remedial investigation or no action at this time is based on the comparison of the SI analytical results for PFOS, PFOA, PFBS, PFNA, and PFHxS to the OSD risk screening levels (**Table 6-2**). **Table 8-1** below summarizes the AOPIs identified at PTA and KMR, PFOS, PFOA, PFBS, PFNA, and PFHxS sampling and recommendations for each AOPI; further investigation is warranted at PTA and KMR. In accordance with CERCLA, site-specific risk will be assessed during a future phase to evaluate whether remedial actions are required.

Table 8-1 Summary of AOPIs Identified during the PA, PFOS, PFOA, PFBS, PFNA, and PFHxS Sampling at PTA and KMR, and Recommendations

Installation Name	AOPI Name	PFOS, PFOA, PFBS, PFNA, and/or PFHxS detected greater than OSD Risk Screening Levels? (Yes/No/ND/NS)		Recommendation
		SO	GW	
PTA	Building 39: Former Fire Station	Yes	NS[1]	Further study in a remedial investigation
	Building 390: Fire Station	Yes	NS[1]	Further study in a remedial investigation
	Current and Former Fire-Training Pits	Yes	NS[1]	Further study in a remedial investigation
	Former Aqueous Film-Forming Foam Training Area	Yes	NS[1]	Further study in a remedial investigation
	Landing Zone Rob Helicopter Crash	ND	NS[1]	No action at this time
	Bradshaw Army Airfield Runway	Yes	NS[1]	Further study in a remedial investigation
KMR	Building 43: Former Fire Station	No	NS[2]	No action at this time
	Building 59: Fire Station #19	Yes	NS[2]	Further study in a remedial investigation

Notes:
1 = Historical reports indicate groundwater at PTA has been identified several hundred to more than 1,000 feet bgs. The significant depth to groundwater precludes collection of groundwater samples as part of this SI; instead, soil samples were collected to verify the presence of PFAS at PTA.
2 = KMR is underlain with accumulated surface lava flows of the Keamoku lava flow from Mauna Loa's southeastern flank and the Puna volcanic series and the intrusive rocks of Kilauea's dike-complex. There is no groundwater development in the area, nor is groundwater connected to a water source. Additionally, due to the rapid increase in temperature with depth, water that infiltrates the subsurface turns to steam, which precluded the collection of groundwater samples as part of this SI; instead, soil samples were collected to verify the presence of PFAS at KMR.

Light gray shading – detection greater than the OSD risk screening level
GW — groundwater
ND – non-detect
NS – not sampled
SO – soil

Data collected during the PA (**Sections 3** through **5**) and SI (**Sections 6** through **7**) were sufficient to draw conclusions and recommendations summarized above. The data limitations relevant to the development of this PA/SI for PFOS, PFOA, PFBS, PFNA, and PFHxS at PTA and KMR are discussed below.

Data limitations were encountered during the PA process for PTA and KMR. There is limited information regarding the direction of groundwater flow at PTA. In general, groundwater moves southwest downgradient toward the sea and discharges at or near the coast (PRC 1997). There is no groundwater development at KMR, nor is groundwater connected to a water source. Additionally, due to the rapid increase in temperature with depth, water that infiltrates the subsurface turns to steam at KMR. Presence or absence of PFOS, PFOA, PFBS, PFNA, and PFHxS in groundwater at PTA and KMR AOPIs has not been determined and is not included in the scope of this SI, however, may be in the future. For this PA/SI report, CSM evaluations only include elements applicable to the potential PFAS (i.e., PFOS, PFOA, PFBS, PFNA, and PFHxS) source and human receptors. The potential for ecological exposure to PFAS (i.e., PFOS, PFOA, PFBS, PFNA, and PFHxS) may be evaluated at a future date if it is determined that those pathways warrant further consideration.

Records gathered for the use, storage and/or disposal of PFAS-containing materials were reviewed during the PA process. Documentation specific to AFFF may have been limited (e.g., each AFFF use; procurement records, documentation of AFFF used during crash responses or fire training activities) due to lack of recordkeeping requirements for the full timeline of common AFFF practices. Anecdotal accounts of AFFF use (and therefore likely PFOS, PFOA, PFBS, PFNA, and PFHxS use) were limited to available installation personnel, whose knowledge of AFFF use may have been restricted by their time spent at the installation or previous roles held that limited their relevant knowledge of potential AFFF (or other PFAS-containing material) use.

A comprehensive well survey was not completed as part of this PA; therefore, the information reviewed regarding off-post wells is limited to what is contained in the off post well search results (**Appendix C**).

The searches for ecological receptors and off-post PFOS, PFOA, PFBS, PFNA, and PFHxS sources were not exhaustive and were limited to easily identifiable and readily available information evaluated during the relevant documents research, installation personnel interviews, and site reconnaissance.

Finally, the available PFOS, PFOA, PFBS, PFNA, and PFHxS analytical data is limited to results from on-post soil and sediment sampling locations. Available data, including PFOS, PFOA, PFBS, PFNA, and PFHxS, is listed in **Appendix M**, which were analyzed per the selected analytical method. HFPO-DA was not in the suite of PFAS compounds analyzed during the SI at PTA and KMR because it was not considered to be a constituent of concern at the time; therefore, there are no HFPO-DA SI analytical results to screen against the 2022 OSD risk screening levels.

Results from this PA/SI indicate further study in a remedial investigation is warranted at PTA and KMR in accordance with the guidance provided by the OSD.

9 REFERENCES

Amarosa, Michael. 2019. Unclassified Information Paper Regarding USAG-HI Groundwater Hydrology Investigation at USAG-Pohakuloa Training Area. February 5.

Arcadis U.S., Inc. (Arcadis). 2018. Accident Prevention Plan: A-E Services, PFASs Contamination in the Cleanup/Restoration Programs at Active Army Installations – Nationwide. Prepared for USACE, Baltimore District. March.

Arcadis. 2019. Final Programmatic Uniform Federal Policy (UFP) Quality Assurance Project Plan (QAPP), USAEC PFAS PA/SI, Active Army Installations, Nationwide, USA. October.

Arcadis. 2021. Final QAPP Addendum, USAEC PFAS PA/SI, PTA and KMR, Hawaii. May.

Army. 2018. Army Guidance for Addressing Releases of Per- and Polyfluoroalkyl Substances. September 4. Available online at: https://www.fedcenter.gov/admin/itemattachment.cfm?attachmentid=1150.

Army Defense Environmental Restoration Program (ADERP). 2016. FY 2016, Pohakuloa Training Area Installation Action Plan. December 27. DoD. 2009. Emerging Contaminants Instruction, Directive 4715.18. June.

Department of Defense (DoD). 2017. Fact Sheet: Detection and Quantitation – What Project Managers and Data Users Need to Know. October.

Department of the Army. 2016. Memorandum for IMCOM Pacific, DPW (Mile Mk 34 Saddle Rd, Box 4607/Ms. Christine Phelps), USAG Pohakuloa Training Area, Hilo, HI 96720, Subject: Laboratory Sciences (LAB) Final Analytical Report. November 15.

DoD. 2019. Environmental Data Quality Working Group: Final General Data Validation Guidelines. November 4.

DoD. 2020. Data Validation Guidelines Module 3: Data Validation Procedure for Per- and Polyfluoroalkyl Substances Analysis by QSM Table B-15. May 1.

DoD and Department of Energy. 2019. Consolidated Quality Systems Manual for Environmental Laboratories, Version 5.3. May.

EDR. 2018. EDR DataMap™ Well Search Report, Kilauea Military Reservation, Hawaii National Park, HI 96718, Inquiry Number: 5254023.72w. May 24.

International Archaeological Research Institute, Inc. (IARI). 2000. Integrated Cultural Resources Management Plan for Kilauea Military Camp, Hawaii Volcanoes National Park, Island of Hawaii. December.

Interstate Technology Regulatory Council. 2017. History and Use of Per-and Polyfluoroalkyl Substances (PFAS). November. Available online at: https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use__11_13_17.pdf.

Interstate Technology Regulatory Council. 2020. Section 3.1 Firefighting Foams. Updated April 14. Available online at: https://pfas-1.itrcweb.org/3-firefighting-foams/#3_1

Kreyns, P., Geng, X., & Michael, H. A. (2020). The influence of connected heterogeneity on groundwater flow and salinity distributions in coastal volcanic aquifers. *Journal of Hydrology*, *586*, 124863. Available online at: https://www.sciencedirect.com/science/article/abs/pii/S0022169420303231

Office of the Secretary of Defense (OSD). 2019. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. October.

OSD. 2021. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. September.

OSD. 2022. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. July.

PRC Environmental Management, Inc. 1997.Preliminary Assessment/Site Inspection Pohakuloa Training Area, Hawaii, Final Preliminary Assessment/Site Inspection Report. February 12.

TLI Solutions Inc. (TLI). 2007. Final Historical Records Review and Site Inspection Report, Kilauea Military Reservation, Volcanoes National Park, Hawaii. September.

USACE. 2005. Environmental Quality: Guidance for Evaluating Performance-Based Chemical Data, Engineer Manual 200-1-10, CEMP-RA/CECW-E, June 30.

USACE. 2012. Environmental Quality: Conceptual Site Models, Engineer Manual 200-1-12, CEMP-CE, December 28.

USAG-HI. 1996. Preliminary Assessments Conducted at Pohakuloa Training Area Hawaii, Hawaii. July 26.

USAG-HI. 1997. Installation Action Plan for Kilauea Military Camp, Hawaii. February.

USAG-HI. 2010. Integrated Natural Resources Management Plan 2010-2014, Island of Hawaii, Pohakuloa. July.

USEPA. 2016a. Lifetime Health Advisories and Health Effects Support Documents for Perfluorooctanoic Acid and Perfluorooctane Sulfonate. EPA-HQ-OW-2014-0138; FRL-9946-91-OW. Federal Register/ Vol. 81. No. 101. May 25. Available online at: https://www.govinfo.gov/content/pkg/FR-2016-05-25/pdf/2016-12361.pdf.

USEPA. 2016b. The Third Unregulated Contaminant Monitoring Rule Fact Sheet for Assessment Monitoring (List 1 Contaminants) (UCMR3). May.

USEPA. 2021. Human Health Toxicity Values for Perfluorobutane Sulfonic Acid (CASRN 375-73-5) and Related Compound Potassium Perfluorobutane Sulfonate (CASRN 29420-49-3). EPA/600/R-20/345F. Center for Public Health and Environmental Assessment, Office of Research and Development, Washington DC. April.

USEPA. 2022. Regional Screening Levels (RSLs) – Generic Tables. Tables as of May 2022. Access online: https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables

Western Regional Climate Center. 2020. Western Regional Climate Center Online (https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?hi1303). February 19.

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10 ACRONYMS

%	percent
ADERP	Army Defense Environmental Restoration Program
AFFF	aqueous film-forming foam
amsl	above mean sea level
AOPI	area of potential interest
Arcadis	Arcadis U.S., Inc.
Army	United States Army
bgs	below ground surface
C	candidate for listing
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CSM	conceptual site model
DoD	Department of Defense
DQO	data quality objective
DUSR	Data Usability Summary Report
EB	equipment blank
EDR	Environmental Data Resources, Inc.
ELAP	Environmental Laboratory Accreditation Program
FARP	Forward Aircraft Refueling Point
FCR	field change report
G1	species critically imperiled globally (typically 1 to 5 occurrences)
G2	species imperiled globally (typically 6 to 20 occurrences)
G5	species possibly extinct
GIS	geographic information system
GW	groundwater
HFPO-DA	hexafluoropropylene oxide dimer acid
HQAES	Headquarters Army Environmental System
IARI	International Archaeological Research Institute, Inc.
IMCOM	Installation Management Command
installation	United States Army or Reserve installation

IRP	Installation Restoration Program
KMC	Kilauea Military Camp
KMR	Kilauea Military Reservation
LE	listed endangered
LOD	limit of detection
LOQ	limit of quantitation
LZ	landing zone
mg/kg	milligrams per kilogram (parts per million)
MIL-SPEC	military specification
ng/L	nanograms per liter (parts per trillion)
OSD	Office of the Secretary of Defense
PA	preliminary assessment
PFAS	per- and polyfluoroalkyl substances
PFBS	perfluorobutanesulfonic acid
PFHxS	perfluorohexane sulfonate
PFNA	perfluorononanoic acid
PFOA	perfluorooctanoic acid
PFOS	perfluorooctane sulfonate
POC	point of contact
ppm	parts per million
ppt	parts per trillion
PQAPP	Programmatic Uniform Federal Policy-Quality Assurance Project Plan
PRC	PRC Environmental Management, Inc.
PTA	Pohakuloa Training Area
QA	quality assurance
QAPP	Quality Assurance Project Plan
QC	quality control
QSM	Quality Systems Manual
RSL	Regional Screening Level
SI	site inspection
SOP	standard operating procedure

SSHP	Site Safety and Health Plan
T1	subspecies or variety critically imperiled globally (typically 1 to 5 occurrences)
TGI	technical guidance instruction
TLI	TLI Solutions, Inc.
TOC	total organic carbon
U.S.	United States
UCMR3	third Unregulated Contaminant Monitoring Rule
USACE	United States Army Corps of Engineers
USAEC	United States Army Environmental Command
USAG-HI	United States Army Garrison, Hawaii
USEPA	United States Environmental Protection Agency

TABLES

Table 7-1 Soil PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results
USAEC PFAS Preliminary Assessment/Site Inspection
Pohakuloa Training Area, Hawaii

Notes:
1. **Bolded** values indicate the result was detected greater than the limit of detection
2. Data are compared to the Office of the Secretary of Defense (OSD) risk screening levels for both the residential as well as the industrial/commercial scenarios (OSD. 2022. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. July).
3. Gray shaded values indicate the result was detected greater than the residential scenario risk screening levels (OSD 2022).
4. Gray shaded and italicized values indicate the result was detected greater than the industrial/commercial scenario (i.e., and therefore greater than the residential scenario) risk screening levels (OSD 2022).

Acronyms/Abbreviations:
FD = field duplicate sample
ID = identification
mg/kg = milligrams per kilogram (parts per million)
N = primary sample
PFAS = per- and polyfluoroalkyl substances
PFBS = perfluorobutanesulfonic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
PFNA = perfluorononanoic acid
PFHxS = perfluorohexane sulfonate
Qual = qualifier

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for but the result was not detected above thelimit of quantitation (LOQ).

Table 7-1 Soil PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results
USAEC PFAS Preliminary Assessment/Site Inspection
Pohakuloa Training Area, Hawaii

Location	Sample/ Parent ID	Sample Date	Analyte	PFOS (mg/kg)		PFOA (mg/kg)		PFHxS (mg/kg)		PFBS (mg/kg)		PFNA (mg/kg)	
			OSD Industrial/Commercial Risk Screening Level	*0.16*		0.25		1.6		25		0.25	
			OSD Residential Risk Screening Level	0.013		0.019		0.13		1.9		0.019	
			Sample Type	Result	Qual	Result	Qual	Result	Qual	Result	Qual	Result	Qual
PTA-AFFFTA-1-SO	PTA-AFFFTA-1-SO-082721	08/27/2021	N	***0.21***		**0.012**		**0.0056**		0.002	U	**0.0064**	
PTA-AFFFTA-2-SO	PTA-AFFFTA-2-SO-082721	08/27/2021	N	**0.16**		**0.0026**		**0.0026**		0.0021	U	**0.0016**	
PTA-AFFFTA-3-SO	PTA-AFFFTA-3-SO-082721	08/27/2021	N	***1.4***		**0.0065**		**0.011**		0.0026	U	**0.0031**	
PTA-AFFFTA-4-SO	PTA-AFFFTA-4-SO-082721	08/27/2021	N	***1.1***		**0.013**		**0.05**		0.002	U	**0.0037**	
PTA-BLDG39-1-SO	PTA-BLDG39-1-SO-082921	08/29/2021	N	***1.6***		**0.095**		**0.14**		**0.005**		**0.0043**	
PTA-BLDG39-2-SO	PTA-BLDG39-2-SO-082921	08/29/2021	N	***0.23***		**0.0078**		**0.11**		**0.0034**		0.00065	U
PTA-BLDG39-3-SO	PTA-BLDG39-3-SO-083021	08/30/2021	N	***1.1***		**0.061**		**0.3**		**0.18**		**0.0005**	J
PTA-BLDG39-4-SO	PTA-BLDG39-4-SO-083021	08/30/2021	N	***1.3***		**0.0022**		**0.0082**		0.002	U	**0.0016**	
PTA-BLDG39-5-SO	PTA-BLDG39-5-SO-083021	08/30/2021	N	***1.4***		**0.032**		**0.026**		0.002	U	**0.012**	
PTA-BLDG39-6-SO	PTA-BLDG39-6-SO-3.0-083021	08/30/2021	N	***1.7***		**0.0034**		**0.018**		0.0022	U	**0.00087**	
PTA-BLDG390-1-SO	PTA-BLDG390-1-SO-082921	08/29/2021	N	***0.73***		**0.021**		**0.067**		0.0022	U	**0.0012**	
PTA-BLDG390-2-SO	PTA-BLDG390-2-SO-082921	08/29/2021	N	**0.02**		**0.0017**		**0.0012**		0.002	U	**0.00039**	J
PTA-BLDG390-3-SO	PTA-BLDG390-3-SO-082821	08/28/2021	N	**0.054**		**0.0057**		**0.0098**		0.002	U	**0.0024**	
PTA-BLDG390-4-SO	PTA-BLDG390-4-SO-082821	08/28/2021	N	**0.022**		**0.0042**		**0.0016**		0.0021	U	**0.0017**	
	PTA-FD-1-SO-082821 / PTA-BLDG390-4-SO-082821	08/28/2021	FD	**0.056**		**0.0082**		**0.014**		0.0021	U	**0.0028**	
PTA-BAAFR-1-SO	PTA-BAAFR-1-SO-083121	08/31/2021	N	**0.0073**		**0.0065**		0.00057	U	0.0019	U	**0.0074**	
PTA-BAAFR-2-SO	PTA-BAAFR-2-SO-083121	08/31/2021	N	**0.0097**		**0.025**		**0.00052**	J	0.0021	U	**0.0053**	
PTA-BAAFR-3-SO	PTA-BAAFR-3-SO-083121	08/31/2021	N	**0.015**		**0.041**		**0.0017**		0.002	U	**0.0049**	
PTA-BAAFR-4-SO	PTA-BAAFR-4-SO-083121	08/31/2021	N	**0.00075**		**0.00059**		0.00058	U	0.0021	U	0.00058	U
	PTA-FD-2-SO-083121 / PTA-BAAFR-4-SO-083121	08/31/2021	FD	**0.0011**		**0.00088**		0.00059	U	0.002	U	**0.00044**	J
PTA-BAAFR-5-SO	PTA-BAAFR-5-SO-083121	08/31/2021	N	**0.00095**		**0.00061**		0.0006	U	0.002	U	0.0006	U
PTA-BAAFR-6-SO	PTA-BAAFR-6-SO-083121	08/31/2021	N	**0.0051**		**0.0022**		**0.0016**		0.0019	U	**0.00046**	J
PTA-FFTP-1-SO	PTA-FFTP-1-SO-082821	08/28/2021	N	**0.067**		**0.014**		**0.0049**		0.0021	U	**0.0056**	
PTA-FFTP-2-SO	PTA-FFTP-2-SO-082821	08/28/2021	N	**0.16**		**0.011**		**0.0013**		0.0021	U	**0.013**	
PTA-FFTP-3-SO	PTA-FFTP-3-SO-0.75-082821	08/28/2021	N	**0.025**		**0.0056**		**0.0059**		0.002	U	**0.0015**	
PTA-FFTP-4-SO	PTA-FFTP-4-SO-082821	08/28/2021	N	***0.5***		**0.03**		**0.076**		0.002	U	**0.0088**	
PTA-FFTP-5-SO	PTA-FFTP-5-SO-082821	08/28/2021	N	***0.3***		**0.011**		**0.011**		0.002	U	**0.0066**	
	PTA-FFTP-5-SO-4.0-083021	08/30/2021	N	**0.13**		**0.0034**		**0.018**		0.0021	U	**0.0023**	
PTA-LZR-1-SO	PTA-LZR-1-SO-083121	08/31/2021	N	0.00059	U	0.00059	U	0.00059	U	0.002	U	0.00059	U
PTA-LZR-2-SO	PTA-LZR-2-SO-083121	08/31/2021	N	0.00055	U	0.00055	U	0.00055	U	0.0018	U	0.00055	U
PTA-LZR-3-SO	PTA-LZR-3-SO-083121	08/31/2021	N	0.00055	U	0.00055	U	0.00055	U	0.0018	U	0.00055	U
PTA-LZR-4-SO	PTA-LZR-4-SO-083121	08/31/2021	N	0.00058	U	0.00058	U	0.00058	U	0.0019	U	0.00058	U

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Table 7-3 Sediment PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results
USAEC PFAS Preliminary Assessment/Site Inspection
Kilauea Military Reservation, Hawaii

Location	Sample/ Duplicate ID	Sample Date	Analyte	PFOS (mg/kg)		PFOA (mg/kg)		PFBS (mg/kg)		PFNA (mg/kg)		PFHxS (mg/kg)	
			OSD Industrial/Commercial Risk Screening Level	0.16		0.25		25		0.25		1.6	
			OSD Residential Risk Screening Level	0.013		0.019		1.9		0.019		0.13	
			Sample Type	Result	Qual	Result	Qual	Result	Qual	Result	Qual	Result	Qual
KMC-BLD59-4-SE	KMC-BLD59-4-SE-121322 / KMC-FD-1-SE-121322	12/13/2022	N	0.0014	U	**0.00028**	J	0.00096	U	**0.00019**	J	0.00096	U
		12/13/2022	FD	0.00072	U	0.00072	U	0.00048	U	**0.000084**	J	0.00048	U

Notes:
1. **Bolded** values indicate the result was detected greater than the limit of detection
2. Data are compared to the Office of the Secretary of Defense (OSD) risk screening levels for both the residential as well as the industrial/commercial scenarios (OSD. 2022. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. July).
3. At the time of the SI, KMR was referred to as Kilauea Military Camp (KMC); as such, the sample IDs from the SI retain the "KMC" acronym to be consistent with the analytical reports. It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES

Acronyms/Abbreviations:
FD = field duplicate sample
ID = identification
mg/kg = milligrams per kilogram (parts per million)
N = primary sample
PFAS = per- and polyfluoroalkyl substances
PFBS = perfluorobutanesulfonic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
PFNA = perfluorononanoic acid
PFHxS = perfluorohexane sulfonate
Qual = qualifier

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for but the result was not detected above the limit of quantitation (LOQ).

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Table 7-2 Soil PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results
USAEC PFAS Preliminary Assessment/Site Inspection
Kilauea Military Resevation, Hawaii

Location	Sample/ Duplicate ID	Sample Date	Analyte	PFOS (mg/kg)		PFOA (mg/kg)		PFBS (mg/kg)		PFNA (mg/kg)		PFHxS (mg/kg)	
			OSD Industrial/Commercial Risk Screening Level	0.16		0.25		25		0.25		1.6	
			OSD Residential Risk Screening Level	0.013		0.019		1.9		0.019		0.13	
			Sample Type	Result	Qual	Result	Qual	Result	Qual	Result	Qual	Result	Qual
KMC-BLD43-1-SO	KMC-BLD43-1-SO-121222	12/12/2022	N	**0.002**		**0.00011**	J	0.00024	U	**0.00027**		**0.00014**	J
KMC-BLD43-2-SO	KMC-BLD43-2-SO-121322	12/13/2022	N	**0.0052**		**0.00025**	J	0.00026	U	**0.00012**	J	**0.00046**	
KMC-BLD43-3-SO	KMC-BLD43-3-SO-121222	12/12/2022	N	**0.012**		**0.00054**		0.00021	U	**0.00011**	J	**0.00094**	
KMC-BLD59-1-SO	KMC-BLD59-1-SO-121322	12/13/2022	N	**0.02**		**0.00079**		0.00023	U	**0.0006**		**0.00033**	
KMC-BLD59-2-SO	KMC-BLD59-2-SO-121322 / KMC-FD-1-SO-121322	12/13/2022	N	**0.051**		**0.0016**		**0.000053**	J	**0.001**		**0.00061**	
		12/13/2022	FD	**0.057**		**0.0018**		0.0002	U	**0.0011**		**0.00057**	
KMC-BLD59-3-SO	KMC-BLD59-3-SO-121222	12/12/2022	N	0.00033	U	**0.00015**	J	0.00022	U	**0.000074**	J	**0.000072**	J

Notes:
1. **Bolded** values indicate the result was detected greater than the limit of detection
2. Data are compared to the Office of the Secretary of Defense (OSD) risk screening levels for both the residential as well as the industrial/commercial scenarios (OSD. 2022. Memorandum: Investigating Per- and Polyfluoroalkyl Substances within the Department of Defense Cleanup Program. July).
3. Gray shaded values indicate the result was detected greater than the residential scenario risk screening levels (OSD 2022).
4. At the time of the SI, KMR was referred to as Kilauea Military Camp (KMC); as such, the sample IDs from the SI retain the "KMC" acronym to be consistent with the analytical reports. It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES.

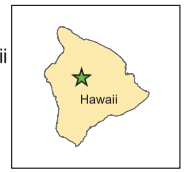
Acronyms/Abbreviations:
FD = field duplicate sample
ID = identification
mg/kg = milligrams per kilogram (parts per million)
N = primary sample
PFAS = per- and polyfluoroalkyl substances
PFBS = perfluorobutanesulfonic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
PFNA = perfluorononanoic acid
PFHxS = perfluorohexane sulfonate
Qual = qualifier

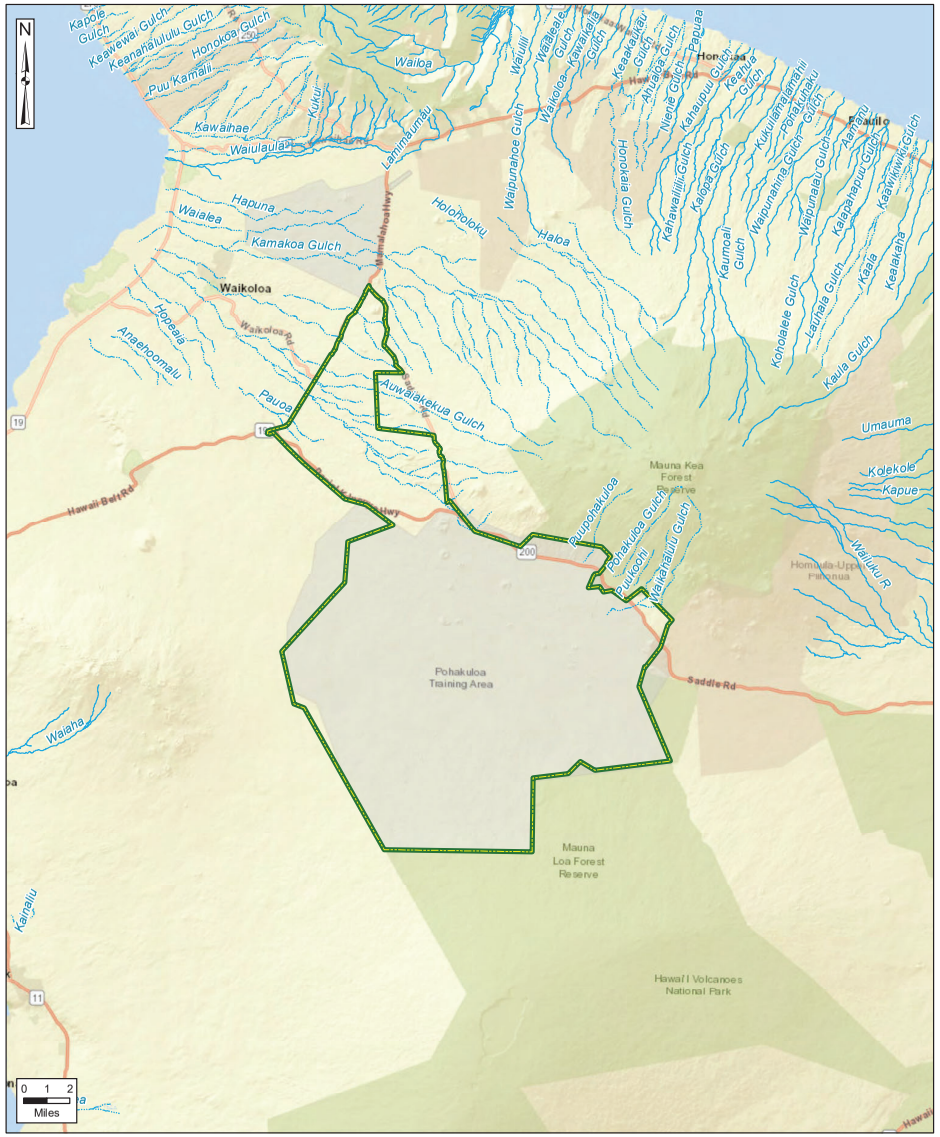
Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for but the result was not detected above thelimit of quantitation (LOQ).

FIGURES

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

Figure 2-1
PTA Site Location





Installation Boundary
River/Stream (Perennial)
Stream (Intermittent)

PTA = Pohakuloa Training Area

Data Sources:
HI State GIS, Rivers/Streams, 2018
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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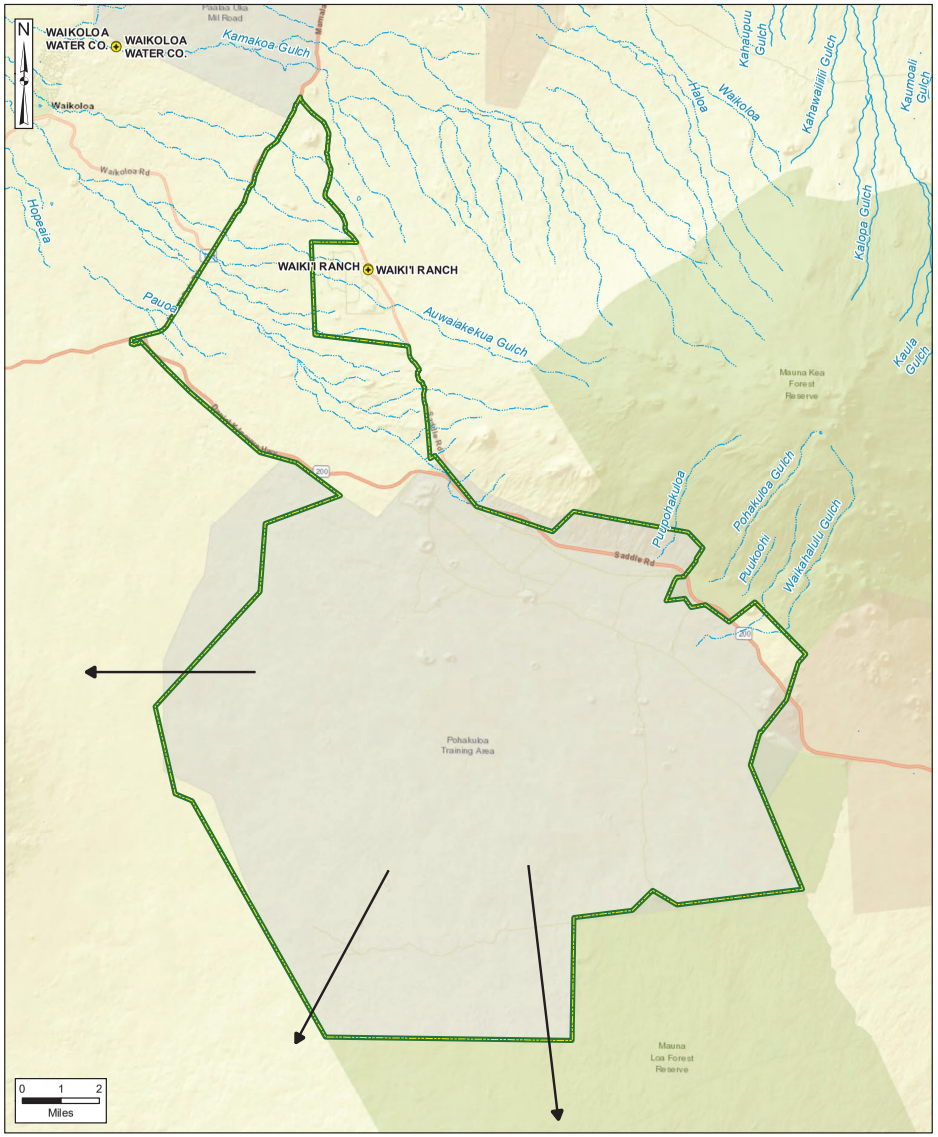
Figure 2-2
PTA Site Layout



Installation Boundary
River/Stream (Perennial)
Stream (Intermittent)
Assumed Groundwater Flow Direction
Public Water Supply System Well

PTA = Pohakuloa Training Area

Data Sources:
HI State GIS, Rivers/Streams, 2018
EDR, Well Data, 2019
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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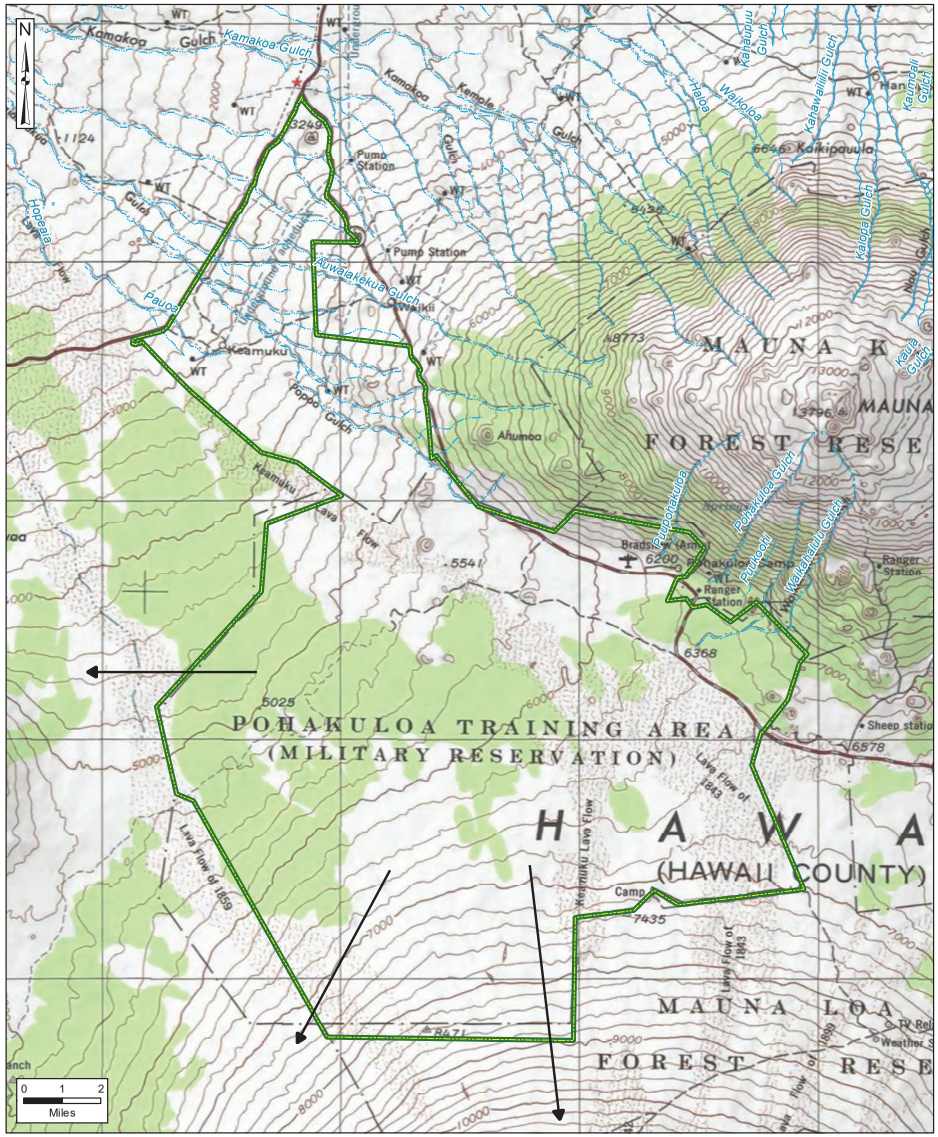
Figure 2-3
PTA Topographic Map



Installation Boundary
River/Stream (Perennial)
Stream (Intermittent)
Assumed Groundwater Flow Direction

Notes:
1) Contour labels are in feet.
2) There is limited information regarding the direction of groundwater flow at PTA. In general, groundwater moves southwest downgradient toward the sea and discharges at or near the coast (PRC Environmental Management, 1997).

PTA = Pohakuloa Training Area

Data Sources:
HI State GIS, Rivers/Streams, 2018
ESRI, ArcGIS Online, USA Topo Maps

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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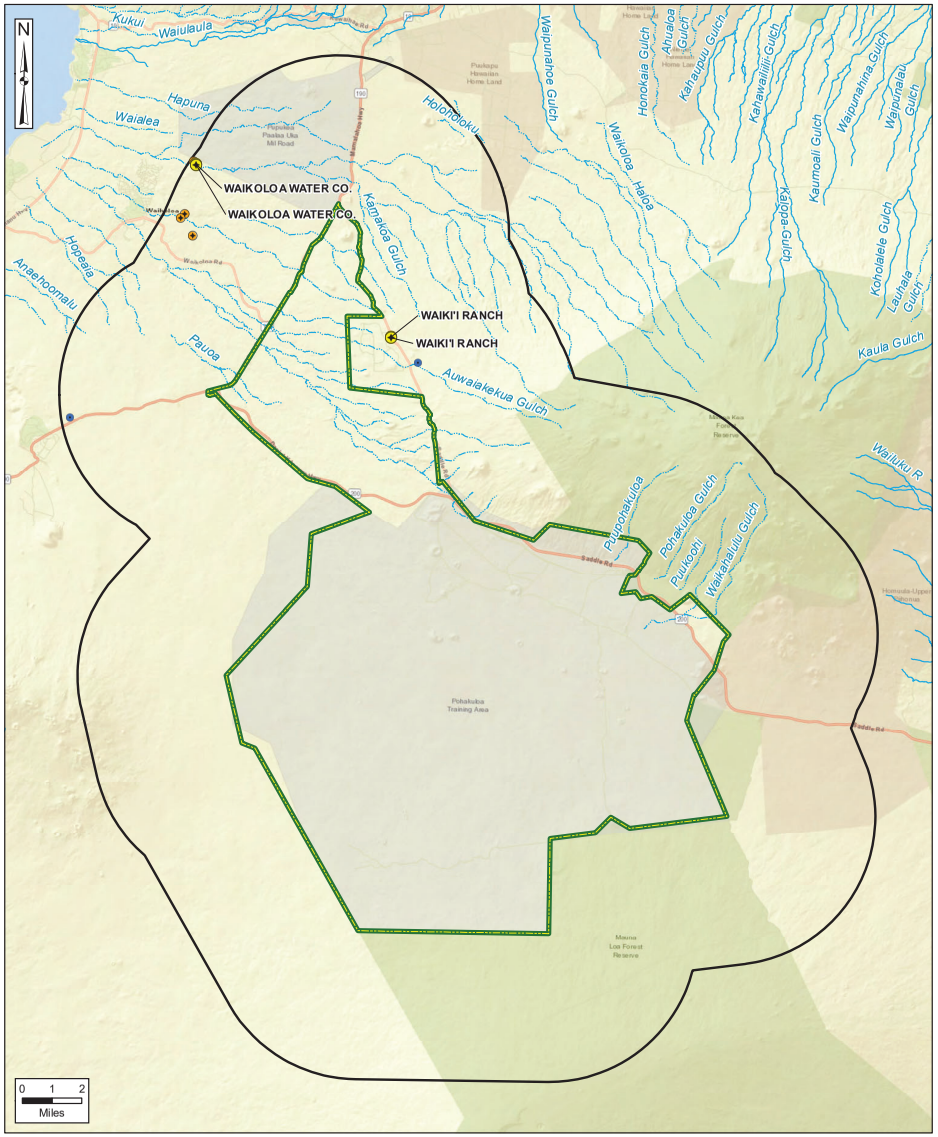
Figure 2-4
PTA Off-Post Potable Supply Wells



Installation Boundary
5-Mile Radius
River/Stream (Perennial)
Stream (Intermittent)
Public Water Supply System Well
Other Public Supply Well
Other Designated Use Water Well

PTA = Pohakuloa Training Area

Note: Public Water Supply System Well data from the Federal Reporting Data System and includes water systems that provide water to at least 25 people for at least 60 days annually. Other Designated Use Water Wells includes irrigation wells and wells of unknown use.

Data Sources:
EDR, Well Data, 2018
HI State GIS, Rivers/Streams, 2018
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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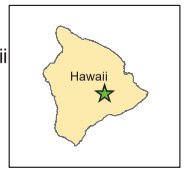
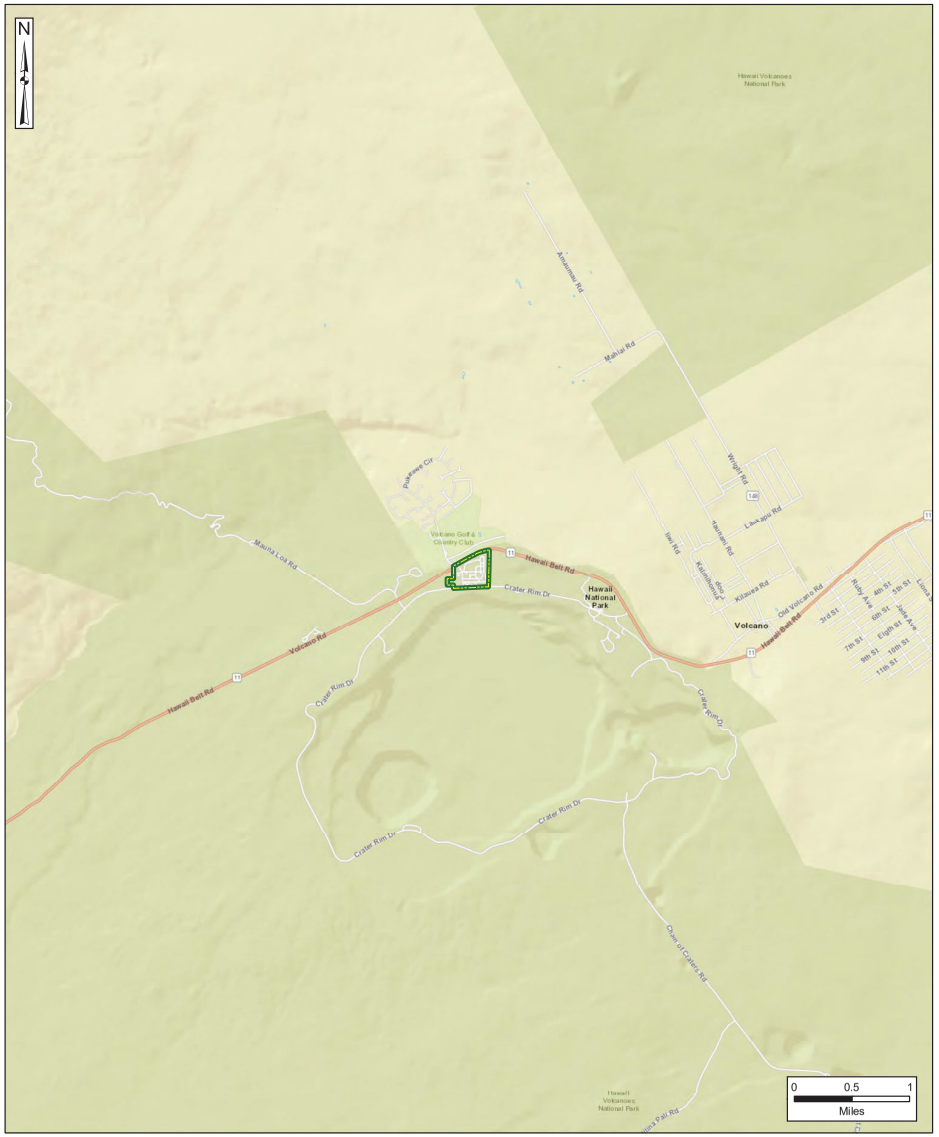


Figure 2-5
KMR Site Location



Installation Boundary

KMR = Kilauea Military Reservation

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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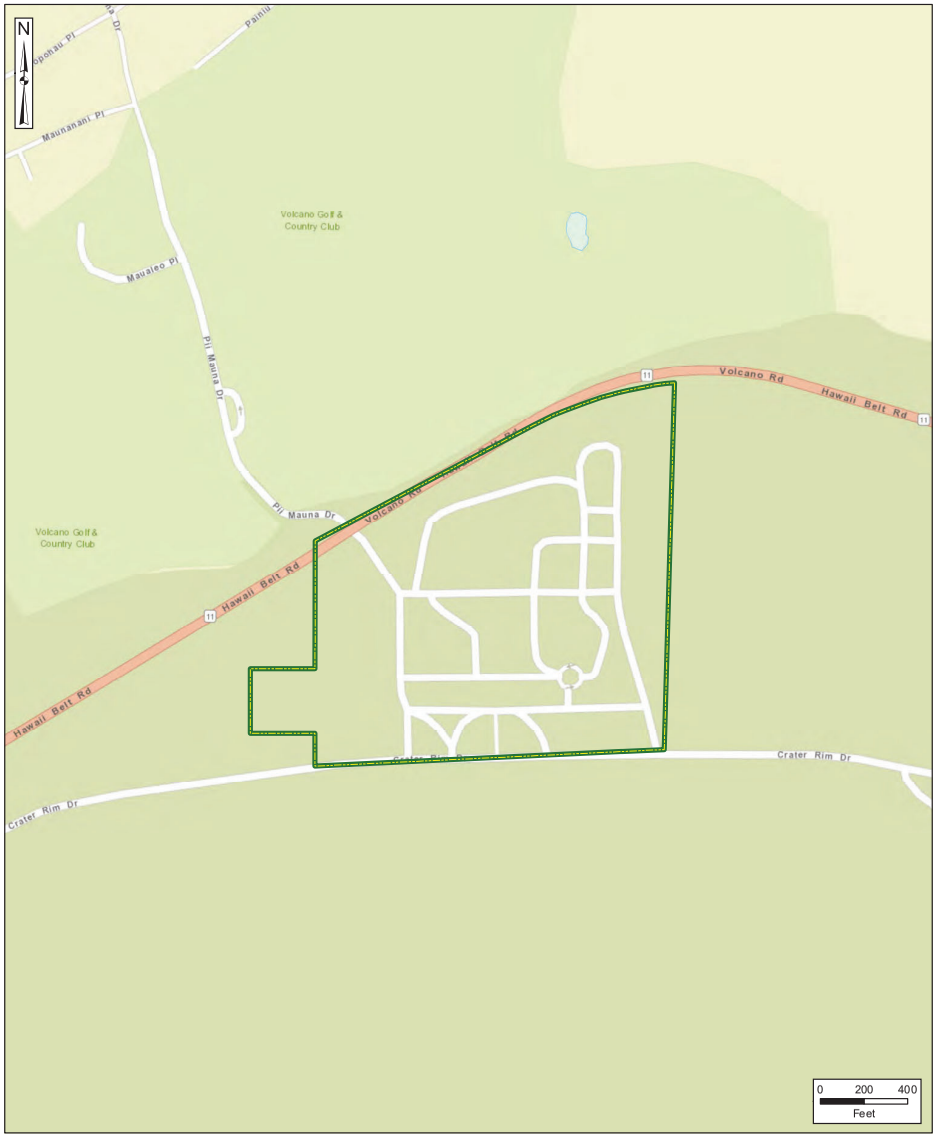
Figure 2-6
KMR Site Layout



Installation Boundary
Water Body

KMR = Kilauea Military Reservation

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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Figure 2-7
KMR Topographic Map

Installation Boundary
Water Body

KMR = Kilauea Military Reservation

Data Sources:
ESRI, ArcGIS Online, USA Topo Maps

Note: Contour labels are in feet.

Coordinate System:
WGS 1984, UTM Zone 5 North

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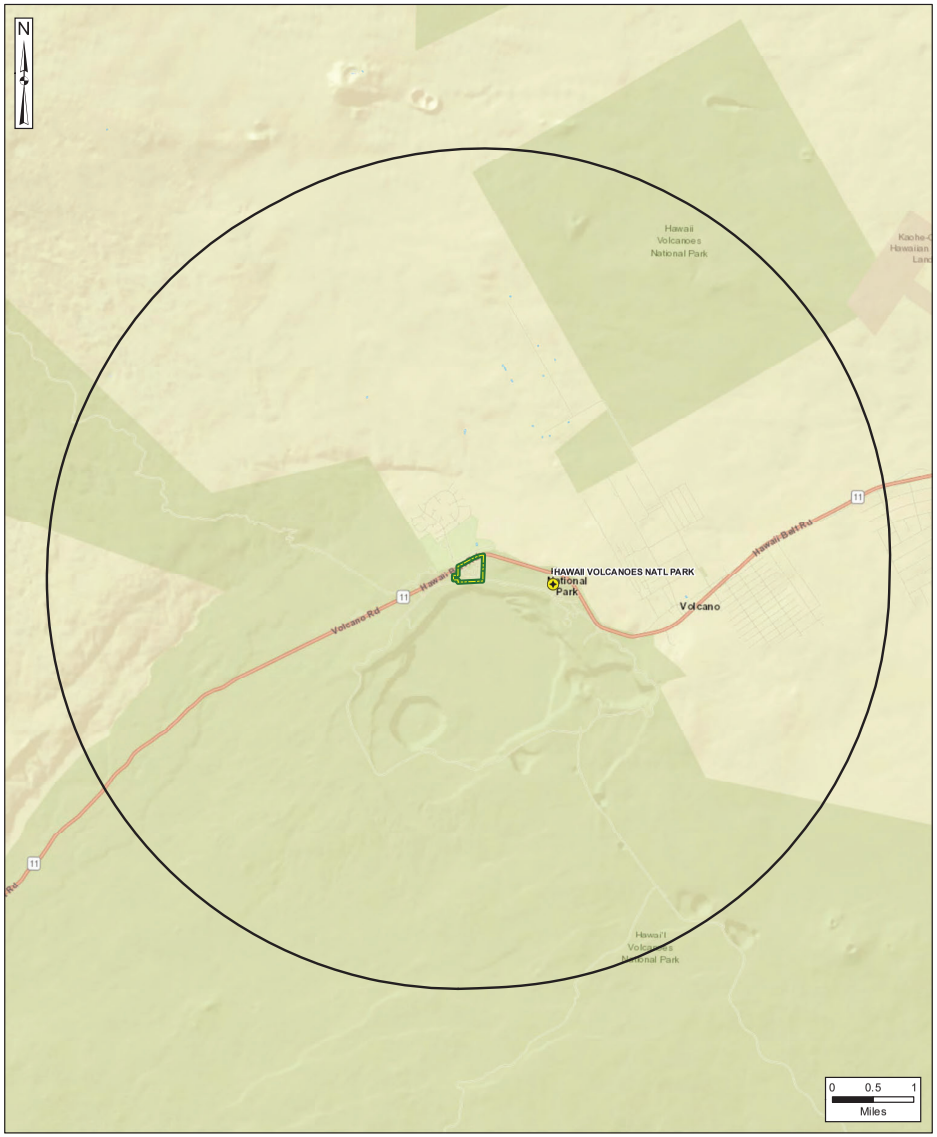
Figure 2-8
KMR Off-Post Potable Supply Wells



Installation Boundary
Public Water Supply System Well

Note: Public Water Supply System Well data from the Federal Reporting Data System and includes water systems that provide water to at least 25 people for at least 60 days annually.

KMR = Kilauea Military Reservation

Data Sources:
EDR, Well Data, 2018
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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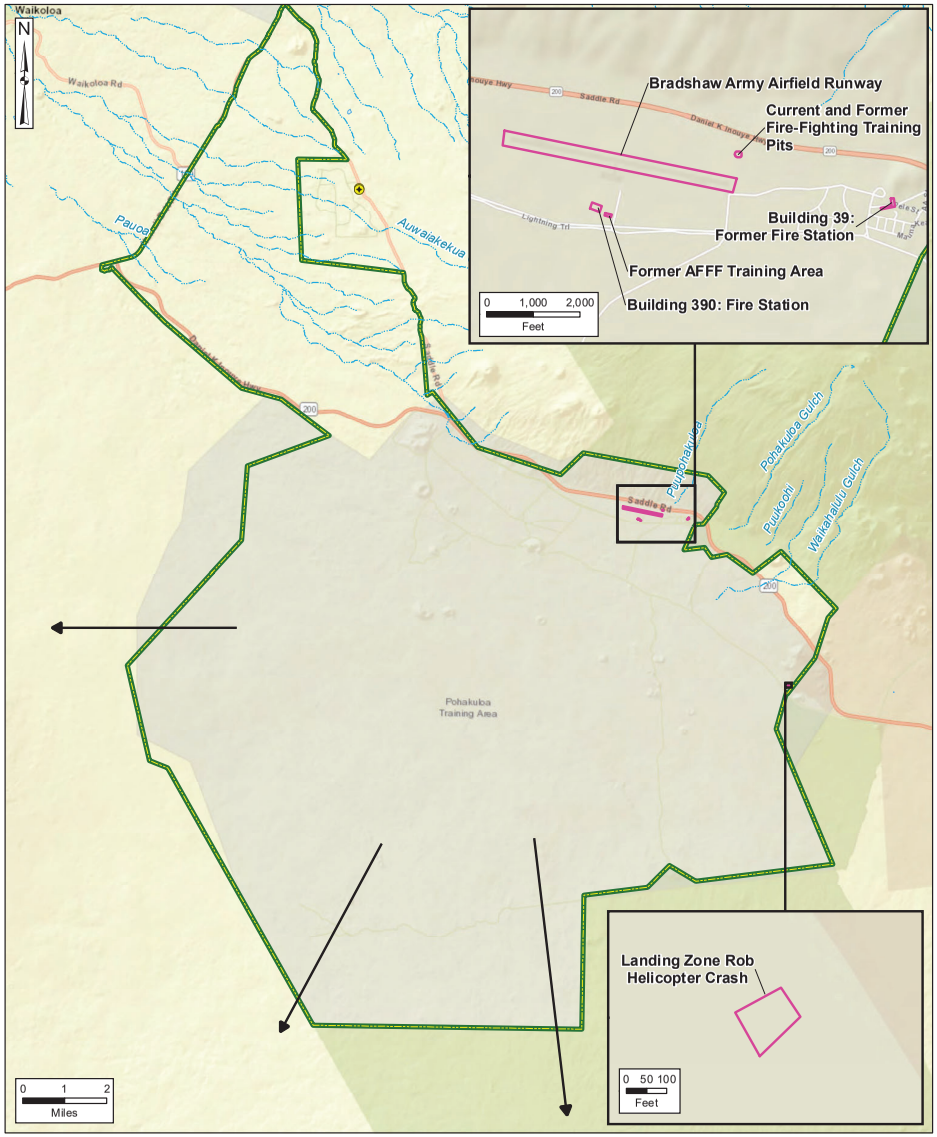
Figure 5-2
PTA AOPI Locations



Installation Boundary
AOPI
Stream (Intermittent)
Assumed Groundwater Flow Direction
Public Water Supply System Well

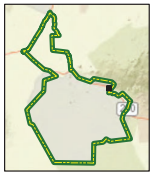
AFFF = aqueous film-forming foam
AOPI = area of potential interest
PTA = Pohakuloa Training Area

Data Sources:
HI State GIS, Rivers/Streams, 2018
EDR, Well Data, 2019
ESRI, ArcGIS Online, Aerial Imagery

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

Figure 5-3
Building 39: Former Fire Station



Installation Boundary
AOPI
Stormwater/Surface Runoff Flow Direction
Drainage Ditch

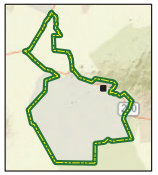
AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

Figure 5-4
Building 390: Fire Station



Installation Boundary
AOPI
Drainage Ditch
Stormwater/Surface Runoff Flow Direction

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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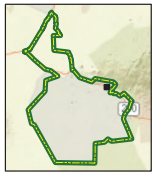
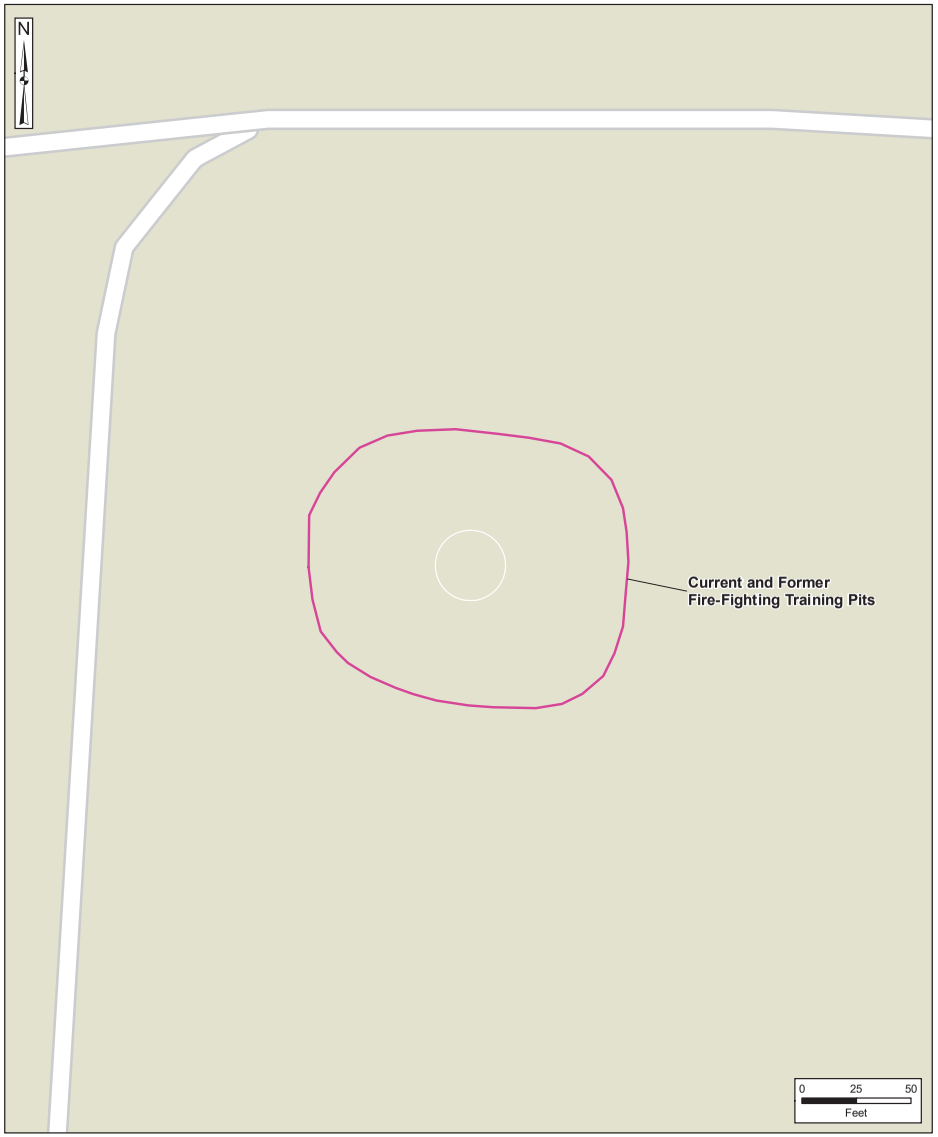
Figure 5-5
Current and Former Fire-Fighting Training Pits





Installation Boundary
AOPI

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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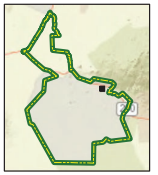
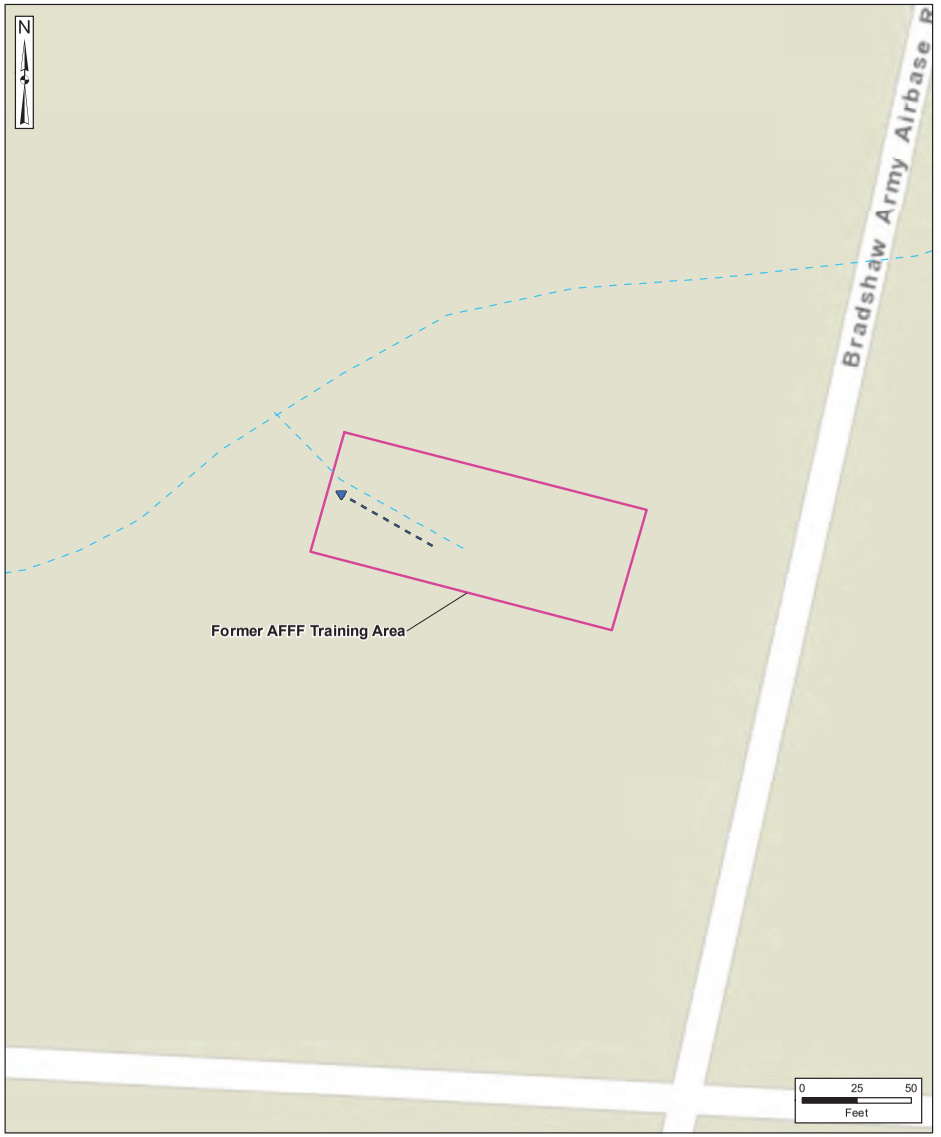
Figure 5-6
Former AFFF Training Area





Installation Boundary
AOPI
Drainage Ditch
Stormwater/Surface Runoff Flow Direction

AFFF = aqueous film-forming foam
AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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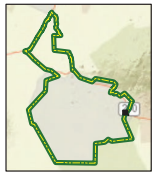
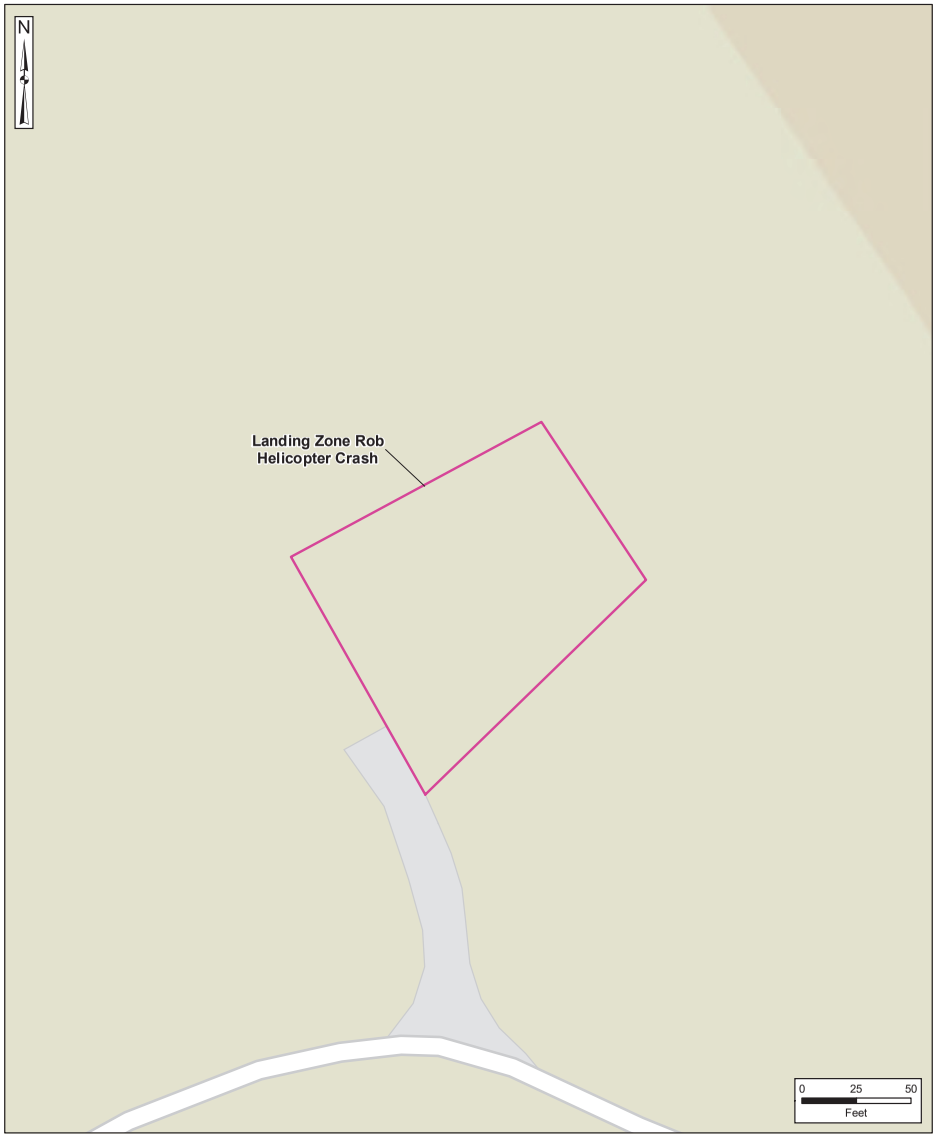
Figure 5-7
Landing Zone Rob Helicopter Crash





Installation Boundary
AOPI

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 12 Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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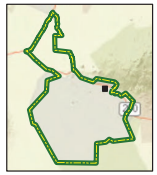
Figure 5-8
Bradshaw Army Airfield Runway



Installation Boundary
AOPI
Stormwater/Surface Runoff Flow Direction

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 12 Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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Figure 5-9
KMR AOPI Locations

Installation Boundary
AOPI
Water Body

AOPI = area of potential interest
KMR = Kilauea Military Reservation

Data Sources:
EDR, Well Data, 2018
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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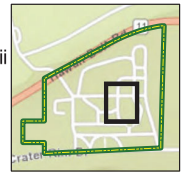
Figure 5-10
Building 43: Former Fire Station



Installation Boundary
AOPI
Stormwater/Surface Runoff Flow Direction

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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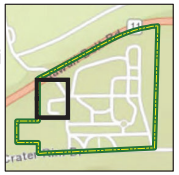
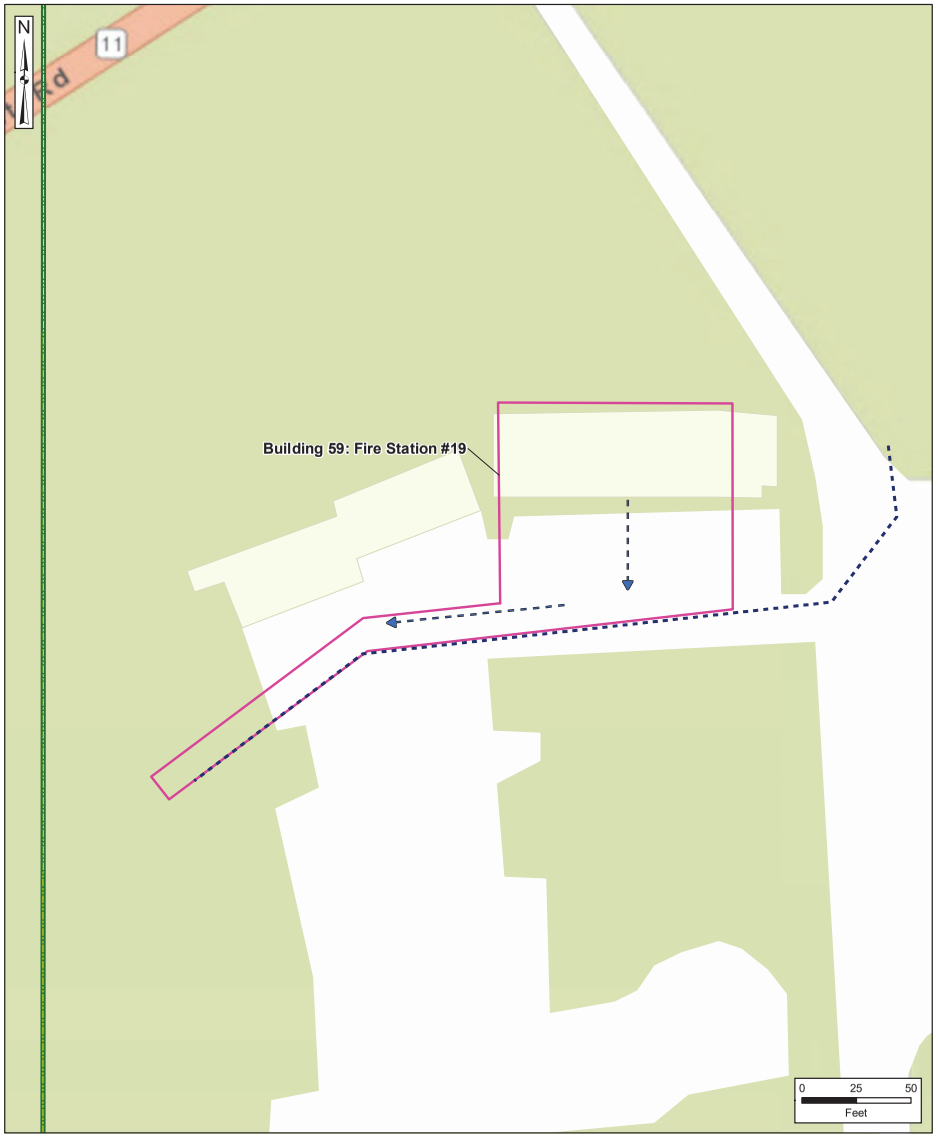
Figure 5-11
Building 59: Fire Station #19





Installation Boundary
AOPI
Covered Drain
Stormwater Flow Direction

AOPI = area of potential interest

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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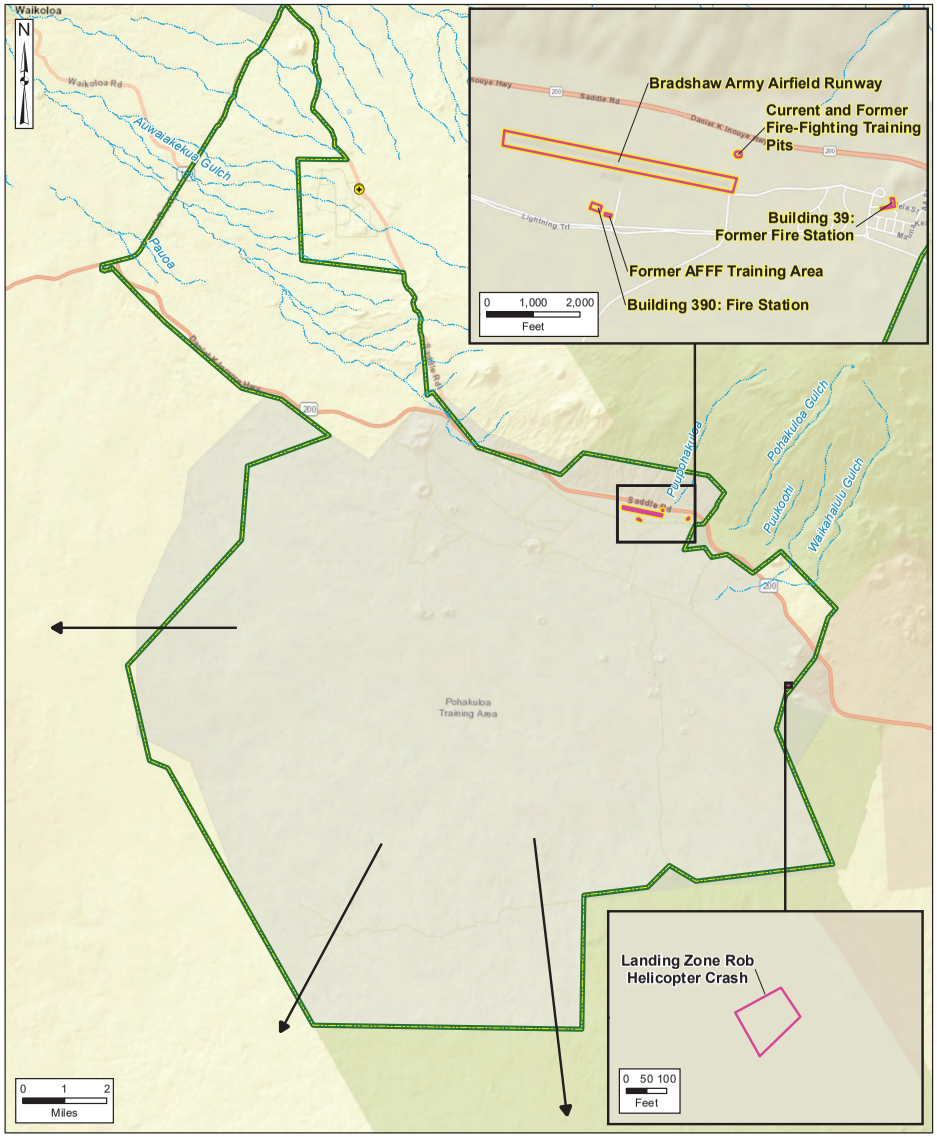
Figure 7-1
PTA AOPI Locations and
OSD Risk Screening Level Exceedances



Installation Boundary
AOPI
AOPI with OSD Risk Screening Level Exceedance
Stream (Intermittent)
Assumed Groundwater Flow Direction
Public Water Supply System Well

AFFF = aqueous film-forming foam
AOPI = area of potential interest
OSD = Office of the Secretary or Defense
PTA = Pohakuloa Training Area

Data Sources:
HI State GIS, Rivers/Streams, 2018
EDR, Well Data, 2019
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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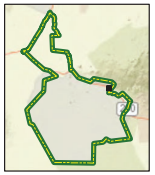
Figure 7-2
Building 39: Former Fire Station
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6

PTA-BLDG39-1-SO	
Date	8/29/2021
Depth	0.33-1.2 ft
PFOS	***1.6***
PFOA	**0.095**
PFBS	**0.0050**
PFNA	**0.0043**
PFHxS	**0.14**

PTA-BLDG39-5-SO	
Date	8/30/2021
Depth	0-2 ft
PFOS	***1.4***
PFOA	**0.032**
PFBS	0.0020 U
PFNA	**0.012**
PFHxS	**0.026**

Building 39: Former Fire Station

PTA-BLDG39-2-SO	
Date	8/29/2021
Depth	0.33-1.3 ft
PFOS	***0.23***
PFOA	**0.0078**
PFBS	**0.0034**
PFNA	0.00065 U
PFHxS	**0.11**

PTA-BLDG39-4-SO	
Date	8/30/2021
Depth	0-2 ft
PFOS	***1.3***
PFOA	**0.0022**
PFBS	0.0020 U
PFNA	**0.0016**
PFHxS	**0.0082**

PTA-BLDG39-3-SO	
Date	8/30/2021
Depth	0.33-1 ft
PFOS	***1.1***
PFOA	**0.061**
PFBS	**0.18**
PFNA	**0.00050 J**
PFHxS	**0.3**

Mauna Kea Loop

PTA-BLDG39-6-SO	
Date	8/30/2021
Depth	1-3 ft
PFOS	***1.7***
PFOA	**0.0034**
PFBS	0.0022 U
PFNA	**0.00087**
PFHxS	**0.018**

Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.
2. Bolded values indicate detections.
3. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.
4. Results that exceed the OSD industrial/commercial scenario risk screening levels (OSD 2022) are highlighted gray and italicized.

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

0 25 50
Feet

Installation Boundary
AOPI
Drainage Ditch
Stormwater/Surface Runoff Flow Direction
Soil Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 2one 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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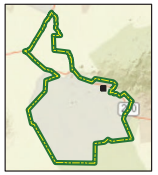
Figure 7-3
Building 390: Fire Station
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6

PTA-BLDG390-1-SO	
Date	8/29/2021
Depth	0.3-2 ft
PFOS	***0.73***
PFOA	**0.021**
PFBS	0.0022 U
PFNA	**0.0012**
PFHxS	**0.067**

PTA-BLDG390-3-SO	
Date	8/28/2021
Depth	0-2 ft
PFOS	**0.054 [0.056]**
PFOA	**0.0057 [0.0082]**
PFBS	0.0020 U [0.0021 U]
PFNA	**0.0024 [0.0028]**
PFHxS	**0.0098 [0.014]**

Building 390: Fire Station

PTA-BLDG390-4-SO	
Date	8/28/2021
Depth	0-0.67 ft
PFOS	**0.022**
PFOA	**0.0042**
PFBS	0.0021 U
PFNA	**0.0017**
PFHxS	**0.0016**

PTA-BLDG390-2-SO	
Date	8/29/2021
Depth	0.3-2 ft
PFOS	**0.020**
PFOA	**0.0017**
PFBS	0.0020 U
PFNA	**0.00039 J**
PFHxS	**0.0012**

Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.
2. Duplicate sample results are shown in brackets.
3. Bolded values indicate detections.
4. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.
5. Results that exceed the OSD industrial/commercial scenario risk screening levels (OSD 2022) are highlighted gray and italicized.

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

0 25 50
Feet

Installation Boundary
AOPI
Drainage Ditch
Stormwater/Surface Runoff Flow Direction
Soil Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 2one 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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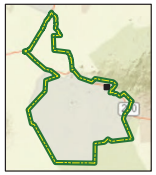
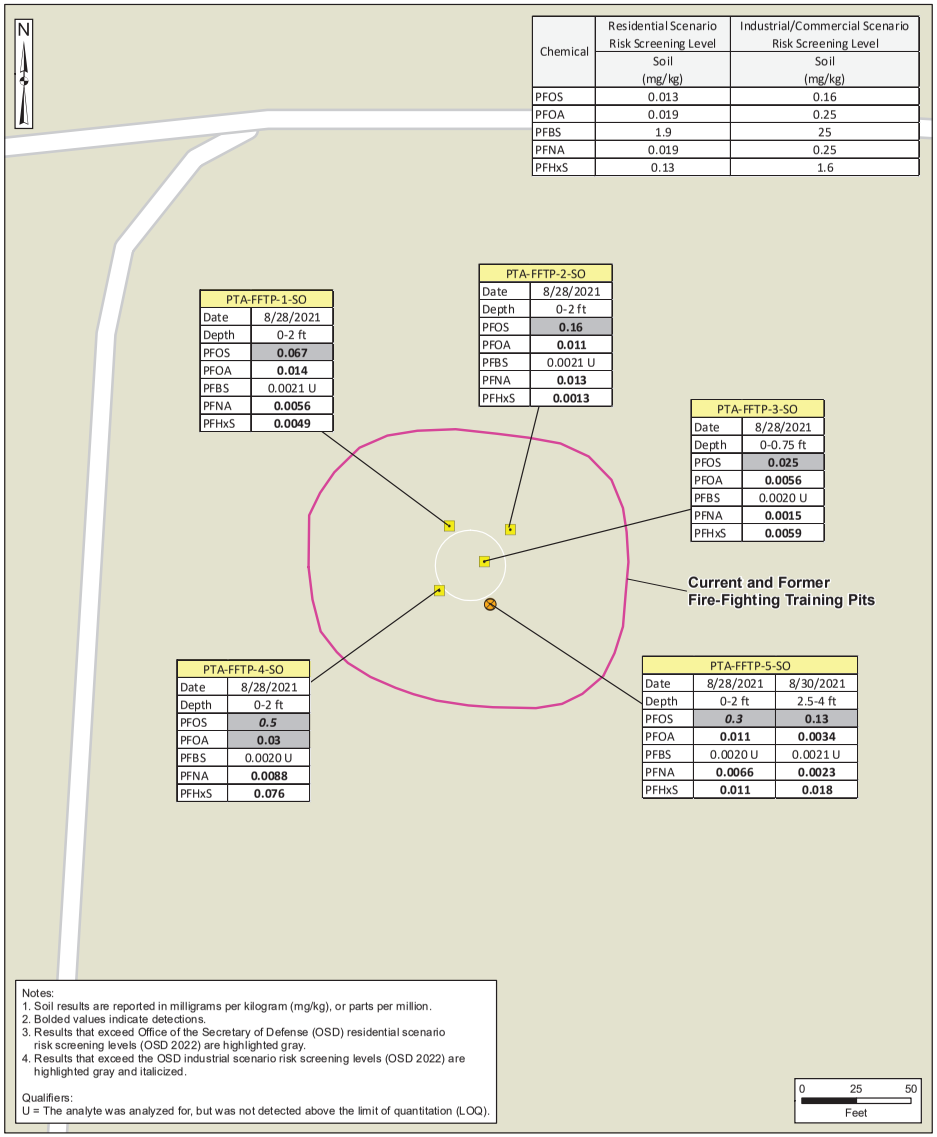
Figure 7-4
Current and Former Fire-Fighting Training Pits
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level	Industrial/Commercial Scenario Risk Screening Level
	Soil (mg/kg)	Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6



Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.
2. Bolded values indicate detections.
3. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.
4. Results that exceed the OSD industrial scenario risk screening levels (OSD 2022) are highlighted gray and italicized.

Qualifiers:
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

Installation Boundary
AOPI
Soil Sampling Location (Shallow)
Soil Sampling Location (Shallow and Deep)

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 12 Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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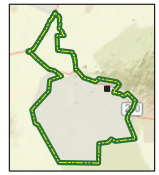
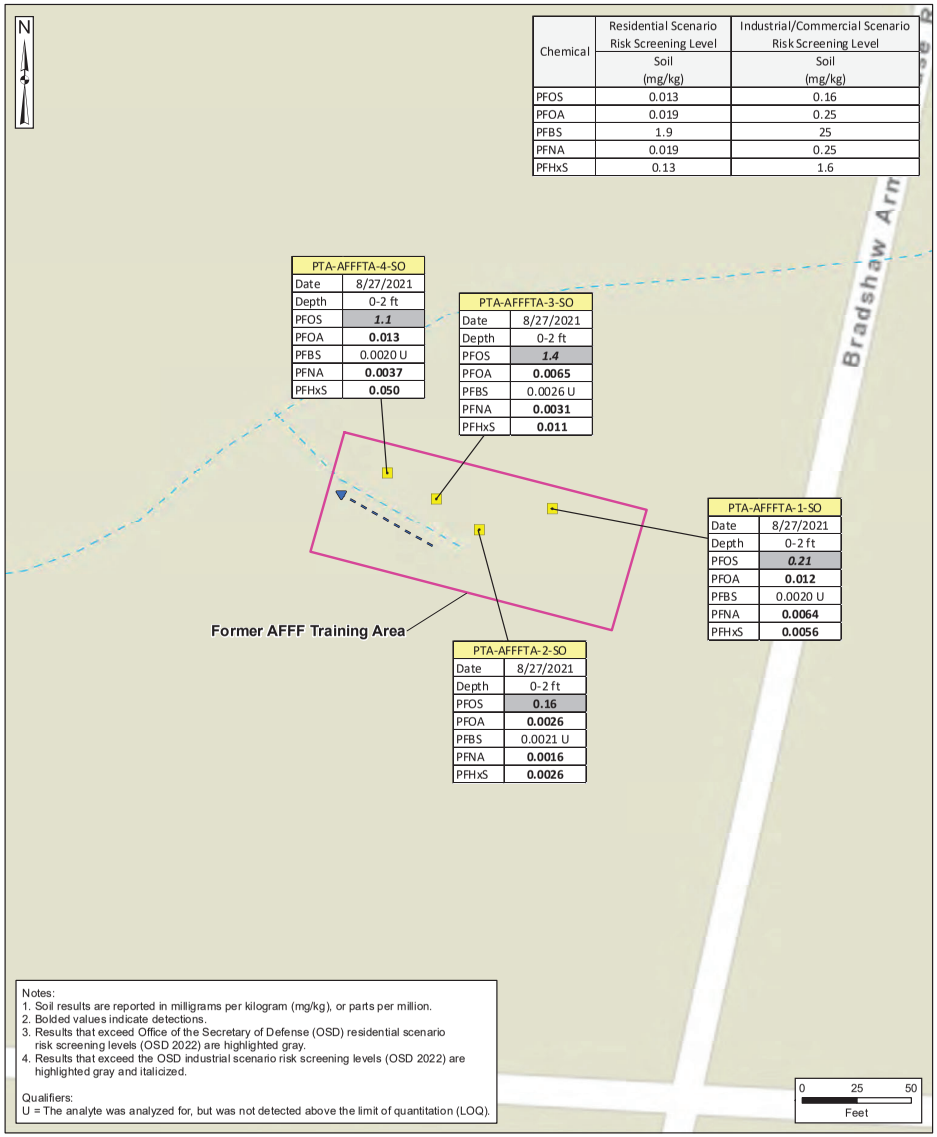
Figure 7-5
Former AFFF Training Area
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level	Industrial/Commercial Scenario Risk Screening Level
	Soil (mg/kg)	Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6



Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.
2. Bolded values indicate detections.
3. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.
4. Results that exceed the OSD industrial scenario risk screening levels (OSD 2022) are highlighted gray and italicized.

Qualifiers:
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

Installation Boundary
AOPI
Drainage Ditch
Stormwater/Surface Runoff Flow Direction
Soil Sampling Location

AFFF = aqueous film-forming foam
AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM 12 Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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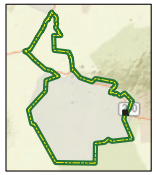
Figure 7-6
Landing Zone Rob Helicopter Crash
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6

PTA-LZR-1-SO	
Date	8/31/2021
Depth	0-0.25 ft
PFOS	0.00059 U
PFOA	0.00059 U
PFBS	0.0020 U
PFNA	0.00059 U
PFHxS	0.00059 U

Landing Zone Rob Helicopter Crash

PTA-LZR-3-SO	
Date	8/31/2021
Depth	0-1 ft
PFOS	0.00055 U
PFOA	0.00055 U
PFBS	0.0018 U
PFNA	0.00055 U
PFHxS	0.00055 U

PTA-LZR-2-SO	
Date	8/31/2021
Depth	0-0.5 ft
PFOS	0.00055 U
PFOA	0.00055 U
PFBS	0.0018 U
PFNA	0.00055 U
PFHxS	0.00055 U

PTA-LZR-4-SO	
Date	8/31/2021
Depth	0-0.5 ft
PFOS	0.00058 U
PFOA	0.00058 U
PFBS	0.0019 U
PFNA	0.00058 U
PFHxS	0.00058 U

Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.

Qualifiers:
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

0 25 50
Feet

Installation Boundary
AOPI
Soil Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

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Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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Figure 7-7
Bradshaw Army Airfield Runway
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results

Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6

PTA-BAAFR-5-SO	
Date	8/31/2021
Depth	0-2 ft
PFOS	**0.00095**
PFOA	**0.00061**
PFBS	0.0020 U
PFNA	0.00060 U
PFHxS	0.00060 U

Bradshaw Army Airfield Runway

PTA-BAAFR-6-SO	
Date	8/31/2021
Depth	0-1.5 ft
PFOS	**0.0051**
PFOA	**0.0022**
PFBS	0.0019 U
PFNA	**0.00046 J**
PFHxS	**0.0016**

PTA-BAAFR-4-SO	
Date	8/31/2021
Depth	0-2 ft
PFOS	**0.00075 [0.0011]**
PFOA	**0.00059 [0.00088]**
PFBS	0.0021 U [0.0020 U]
PFNA	0.00058 U **[0.00044 J]**
PFHxS	0.00058 U [0.00059 U]

PTA-BAAFR-3-SO	
Date	8/31/2021
Depth	0-1.4 ft
PFOS	**0.015**
PFOA	**0.041**
PFBS	0.0020 U
PFNA	**0.0049**
PFHxS	**0.0017**

PTA-BAAFR-1-SO	
Date	8/31/2021
Depth	0-1.5 ft
PFOS	**0.0073**
PFOA	**0.0065**
PFBS	0.0019 U
PFNA	**0.0074**
PFHxS	0.00057 U

PTA-BAAFR-2-SO	
Date	8/31/2021
Depth	0-1.7 ft
PFOS	**0.0097**
PFOA	**0.025**
PFBS	0.0021 U
PFNA	**0.0053**
PFHxS	**0.00052 J**

Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg), or parts per million.
2. Duplicate sample results are shown in brackets.
3. Bolded values indicate detections.
4. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

0 25 50
Feet

0 250 500
Feet

Installation Boundary
AOPI
Stormwater/Surface Runoff Flow Direction
Soil Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

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Figure 7-8
KMR AOPI Locations and
OSD Risk Screening Level Exceedances

Installation Boundary
AOPI
AOPI with OSD Risk Screening Level Exceedance
Water Body

AOPI = area of potential interest
KMR = Kilauea Military Reservation
OSD = Office of the Secretary of Defense

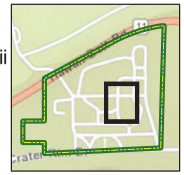
Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

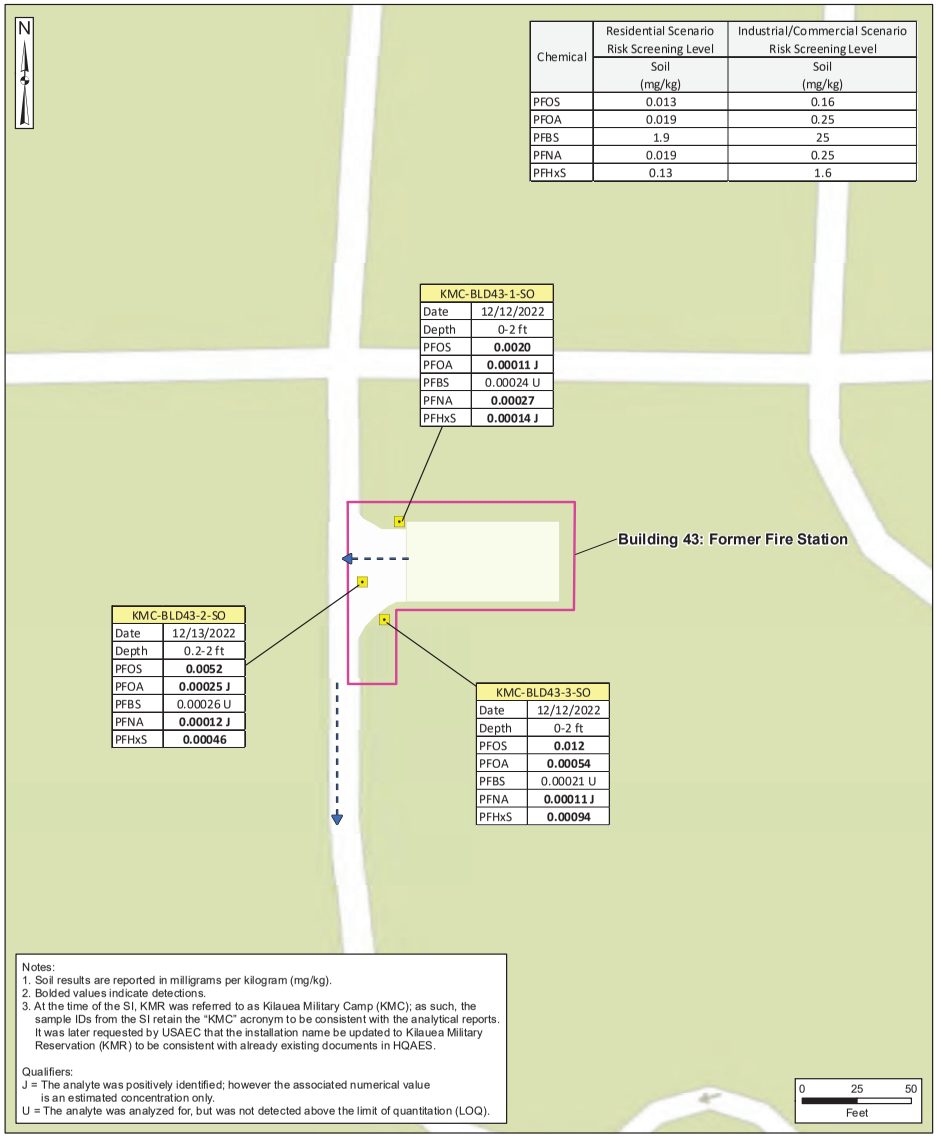
USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

ARCADIS

Figure 7-9
Building 43: Former Fire Station
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6



Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg).
2. Bolded values indicate detections.
3. At the time of the SI, KMR was referred to as Kilauea Military Camp (KMC); as such, the sample IDs from the SI retain the "KMC" acronym to be consistent with the analytical reports. It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES.

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

Installation Boundary
AOPI
Stormwater/Surface Runoff Flow Direction
Soil Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SO = soil

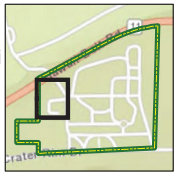
Data Sources:
ESRI, ArcGIS Online, StreetMap Data

Coordinate System:
WGS 1984, UTM Zone 5 North

USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area and Kilauea Military Reservation, Hawaii

ARCADIS

Figure 7-10
Building 59: Fire Station #19
PFOS, PFOA, PFBS, PFNA, and PFHxS Analytical Results



Chemical	Residential Scenario Risk Screening Level Soil (mg/kg)	Industrial/Commercial Scenario Risk Screening Level Soil (mg/kg)
PFOS	0.013	0.16
PFOA	0.019	0.25
PFBS	1.9	25
PFNA	0.019	0.25
PFHxS	0.13	1.6

KMC-BLD59-2-SO	
Date	12/13/2022
Depth	0.2-2 ft
PFOS	**0.051 [0.057]**
PFOA	**0.0016 [0.0018]**
PFBS	**0.000053 J** [0.00020 U]
PFNA	**0.0010 [0.0011]**
PFHxS	**0.00061 [0.00057]**

KMC-BLD59-1-SO	
Date	12/13/2022
Depth	0.2-2 ft
PFOS	**0.020**
PFOA	**0.00079**
PFBS	0.00023 U
PFNA	**0.00060**
PFHxS	**0.00033**

Building 59: Fire Station #19

KMC-BLD59-3-SO	
Date	12/12/2022
Depth	0-2 ft
PFOS	0.00033 U
PFOA	**0.00015 J**
PFBS	0.00022 U
PFNA	**0.000074 J**
PFHxS	**0.000072 J**

KMC-BLD59-4-SE	
Date	12/13/2022
PFOS	0.0014 U [0.00072 U]
PFOA	**0.00028 J** [0.00072 U]
PFBS	0.00096 U [0.00048 U]
PFNA	**0.00019 J [0.000084 J]**
PFHxS	0.00096 U [0.00048 U]

Notes:
1. Soil results are reported in milligrams per kilogram (mg/kg).
2. Duplicate sample results are shown in brackets.
3. Bolded values indicate detections.
4. Results that exceed Office of the Secretary of Defense (OSD) residential scenario risk screening levels (OSD 2022) are highlighted gray.
3. At the time of the SI, KMR was referred to as Kilauea Military Camp (KMC); as such, the sample IDs from the SI retain the "KMC" acronym to be consistent with the analytical reports. It was later requested by USAEC that the installation name be updated to Kilauea Military Reservation (KMR) to be consistent with already existing documents in HQAES.

Qualifiers:
J = The analyte was positively identified; however the associated numerical value is an estimated concentration only.
U = The analyte was analyzed for, but was not detected above the limit of quantitation (LOQ).

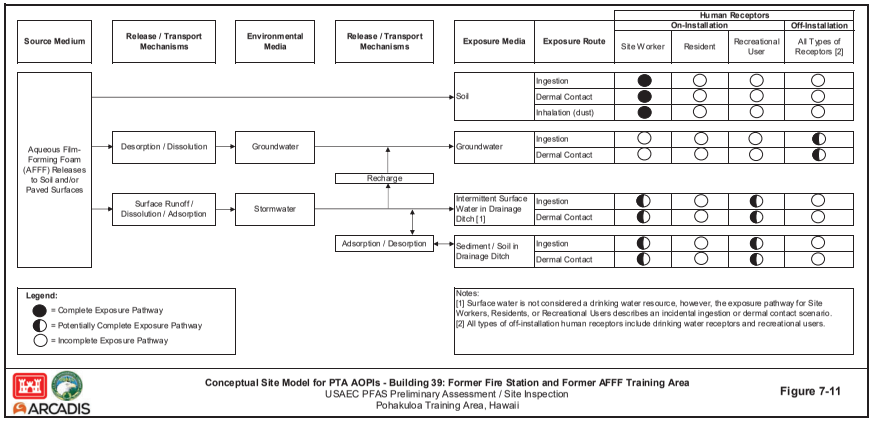
0 25 50
Feet

Installation Boundary
AOPI
Covered Drain
Stormwater Flow Direction
Soil Sampling Location
Sediment Sampling Location

AOPI = area of potential interest
ft = feet
PFBS = perfluorobutanesulfonic acid
PFHxS = perfluorohexane sulfonate
PFNA = perfluorononanoic acid
PFOA = perfluorooctanoic acid
PFOS = perfluorooctane sulfonate
SE = sediment
SO = soil

Data Sources:
ESRI, ArcGIS Online, StreetMap Data

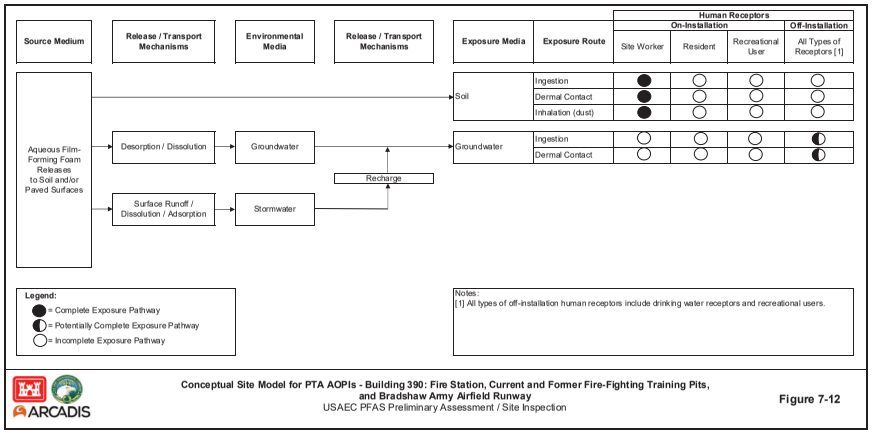
Coordinate System:
WGS 1984, UTM Zone 5 North



ARCADIS

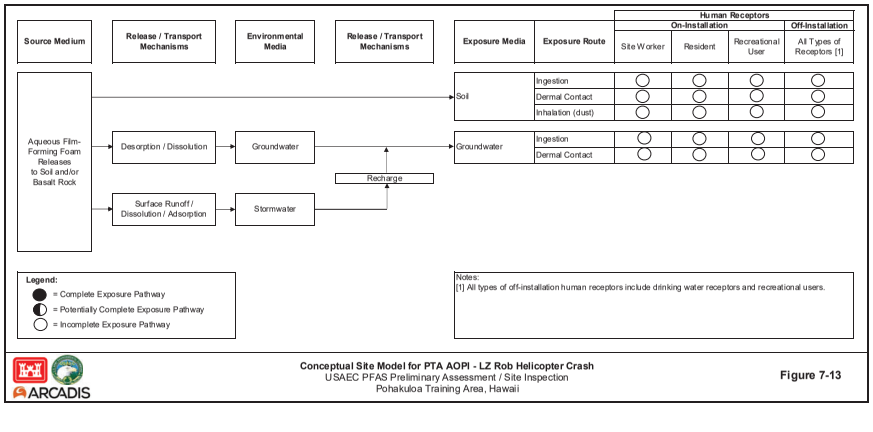
Conceptual Site Model for PTA AOPIs - Building 39: Former Fire Station and Former AFFF Training Area
USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area, Hawaii

Figure 7-11



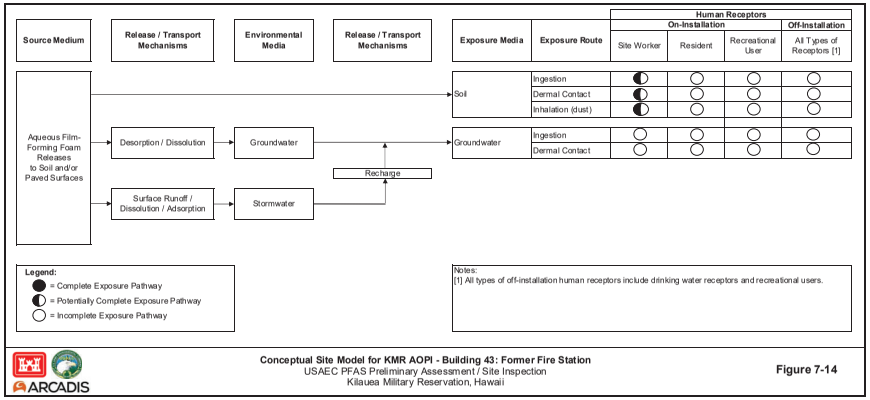
Conceptual Site Model for PTA AOPIs - Building 390: Fire Station, Current and Former Fire-Fighting Training Pits, and Bradshaw Army Airfield Runway
USAEC PFAS Preliminary Assessment / Site Inspection

Figure 7-12



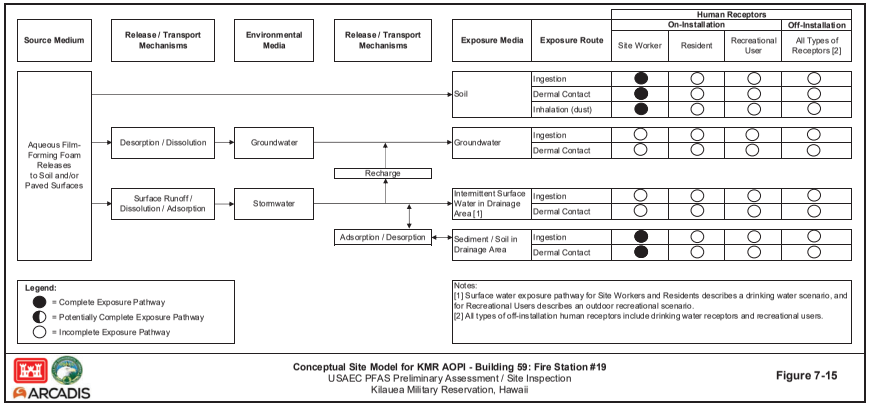
Conceptual Site Model for PTA AOPI - LZ Rob Helicopter Crash
USAEC PFAS Preliminary Assessment / Site Inspection
Pohakuloa Training Area, Hawaii

Figure 7-13



Conceptual Site Model for KMR AOPI - Building 43: Former Fire Station
USAEC PFAS Preliminary Assessment / Site Inspection
Kilauea Military Reservation, Hawaii

Figure 7-14



Conceptual Site Model for KMR AOPI - Building 59: Fire Station #19
USAEC PFAS Preliminary Assessment / Site Inspection
Kilauea Military Reservation, Hawaii

Figure 7-15

Marisa Plemer

No to extension of lease to Pōhakuloa for military training and yes to Army and federal cleanup of toxic pollution left by its usage in the past and present.

Marisa Plemer

I am against continuing use of Pohakuloa for military training purposes. I am for the restoration and clean-up ASAP of these Hawaiian lands which have been contaminated with toxic chemicals by the military. Sincerely, Marisa Plemer

Kahakuhailoa Poepoe

My name is Kahakuhailoa Poepoe. I come from 'Ualapu'e, Moloka'i , and I just wanted to talk about a little bit of my experience growing up, you know, because the two aunties that came before me, Laamaikahiki, is the one I know. And I wanted for mahalo for their 'olelo before for giving their experience, especially auntie before me because she was talking about how she was raised as an American. I was kind of different. Yeah. My -- my grandparents and my parents was raised American, but my tutu, she was one of the first who started the Hawaiian immersion on Moloka'i. So I was raised kind of with that mindset I'm not American. My papa was a part of the military. He was in the Vietnam War and explained to me, even though he was a part, you know, he's a veteran and he still go to all the veteran events and all of that, this country that is occupying us right now does not stand for, you know, liberty and justice and all of these things that they claim for. Because you just look at -- for me, my thing was I was raised fishing in Mo'omomi. I'm -- I come from Hui Mālama o Mo'omomi. I know he was asking for the organization, so I wanted for -- state that real quick. But I was raised fishing in Mo'omomi. And one of the main things that I was told, you know, when we go throw net in a place called Hinanaulua there is an island. Now -- we don't know the name of the island nowadays, but what we call it is Target Island because back in the days the military used to bomb it. And what I was taught from my papa is that when they used to go diving grounds over there back in the days had choke fish. And by the time, you know, when I was a kid, I -- I cannot go over there because of the dangers. You know, there's unexploded ordinances in the area and all of this kind of stuff. So I was never, you know, I -- I always had some kind of resent for the military and I always heard about Pohakuloa, but I was always kind of scared to come and speak up. But now I have no shame to say it's hewa because I, you know, and I was reading the posters and I only think that we can go for the fourth way of doing this, which is no access. The military has no access to PTA, to Pohakuloa Training Area. And I woke up to this ever since I went to Kaho'olawe this past spring break. Yeah. Because what I learned in Kaho'olawe is the military when bombed the shit out of that island and left the Hawaiians for clean them up because we're the ones doing all the work over there, you know? That's so funny to me that PKO and, you know, all of that kind of stuff, there's all kind of -- it's -- it's kind of detailed, but what I see is Hawaiians going to or people who is in support of, you know, our lāhui and our movement going to Kaho'olawe to clean that shit up. And what I hearing currently about Pohakuloa is none of it is going to be cleaned up and that, basically, there's no benefit in bombing our islands. You even seen your own charts. I mean, I'm not talking to you directly, but as the US Army, you know, as -- as delegates of them, I just want to say, look at the charts and what no access provides for us, even according to your research. I mean, personally, I think that the benefits of no access would be even further. But yeah, I just wanted to give my mana'o because now I'm not shame for give my mana'o and I just wanted for say, yeah, I don't agree and no access is the only way. And I -- I hope that all my Hawaiians in here agree; and not only just the Hawaiians but everybody else here in Hilo. So mahalo for letting me share my mana'o.

From: [redacted]
Sent: Thursday, June 6, 2024 10:41 PM
To: [redacted]
Cc: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa

To whom it may concern:

Speaking as a resident of Hawaii, I strongly oppose the Army's retention of any of the "State" lands at Pōhakuloa. I support the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives are unacceptable as they continue the practice of Hawaiian land to be bombed, burned, and polluted.

Thank you for this opportunity to provide comments.

Sherry Pollack

Noelani Puniwai

No compromise. Too many negative impacts have occurred.

isabela ramirez

Demilitarize Hawai'i. The US military is illegally occupying the sovereign nation of Hawai'i. The damage and loss of native and indigenous species at the hands of the US military should be criminal. A'ole.

Nancy Redfeather
P.O. Box 906
Kealakekua, Hawaii 96750
nancyredfeather@hawaii.rr.com

Testimony: Army Training Land Retention Pohakuloa Trainng Area

May 24, 2024

To whom it may concern,

As the U.S. Army and others continue to analyze the PTA Environmental Impact Statement and begin to consider how future stewardship of the area will affect the US Armies desire to retain up to approximately 23,000 acres of state-owned land at Pohakuloa Training Area (PTA) for military training we are again at a crossroads.

The public has again been invited to comment, this time commenting on the final EIS and and giving permission to the Chairperson of DLNR to seek fair market value for and negotiate a price for this fee simple State land with the US Army.

I am opposed to the US Army purchasing, renewing their Lease, or swapping State conservation lands at PTA that are currently being used as a military training range. I am for a No Action Alternative. I'd like to share some of my reasons for this decision.

From a Civil Beat article dated August 2022, it appears that DLNR Agency itself is in conflict: "It appears that military training is in direct conflict of the Conservation District designation" and "In their written comments, the Department of Land and Natural Resources castigated the Army for issuing a report that contains major data gaps, relies on outdated studies, fails to specify adequate mitigation, and falls short of meeting minimum requirements of Hawaii state laws." This is not comforting information for the communities of Hawaii Island.

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 Hawaii. 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.

Because I stand in opposition to the continued occupation of State

conservation lands on Hawaii Island for military training exercises, I would like to briefly identify other points that should be seriously considered when making the decision to do a land swap, renegotiate the Lease, or sell fee-simple. Once the Military holds these lands fee-simple, without any controls through the Lease process, the State will be without recourse. The Red Hill contamination of the Oahu lens should give us all pause to reconsider. Times have changed, conditions have changed, we must change also.

1. **Wildfire** has recently been designated as the greatest environmental threat to the Hawaiian Islands. Bombing ranges start wildfires. The communities of Waikoloa and Waiki'i are both at risk. This should be a major concern to the State of Hawaii and the Governor's Office.

2. **The Army has not been a responsible environmental steward of the Pohakuloa lands.**

   In the Army's current Lease it states that the Army is 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? A thorough investigation of the entire area (not just 10%) 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 ordinance 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 3/2015 by the US Army Garrison at Wheeler Army airfield on Schofield Barracks in Wahiawa, Oahu, Hawaii. The bazooka range at Pohakuloa 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 pubic 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."

Was the clean-up effort 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? This information should be of concern.

4. Recently the Army has driven **ungulates** West from its leased lands, and down into the Waikoloa and Waimea area greatly affecting producing farms in those areas and requiring landowners for the first time to fence their acreage. That was not a responsible action. This action should concern everyone.

5. **An additional consideration is the contamination of ground water serving communities at the 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.**

Concerns still Lingering 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. This is concerning.

2. The Hawai'i County Council has passed various Resolutions demonstrating concern 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 steps including ceasing of live fire and clean up of DU that have not been adequately addressed in the past 9 years. This is concerning.

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. This is very concerning.

In Summary: Personal Observations:

I am a farmer and retired educator who has lived in Kona for the past 50 years. I live in the Kawanui Ahupua'a of Kona at the 1,500 ft. elevation and many times over the past 25 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? I would like to see any seismic and geological information that was collected from the EIS.

Thank you for taking all these concerns under consideration. 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 for considering these points.

Sincerely,

Nancy Redfeather
Kawanui, Hawai'i
nancyredfeather@hawaii.rr.com

Brenda Reichel

Please clean up the land and return by 2029 when the lease ends. Included all lands ceded.

Michael Reimer

Received via US Mail. See attachment for comment

To: atlr-pta-eis@g70.design
ATLR PTA EIS Comment
P.O. Box 3444
Honolulu, HI 96801-3444

From: Michael Reimer, Ph.D., [redacted]

Re: Comments on ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA SECOND DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I: EIS DOCUMENT PŌHAKULOA TRAINING AREA, ISLAND OF HAWAI'I, HAWAI'I, March 2024.

Date: June 3, 2024

I had sent an email version of these comments but have not heard if it was received so I also send this paper copy.

Michael Reimer

Michael Reimer, Ph.D.
[redacted]

To: atlr-pta-eis@g70.design
ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801-3444

From: Michael Reimer, Ph.D., [redacted]

Re: Comments on ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA SECOND DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I: EIS DOCUMENT PŌHAKULOA TRAINING AREA, ISLAND OF HAWAI'I, HAWAI'I, March 2024.

Date: May 28, 2024

I am pleased to provide commentary on the ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA SECOND DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I: EIS DOCUMENT PŌHAKULOA TRAINING AREA, ISLAND OF HAWAI'I, HAWAI'I, March 2024. I thank the U.S. Army for providing the opportunity to do so.

COMMENTS:

The purpose of this second draft Environmental Impact Statement (EIS) as stated in the last paragraph of ES.1 Introduction is: "This Second Draft EIS presents a refined Proposed Action from that published in the PTA Draft EIS (April 2022). Rather than seek to retain up to 23,000 acres, the full acreage currently leased by the U.S. Government at PTA, the acreage has been reduced by approximately 250 acres of State-owned land administered by the DHHL. Based on comments on the Draft EIS from agencies and the public, the Army is no longer considering retention of these 250 acres."

There are, of course, many other revisions included in this second draft that suggest other alternative actions, most notably in section E.12 and expanded in 5.2.1, where a fee-simple land exchange of government-owned land for state-leased land is suggested. Because no information is included identifying the government-owned land that is proposed for the exchange, the relevance of this second draft EIS is diminished. This proposition as presented by the U.S. Army in this second draft EIS seems more akin to a bait and switch offer – extend the lease and maybe it will think about land exchange. From Section E.12, "Because this is in very preliminary stages of planning, any land exchange would be addressed through separate future planning and environmental compliance processes."

It is unfortunate (in subsection 2.2.5) that alternatives 4, 5, and 6 are not covered in greater detail. While it is certainly common practice for the preparer of an EIS to show

favor of the action desired by the contractor, this omission gives the appearance of a predisposition and inhibits the full scope of presentation. Some alternative actions may have provided welcome concepts for discussion and any possible negotiation regarding a proposed action.

The first sentence of the ES.1 section should state that this is a draft EIS. This issue should be made clear that this is indeed a draft EIS and not confuse that issue by omitting the word "draft" when referring to this document of March 2024, in section ES.1 as well as other sections.

ON THE LAND EXCHANGE:

It is important that this issue of land exchange be addressed in adequate detail so that concerns about the good-faith propriety can be included in any evaluations of this additional alternative action. Because it is introduced here, it needs more detail to become part of consideration of other actions.

Times past do not manifest a credible and honorable result of government land transactions involving indigenous peoples. They reflect a history of exchanging worthless land, broken treaties, and betrayed promises. These accounts do not reveal equitable actions on government proposals of land exchanges. Some egregious land offerings involving indigenous peoples and the impact they had are still present in today's demographics of the U.S. Simply note the Trail of Tears where indigenous peoples were given worthless "Indian Territory" in Oklahoma and forced to move there generating much sickness and death on that forced relocation; review the Treaty of Fort Laramie where the Black Hills were given to indigenous peoples and the military intervened to help break that treaty when it was found to be not so worthless; in Hawai`i's own backyard, recall the action of the government participation in the overthrow of Hawaii's monarchy in 1893 and continuing with the example of Kaho`olawe, as land pulverized and contaminated by the military, and then returned after an incomplete effort at restoration. When considering any Socioeconomic and Environmental Justice Resources, the EIS preparers must be aware of the past harm caused by disingenuous land exchanges and realize the necessity to have respectful sensitivity to the concern such proposed actions can bring.

The Ke`āmuku parcel owned by the government seems to have most of the properties the leased land has that the Army says it needs to meet its training requirements. There is soil for training that it says it needs; and rights of way could be established to the impact areas and to the airfield. The firing points currently on the leased land could be moved to the northern boundary of the military-owned impact areas with less than 2 miles distance lost. The approximate north/south distance of that impact land is about 15 miles and the leased land only adds about 2 miles to that. The distance difference is

minimal if not inconsequential. The Ke`āmuku parcel could replace the leased land and the no action alternative would stand out as the superior alternative. In addition, the Army, if it chose to do so, could still provide programs it says it would terminate (in section 2.2.4) if the no action proposal is adopted. "No longer fund or manage resource management actions and public use programs in the State owned land after lease expiration." There is no reason these programs could not be continued on new location such as the Ke`āmuku parcel.

If the Ke`āmuku parcel is to be exchanged for the leased land, then it may also be beneficial and cost-effective to the Army as it has already made some improvements to the existing cantonment area on leased land.

Figure 3-14 only shows soils on State-leased land at PTA. It would be good to provide a soil map for the entire PTA area including government-owned lands. That would show that there are other soils available for training activities besides those on the leased lands and make moot the comment about needing soils for training that appear are suggested to be solely limited to leased lands. The recognition of soils on the Ke`āmuku parcel was noted in previous comments made on a former draft EIS. If this second draft included such a map, it would show soil availability at locations on government-owned land. This would indicate that the reason given in Section 1.1 Introduction is not completely accurate.

CLARIFICATION NEEDED FOR PROPOSED ACTION AND ALTERNATIVES

There seems to be some confusion introduced in this second draft on what is the proposed action in relation to the alternatives as it is explained in Section 2. Section 2 is titled **Description of the Proposed Action and Alternatives** indicating two separate categories. The original proposed action in the 2022 draft EIS was continuation of the lease of state land for the full 23,000 acres **(1)**. This seems to have been replaced with a refined proposed action in giving up a minimal 250 acres of the 23,000 acres of state-owned and leased land. However, in this second draft EIS, Table 2-2 lists alternatives excluding the no action alternative. Alternative 1 is complete retention less the 250 acres, alternative 2 is modified retention, and alternative 3 is minimum retention and access. There are three other alternatives listed, 4 through 6, but not explained in detail in later sections. The no action alternative is not included in this table but is in Table ES-3. It would appear that the now refined proposed action is incorrectly defined as an alternative. This second draft EIS states in Section 1.1, Introduction, "Therefore, U.S. Army Garrison-Hawaii (USAG-HI), the Army entity responsible for management of PTA, proposes to retain up to approximately 22,750 acres of the 23,000 acres of the State-owned land at PTA in support of continued military training". This seems to be the refined proposed action and is listed as an alternative (Alternative 1) in Table 2-2.

Section 2.4, **Preferred Alternative**, clearly states that the "The Army's Preferred Alternative is Alternative 2." That seemingly is in direct contradiction of the statement in the Introduction, Section 1.1, where the statement indicates the modified retention preference (by replacing the full retention in the first draft EIS) is not an alternative but it is mistakenly labeled as Alternative 1 in Table 2-2. Alternative 2, according to Table 2-2, is a modified retention, described and explained in Section 2.2.2 as "**Alternative 2: Modified Retention:** "Under Alternative 2, the Army would retain approximately 19,700 acres (86 percent) of the State-owned land at PTA, including all U.S. Government-owned facilities, utilities, and infrastructure within the State owned land retained." This is also confirmed with the same wording in Section ES.8.2.

The conclusion to be taken then from this second draft of the EIS is that the U.S. Army wants to retain only 19,700 acres of leased land as its preferred alternative, that is, Alternative 2. That makes a significant difference in fair market compensation for the leased land benefiting the Army. Using the extremely fair consideration of agriculture-land lease payment of $200 per acre per year rather than a higher business or commercial use categorization, the preferred alternative would go from Alternative 1, maximum retention of 22,750 acres to Alternative 2, modified retention of 19,700 acres, or from $4.55 million to $3.95 million, in keeping with the U.S. Army's desire be cost effective (Screening criterion item 5 in section 2.1.4 and Table 2-2). The issue of fair market lease value is not covered adequately in this second draft EIS.

It is now stated that the Army's preferred action is alternative 2, the retention of 19,700 acres as explained in Section 2.2.2.

THE EXECUTIVE SUMMARY AS AN OVERVIEW OF ALTERNATIVE EVALUATION:

The Executive Summary of draft 2 provides a very succinct and revealing table ES-3 in section ES.9. This table summarizes four categories of 16 different named environmental resource impacts for Alternatives 1-3 (maximum retention, modified retention and minimum retention, respectively), and the no action alternative. Those four impact categories are: significant adverse impact; significant adverse impact but could be reduced to less than significant impact; less significant impact, and; significant beneficial impact. In addition, the alternatives 1-3 have a further refined impact resolution for three types of consideration of land retention explained as follows: "With the exception of utilities, which does not include a separate analysis of land not retained because impacts would extend beyond the State-owned land, significance impacts for the action alternatives are presented for lease, fee simple title, and land not retained impacts (presented as lease impact/fee simple title impact/land not retained impact)."

Including that subcategory land holding impact, the table is revealing in that the only alternative to have 3 significant beneficial impacts is the no action category. While

Alternatives 1, 2, and 3 each have 2 beneficial categories, ironically those categories fall within the "land not retained" grouping which is equivalent to the no action alternative where the lease and land use is not renewed. The 3 environmental resource impacts of significant adverse impact for the no action alternative are: Biological Resources, Socioeconomic Resources, and Utilities.

RELATED TO EXECUTIVE SUMMARY CUMULATIVE IMPACTS AND ADVERSE NO-ACTION IMPACTS:

From ES.10, Cumulative Impacts. It is unfortunate that past practices using state leased land are excluded from consideration "For most resources, the impacts of past actions are a part of existing conditions." Yet, section 4.3 does include a brief discussion on Past, Present, and reasonably Foreseeable Future Actions.

From ES.10, Adverse Impacts for the No Action Alternative. ES.10 concludes Socioeconomic Resources does not have a significant adverse impact for all categories; and Utilities are not considered because the impact would go beyond state-owned lands. ("Cumulative impacts for all resource areas, except for land use, biological resources, historic and cultural resources and cultural practices, and environmental justice, were found to be less than significant.") That conclusion shows that the representation of significant adverse impact in Table ES-3 for the Socioeconomic Resources and Utilities no action alternative is in error. Socioeconomic Resources and Utilities have previously been declared as having less than significant impact for all action alternatives. That leaves only Biological Resources as having a claimed significant, adverse impact for the no action alternative. ES-10 also singles out the adverse biological impact would be "Biological resources would have significant, adverse, cumulative impacts on the Hawaiian hoary bat and protected and native species."

Section 4.4.2 provides a discussion on Biological Resource impacts for alternatives 1, 2, and 3, but does not include a discussion of the no action alternative. Therefore, there is no justification to placing a significantly adverse assignment to the no action alternative for this resource in Table ES-3. The discussion of a no action alternative in section 2.2.4 includes comments that the Army would:

> "No longer fund or manage resource management actions and public use programs in the State owned land after lease expiration.
>
> "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."

It seems unreasonable to intimate that the State and County would not have the capability to manage its biological resources for the discontinuation of leased land. In

point of fact, there would be lower risk to habitat availability from wildfire risks and other habitat destruction occurring from Army training activities. Also, in that same section, the Army states that with the no action alternative, it would:

> "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.
>
> "After the lease expires, and if deemed necessary, the Army would follow Army regulations to determine how and when cleanup and restoration activities for any hazardous substances and hazardous wastes, including MEC, within the State-owned land would occur under the CERCLA process. The Army would coordinate these actions with DLNR and the DOH Hazard Evaluation and Emergency Response Office."

This could only improve the habitat and resources by continuing some biological resource activities and performing cleanup activities. Therefore, the claim of significant adverse impact in table ES-3 for the no action alternative is misrepresented and should be transposed to a significant beneficial impact category.

The second draft EIS paints a doom and gloom scenario because of limited access to the federal land for any other than the preferred action, but this is simply an unconfirmed scenario. Rights of way to various government-owned parcels can always be negotiated, especially through state-leased parcels 17 and 18 (see Figure 1-3). Access to utilities can always be maintained. The remaining government-owned land will presumably still be used for training so the economic picture is not nearly as dire as this EIS claims. While there are numerous sections in this EIS where the military claims to provide substantial monetary benefit to the state, what is clearly lacking is the cost to the State and County, a result of the taking of resources related to the training activities. If there is a fee simple ownership granted to the Army of some of the current leased land, what is to prevent the anytime blockage or sequestration by the Army of Daniel K. Inouye Highway and Old Saddle Road and prevention of its use by the County?

The Daniel K. Inouye Highway, routed through the current leased land at PTA, is a major east/west connector for the Big Island. This is an essential connector for the two sides of the island in case of some natural disaster that would disrupt traffic flow on either the northern route with many vulnerable bridges or the southern route with numerous historic lava flows cutting the existing route; the road through the saddle remains the only practical alternative route. The County and State would have no control over this section of the Daniel K, Inouye Highway if that land is owned by the U.S. Army, even if there is a right of way agreement. That the U.S. Army is prepared to act in a truculent manner with regards to their control of the leased land was explicitly shown in the Draft Environmental Impact Statement of April 2022 **(1)** when it indicated it would no longer provide first responder assistance for fire and accidents and other

necessities in the vicinity of PTA and the Daniel K. Inouye Highway if the lease were not renewed. Revealing such an intention in the draft EIS merely presaged its potential resolve in any cooperative aspects with civilian government and needs. If given full control (through land exchange) of the leased land, it cannot be unexpected that at some time the U.S. Army would withhold all cooperative services with the County in that vicinity, including not allowing use of the Daniel K. Inouye Highway. Volume III Appendix H makes it clear that the State would not have rights to roads and trails if fee simple title is granted ("The State would lose its right to use roads and trails in the State-owned land retained"). Should this concern be any less a consideration than the Army making an equivalent claim about not having connector access to its government-owned land of training areas if the no action alternative is implemented? Rights of way can be granted.

There must also be a forward-looking need for the County to retain control of the right of way for this connector. Within the next few generations, there will be likely be the requirement for a rail line between the windward and leeward sides of the island and the Saddle Road will be the preferred setting for that line. Therefore, the County and State must retain absolute control of the leased land.

In 2.2.4, the statement, "Army expenditures supported 75,920 employees (i.e., military personnel, civilians, contractors) in the State, 1,962 of which were in the County of Hawai'i. Army expenditures also accounted for approximately $4.4B in labor income (i.e., military personnel, civilians, and contractors) in the State, $92M of which was in the County of Hawai'i (USACE-POH, 2019)." **(2)**

These data are from a study in 2016. This seems particularly contradictory to its statement from ES.10 Cumulative impacts, that "For most resources, the impacts of past actions are a part of existing conditions." It is proper here to recall the standard caveat of any claim of financial performance. "Past performance is not a reliable indicator of future results."

Employees will still be hired, and construction and maintenance will still continue. With the continuing buildup of toxins, MEC and UXO, where is the responsibility and estimate for restoration of the land when it is abandoned by the military, as happened with Kaho`olawe?

FAILURE OF THIS EIS TO VET CLAIMS:

There is a major issue concerning this second draft EIS. It is that many items discussed here are not fully vetted. There is a tendency in this draft concerning the expiration of the lease of state-owned lands at PTA to repeat misinformation of earlier EISs and other documents that now, unfortunately, has become disinformation. To demonstrate that I

will comment on Section 3.5, specifically 3.5.4.12, Radioactive Materials. This section stands out from those in Section 3.5 because it is the longest subsection, so it must be of some specific concern. Section 3.5.4.11, Military Munitions and Munitions and Explosives of Concern, is the second longest section.

The first part (three paragraphs) of section 3.5.4.12 describes the use of depleted uranium (DU) at PTA from the Davy Crockett weapon that was designed to deliver a small nuclear explosive in a combative battlefield engagement. The Davy Crockett system was used at PTA for training but there is no evidence that a nuclear detonation ever took place at PTA. Natural uranium atoms consist of three isotopes, called U-234, U-235, and U-238. That indicates a uranium atom with 92 protons in the nucleus but with different numbers of neutrons. Depleted uranium is natural uranium from which some of the fissionable isotope U-235 (and some U-234 because the separation process is not exact) has been removed. The remainder metal is called DU and still contains some of the fissionable isotope U-235. It is still a heavy metal with the same chemical toxicity as natural uranium and is still radioactive. It is just that one of the isotopes, the one that is used for the atomic fission bomb, has been separated somewhat from inherently occurring isotopes in natural uranium. That enriched separated uranium product is called enriched uranium, or EU.

The Army claims that the only DU present at PTA is from the Davy Crockett system. DU has been used in many other munitions however, including cannons on aircraft, artillery projectiles, and even small arms ammunition. It is also used as armor shielding in some battlefield vehicles (e.g. tanks) because it is a very dense metal. It is unknown if other DU munitions have been used at PTA.

The Davy Crockett system, which could use a uranium-based fissionable explosive, was delivered to various military facilities for training (Hawaii and various mainland military bases) and to some forward military bases (e.g. Germany, Korea) as deployment for defensive weaponry. The first paragraph states that DU is 40 percent less radioactive than naturally occurring uranium. This is an entirely misleading statement and intentionally designed to downplay the risk of radiation from this form of uranium. That statement is true only for the instant that the fissionable isotope is removed from DU and depends on how much of that isotope is removed. Within a year, the ingrowth of radioactive progeny increases and regains half of the reduced radioactivity that also includes the release of gamma and beta radiation in addition to the alpha radiation of natural uranium **(3)**. In addition, DU manufactured from spent atomic power plant fuel is known to be contaminated with other radioactive isotopes produced in the reactor operation, including plutonium, neptunium, and other reactor-made uranium isotopes, although that amount contributes probably less than 1 percent of the total radiation.

Any theoretical or epidemiological study determining radiation hazard or risk from DU exposure is faulty if it uses the input parameter of DU posing less risk because of its decreased radioactivity at the time of purification.

This section also states that, about the DU spotting rounds (to guide aiming of the nuclear explosive warhead of the Davy Crocket system) used at PTA, "The spotting rounds did not aerosolize on impact and did not generate a cloud of DU-rich dust particles."

The issue of aerosolization is an important one for the distribution of DU at PTA. To aerosolize is to convert material into small particles. The distribution of small particles by the air is probably the greatest mechanism of dispersing DU at and from PTA. Aerosol particles, those that can be transported in the air, have an aerodynamic size range from 0.001 to 10 micrometers. The average diameter of a human hair is about 50 micrometers. The particles are not always perfect spheres or the same size. There are many ways they can be formed from larger particles. If you take a hard brittle object and throw it at another hard brittle object, it can break and may form some dust from either material composed of small particles. That can happen with DU projectiles. It is shot from the Davy Crockett weapons system and hits hard lava and sometimes it will break into smaller fragments. This breakage was seen at PTA in a scoping survey performed by a contractor, Cabrera Services, designed to find DU at PTA, where the spotting rounds were found on the surface, and will be discussed later in this commentary. The formation of aerosol particles upon impact may not be great, but some can be formed. There are other mechanisms that can create even more DU aerosol particles at PTA.

The introductory part of this section also makes a statement in Paragraph 3 concerning those oxidized particles that: *"These particles are 3 to 6 times denser than soil particles and not easily mobilized by wind."* That may be true for large DU fragments but that statement absolutely overlooks the science of how small particles are mobilized and move in air. Anyone who has seen dust particles in a beam of sunlight suspended in the air seemly defying gravity is aware that small particles can be suspended for a longtime and actually move in air. Here, the second draft EIS paragraph 3 statement is used to intentionally mislead the draft EIS readers into thinking that DU is so heavy that it cannot move very far and so, by inference, it cannot present any hazard.

On the Big Island of Hawaii, residents are very aware of the volcano eruptions particles that have traveled tens of miles to the leeward side of the island creating VOG and the respiratory problems they can create. When the wind is in the right direction, this VOG can even travel to other islands, such as Maui and Oahu. People are also aware of how smoke from forest fires can travel hundreds of miles on the mainland, polluting vast areas with smoke particles. Small particles, including those created by various mechanisms that can create particles from DU can travel great distances, even thousands of miles are common for desert sands caught up in strong winds **(4, 5)**.

As previously mentioned, other mechanisms can produce aerosolized particles from DU at PTA. It is necessary to consider the actual environmental conditions at PTA. Small particles in the aerosol range and subject to airborne transport can be released by many actions. While the EIS states the Army no longer intentionally uses high explosives in the areas where DU fragments were found to be located, this was not always the case. Pictures taken by the contractor, Cabrera Services, show there are numerous fragments on the soil at the PTA impact sites **(6)**. Nearby explosions to these fragments could produce the sub-micronized particles that could become readily airborne.

In addition, when the spotting rounds hit a surface, there was a small ignition from a red phosphorous reservoir in the spotting round that would ignite to provide visual confirmation of the impact location Upon ignition, red phosphorus converts to white phosphorus that produces temperatures of about 815ºC. Uranium ignites at about 600ºC. It is likely that the burning phosphorous could cause those temperatures and the burning DU would create particles that could be carried by the rising heat plumes and be transported in the air.

Uranium, including depleted uranium, is pyrophoric, meaning it can spontaneously ignite upon exposure to oxygen in air. This spontaneous ignition can occur more readily in smaller pieces of DU; larger particles can ignite when exposed to high temperatures and pressures. This means that particles are released during burning and rise in plumes with the hot air created by the fire. This would carry small respirable-size particles great distances from the location of the DU fragment in the plume created by the explosion.

"These fine dust particles, can catch fire spontaneously in air. Small pieces may ignite in a fire and burn, but tests have shown that large pieces, like the penetrators used in anti-tank weapons, or in aircraft balance weights, will not normally ignite in a fire."**(7)** Such conditions are present when DU fragments, large or small, on or near the surface would be near an exploding artillery projectile used in training exercises **(8).** This means that DU particles released during burning can rise in plumes with the hot air created by the fire or proximal explosions creating plumes. This would carry small respirable-size particles great distances from the location of the DU fragment by both the blast and by the plume rising into the atmosphere and the debris in the plume can be carried by the wind great distances. While the EIS states the Army no longer intentionally uses high explosives in the areas where DU fragments were found to be located, this was not always the case. Pictures taken by the contractor, Cabrera Services, show there are numerous fragments on the soil at the PTA impact sites **(6).** These would produce the micron and submicron-sized respirable particles that even with normal weather actions could become airborne.

Saltation is another mechanism that releases small particles from the fragments. That is the movement of hard particles like sand driven by the wind over a surface. When

they strike an object, they abrade it and smaller particles are formed. Consider that effect to be like sand blasting. Another mechanism is oxidation. Many people are familiar with that when iron rusts and forms a reddish color, fine-grained coating on the original material. DU oxidizes in different chemical forms from yellow to brown or almost black and that coating like iron rust, is friable, meaning it can flake off the original material. Wind, precipitation, exposure to a wildfire, walking on it, running over it with a vehicle are all activities that can release the oxidation particles. The oxidized particles with their different chemical nature and physical form can also flake off or spall from the larger fragments of DU simply from temperature changes. Those particles are typically within the aerosol size range, are quite mobile, and are respirable with a long residence time (years) in the lower part, the alveolar region, of the lung **(8)**.

When an aerosol becomes airborne, it can travel a large distance in the wind. How far depends on the strength of the wind, the height of the plume, the size and weight of the particle, and how the aerosol might react physically or chemically in the atmosphere. Some aerosol sands from deserts in Mongolia and Africa are carried by wind currents to Hawaii and the Caribbean, respectively **(4, 5)**. Even aerosols that resettle to the ground can be resuspended with very little force, even just by walking over the ground. Resuspension can occur repeatedly for single particles. Aerosols of DU released from exhaust stacks (smokestack) at a DU fabrication plant in Colonie, New York were found in soils over 5 kilometers (three miles) from the plant **(9)**. Residents living there and subject to inhalation of those released aerosols still, after 20 years, have measurable DU in their urine.

As mentioned previously, when particles are no longer airborne and settle on the ground or other surface, they can become resuspended. As an example of how dusty it is at PTA and how surface particles can become airborne, look at the pictures of the abrasion on the rotors of the helicopter that was used in the scoping surveys at PTA sites **(6)**.

When the ground scoping surveys were conducted by the contractor Cabrera Services **(6)**, spotting rounds were found, often with oxidized uranium on the body of the round or fragments. Some complete spotting rounds were found as well as spotting round fragments. There were also tail assemblies from main warheads found that seemed to have DU oxide coating on them. The relevance of this discovery will be mentioned later in this commentary. Many of the DU particles had tale-tell signs of yellow oxidized depleted uranium. Oxidized depleted uranium has a different chemical reactivity than depleted uranium. Those aerosol particles are very insoluble and can reside in the lung for long times.

As part of the Army scoping surveys, air samples were collected to determine if DU particulates were being distributed from the DU fragments and small particle release

mechanisms described here. A comment in this EIS section 3.5.4.12 describing these states:

"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 the U.S. and international chemical and radiological health guidelines (USACE-POH & USAG-HI, 2010)." **(10)**

This is an example of how this EIS intentionally misleads the reader that DU is not a concern. First, this study did not look for DU. It only looked for uranium. Second, the samples collected in this study were not collected during times of the use of high explosives in the impact areas of PTA when radioactive particulates would have most likely become airborne. Third, the uranium isotopes that may have revealed if DU was present were below the analytical method's detection limit. It is not the total amount of uranium that is of concern but the amount of DU that is of concern. Natural uranium is likely to be included as individual atoms in either the crystalline mineral dust or attached to some organic form. DU is likely present as individual oxide particulates containing tens to hundreds of thousands of individual uranium atoms. This is an important point. Although a theoretical study had been done showing radiation exposure from estimated DU at PTA for hypothetical people in various occupations at PTA, the study minimized the inhalation situation. However, from inhalation exposure, it is the lung cells that are subject to radiation from an inhaled particle **(11)**. The impact to adjacent cells from radiation released from an insoluble DU oxide particle residing for years in the lung can be significant. The report focuses mostly on the chemical effect of exposure to uranium and not on exposures to radiation. Cells may be unaffected by radiation exposure, can die from it, or mutate and pass those mutations onto to subsequent generations of cells.

In another study cited in this second draft EIS, (HQDA 2009) **(12)**, samples were collected that did some uranium isotopic analyses. The Army states that the presence of DU would be indicated if the uranium -234 isotope were lower than the uranium-238 isotope. The table shows that for many samples the U-234 isotope activity is lower than the U-238 isotope (section 4.1 of that reference). While the Army may claim that this showing is a result of analytical uncertainty, it is because it has intentionally chosen an analytical method that lacks sufficient sensitivity. There are numerous analytical methods that have sufficient sensitivity to discern but the Army has chosen to ignore them **(13)**. The Army then specifically chose to set the definition so high for using this isotopic ratio as an indicator for the presence of DU that even when DU is present, it would not meet this unreasonably high definition. It then becomes easy to say that this

method was accepted by other agencies that reviewed the program when it must be kept in mind that those other agencies were given the same misinformation as presented in this second draft EIS that leads to the fewer significant impact evaluations than actually exist.

There is an even more egregious sampling program at PTA being run by the Army. In this section the EIS contains an explanation of an ongoing sampling program related to an environmental radiation monitoring plan that is mentioned numerous times in this draft EIS. In this outrageous perversion of the plan, it discusses an ongoing collection and analytical scheme.

The samples collected are sediment samples from what is described as an ephemeral stream but there is a lack of surface water features because "low rainfall, porous soils, lava substrates, lack of groundwater wells near the DU impact locations, and great depth to groundwater..." If any preparer of this EIS had even a semblance of geologic knowledge or scientific curiosity, they would have immediately seen the absurdity of this section. There is absolutely no evidence that there is any connection between the sample site and the contamination site. In fact, the chance of water flowing that distance is reported to be unlikely as reported several times in this draft EIS. "The continued long-term, minor, adverse impacts on the environment from pollutant migration due to erosion and runoff from training would have a less than significant impact as stormwater runoff is infrequent and tends to rapidly infiltrate into crevices of the highly permeable lava flows, for example in section 3.5.6.1: "The continued long-term, minor, adverse impacts on the environment from pollutant migration due to erosion and runoff from training would have a less than significant impact as stormwater runoff is infrequent and tends to rapidly infiltrate into crevices of the highly permeable lava flows." The Army is collecting sediment samples from a place that has no surface water link to the radiation controlled areas. If any DU is present at the sampling site, it would have to be carried most likely by airborne transport. Even a simple topographic check would reveal that the sample site is more than 5 miles from the radiation controlled areas where DU spotter rounds had been found, and there are lava flows effectively blocking any direct pathway for water to carry sediment between the contaminated site and the sample collection site. Further, the analytical method used is the one with minimal sensitivity the Army prefers and the criteria to discern the presence of DU is the activity ratio for uranium 238 to uranium 234 set at a high bar of three. The section states that "The sediment samples are collected at an area along the boundary of TAs 20 and 22. All sediment samples have exhibited uranium-238/uranium-234 activity ratios of less than 3.0 (IMCOM, 2018)." **(14)**. But the report referenced reveals that some of the samples collected have an activity ratio greater than one, discounting estimated error, which would indicate the presence of DU. For samples at PTA, the sample report indicates the sample results were qualified as estimated, meaning not even actual data. Even the site selected is not without problems. A sample was collected at a location other than the originally identified sample site. Section T.4.16 of reference **(14)**, Pohakuloa Training Area,

Hawaii, notes that for sample collection at PTA problems existed such as: "A sediment sample was collected from one location. The streambed was dry and a surface water sample could not be obtained. The laboratory noted that homogenization of sediment samples was hampered by the sample matrix, which contained varying sizes of rocks." Although recommendations were made to the Nuclear Regulatory Commission on methodology to determine connectivity from the RCAs at PTA to the sample site, they were never acted upon by the Army. The sediment sampling site at PTA is deficient to provide the information it is intended to collect.

It should be noted that groundwater samples are not collected at PTA. This is an unfortunate oversight as they should be. In the 1960s, wells were drilled to see if a potable water source could be located to supply the water needs of PTA. The wells were not drilled deeply enough to find a saturated zone. This led the Army to make a claim that if DU did percolate to the ground water, it would take 12,500 years to do so **(15)** (Section 7 of December 16, 2011, letter from Nuclear Regulatory Commission to U.S Army Radiation Safety Staff Officer).

About a decade ago, additional wells were drilled and shallow ground water reservoirs were found a few years ago. These could be contaminated by the many toxic materials used at PTA. These shallower reservoirs should be monitored. For any monitoring of toxins at PTA, the Nuclear Regulatory Commission notes in section 8 of that 2011 letter, "As discussed above, the objective of the ERMP is to determine if DU is migrating from the SB range. Thus, the reliance on exceeding effluent limits or screening values is not appropriate for justifying the exclusion of an environmental pathway." This is a sage comment that should apply to all monitoring programs at PTA.

The Radioactive Materials section presentation is an example of how misinformation is cascaded to provide inadequate evaluations of alternative courses of action for continued land lease renewal. That process may well be representative of other sections in the draft EIS and it indicates the entire second draft EIS for PTA for this purpose is unreliable in suggesting minimal impact for the preferred action alternative and must be discounted.

The no action alternative is the superior alternative. Implementing that alternative would result in cleanup of the existing toxins at the state leased lands. . For the depleted uranium example, the methods used to determine transport are insufficient to properly quantify the impacts. This seems an intentional "do not look and you shall not find" scenario as better methods for selecting sample sites and making analyses are known and available. It is undisputed that DU is present at PTA but these comments are presented here not as an issue of absolute health risk but as an example of what may seemingly be an intentional attempt to avoid a comprehensive and thorough means of collecting and presenting information throughout this second draft EIS, thereby improperly forcing a preferred conclusion.

SUMMARY:

Overall, this document, ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA SECOND DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I: EIS DOCUMENT PŌHAKULOA TRAINING AREA, ISLAND OF HAWAI'I, HAWAI'I, March 2024, is stunningly deficient. It was prepared without proper evaluation of all alternatives and lacks complete candor of its statements supporting the action the Army wants to enact. As such, numerous misleading comments and evaluations lead to incorrect assignment of resource impacts for various action alternatives, including the no action alternative.

The credibility of this second draft EIS is severely compromised and the conclusions supporting continuation of the lease must be rejected as they are forced in too many cases. Forthright evaluation would suggest that the most effective and acceptable alternative is the no action alternative. Despite the economic and social doom and gloom and threat to national security presented by this draft EIS, those will not occur as there are alternatives available to the Army to continue its presence at the training area that would be superiorly beneficial to the military, to the State, the County, and to the public.

Although this second draft could be rewritten or a third draft prepared to eliminate its numerous inconsistencies, disinformation, and contradictions, the only appropriate conclusion would still be as stated above, that the no action alternative is the outstanding and proper choice.

REFERENCES:

(1) ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I, 2022.

(2) USACE-POH, 2019: U.S. Army Corps of Engineers-Honolulu District. (2019). Draft Pohakuloa Training Area Real Property Master Plan Environmental Assessment

(3) World Health Environment, 2001: Depleted Uranium: Sources, exposure, and health effects, Department of Protection of the Human environment, Geneva, 209 p.: see Figure 2.2a.

(4) Braatan, D. A. and Cahill, T.A., 1986: Size and Composition of Asian dust transported to Hawaii: Atmospheric Environment, v.20, 6, 1105-1109.

(5) Prospero, J., Bonatti, E., Schubert, C., Carlson, T.N., 1970: Dust in the Caribbean atmosphere traced to an African dust storm: Earth and Planetary Science letters, V. 9, 3, 287-293.

(6) Cabrera Services, July 24, 2009: Final Technical Memorandum for Pohakuloa Training Area (PTA) Aerial Surveys, The Big Island (Hawaii).

(7) IAEA, Depleted Uranium: https://www.iaea.org/topics/spent-fuel-management/depleted-uranium.

(8) Peacock, H.B.,1992, Pyrophoricity of Uranium: Nuclear Reactor Technology and Scientific Computations, WSRC-TR-92-106, Savannah River Laboratory.

(9) Lloyd, N.S., Chenery, S.R.N., Parrish, R.R., 2009: The distribution of depleted uranium contamination in Colonie, NY, USA: Sci. Total Environ.; v.408(2), pp. 397-407).

(10) USACE-POH & USAG-HI, 2010: U.S. Army Corps of Engineers-Honolulu District and U.S. Army Garrison Hawaii, 2010. Airborne Uranium Monitoring U.S. Army Pohakuloa Training Area (PTA), Island of Hawaii February 2009 to March 2010.

(11) Cabrera Services, 2010: Final Pohakuloa Training Area Firing Range Baseline Human Health Risk Assessment for Residual Depleted Uranium.

(12) HQDA 2009: Department of the Army Headquarters, U.S. Army Sustainment Command. (2009). Final Technical Memorandum for Pohakuloa Training Area (PTA) Aerial Surveys, The Big Island (Hawaii), Hawaii.

(13) Salbu, B, Lind, O.C., 2020: Analytical techniques for characterizing radioactive particles deposited in the environment: Journal of Environmental Radioactivity, v. 221.

(14) IMCOM 2018: Final Radiation Monitoring Report Including Appendices Summary of Results for Summer, Fall, and Winter 2017 Sampling Results for Materials License SUC-1593, Docket No. 040-09083.

(15) Section 7 of December 16, 2011, letter from Nuclear Regulatory Commission to U.S Army Radiation Safety Staff Officer.

Bryan Revell

Since the illegal annexation and hostile take over of the Hawaiian kingdom we the kanaka have been oppressed by a hostile occupational force and have watched our land and sacred places being desecrated and our water poisoned. They just keep expanding and even digging below which was never discussed! Broken promises and lies are all we've known. No pta renewal or military expansion! In fact there should be restitution for all that has been done already.

JJ Reyes

STOP THE BOMBING!!!
STOP THE BOMBING!!!
STOP THE BOMBING!!!
PROTECT PŌHAKULOA
STOP THE BOMBING!!!
STOP THE BOMBING!!!
STOP THE BOMBING!!!

juliana rhee

The US military has a long history of stealing the land and desecrating it, both ecologically and culturally. In the wake of the Red Hill Fuel crisis, citizens of Hawai'i and the world have seen the lack of accountability and proactivity the military handles ecological crises with. Why is this land necessary? Why are these tests necessary? What will the US military do to include Hawaiian voices and minimize devastation to these sacred lands? when will enough be enough.

Richard Anonymous

I am a member of the Kahoahoa group. We have been engaging with the senior commander at Pohakuloa pre COVID. I have been very impressed with the Militaries willingness to participate in meaningful dialogue. We strongly support the retention of the Pōhakuloa Training Area (PTA). This facility is crucial for our national security and regional stability, enabling joint military training with our Indo-Pacific allies. The PTA helps counter the encroachment and harmful practices of the People's Republic of China, which threaten our ocean's ecosystem and Hawai‘i’s fishing industry. Maintaining PTA ensures we can continue protecting our environment and supporting our local economy. Thank you for considering my support. Sincerely, Richard

Juaquin Robinett

My name is Juaquin Wesley Robinett. I am -- I'm a full-time college student here at UH Hilo. And I've been here -- ever since I've been here for the past coming up on four years, I've learned a lot about Hawaii in particular and how it relates to me as a young black man and how the military, you guys -- since I come from a military family, you guys have always projected the image, all over the world, as the beacons of freedom, the beacons of democracy and so on and so forth. But being here, I've learned that that's not the case because, I mean, just because it's yellow doesn't mean it's gold. And -- and also I -- I personally believe, along with everyone else here, that you should return PTA back to the Hawaiian government, not just here, but also in other parts in Hawaii, including outside the continental US like in Okinawa, Guam, even in Niger and other places too. And like a lot of the -- like a few of the people that stated before me that you claim to be stewards of the land, you've -- I've been through Pohakuloa lots of times and it looks barren. And I -- coming -- and also coming from a military family, you -- I respect you guys, but I don't have a lot of respect, but I -- but point is, dude, you should return the land because not only you're causing an environmental destruction here, but you're also creating lots of animosity amongst the native -- the Native Hawaiians, Kānaka Maoli, and even outside Hawaii too, like in Okinawa, Guam, and American Samoa. You -- you claim to be the beacons of freedom, but you are just -- you're just a representation. No offense, you're just a representation of pretentiousness and broken promises and broken treaties. Case in point, like, during the early years of the -- the United States, you've made several, if not hundreds, of treaties with the Native Americans. And almost all of them, I wouldn't say almost all of, all of them have been broken all in the name of security. But in reality, you just want more land just so you be like Britain, France, and other empires in the world, predominantly European. Bottom line is if you want to -- if you want to be the beacon of peace and freedom that you claim to be then start living up to it by returning the land and stop using my tax dollars and everyone's tax dollars to fund your charade for military supremacy. Thank you.

U.S. ARMY

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Environmental Impact Statement
Second Draft EIS Public Review

Date Submitted: 05/7/2024

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Please provide your comments below:

As a out of state college student, since I've been in Hawai'i for a few years. I have learned so much about this precious land. Along with other things as well, but one thing that has been on my mind is the fact that the US claims to "protect freedom/security/peace" but at the same time, the US contradicts its supposed creed. Since I am an aloha scholar and someone who comes from a military family, I believe that the US government/military should return the Pohakuloa Training Area along with many areas outside the continental US to the people of the Lands may have annexed. The presence of the US military in places like Hawai'i, Okinawa, Guam, and many more has indeed made the US hated and viewed with contempt. In the end, the US government is not the beacon of freedom/peace the US gov't/MIL is the epitome of pretentiousness the gilded "apple" of the world.

Juaquin Robinett

Name: Juaquin Robinett
Organization: [redacted]
Address: [redacted]
City: [redacted] State: [redacted] Zip: [redacted]
Email: [redacted]

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Please provide your comments below:

Also, the US continues to create proposals that may seem reasonable, but in reality it has serious repercussions for the native inhabitants of the Hawaiian Islands. In case you haven't known the history of the US military being a "good neighbor"/ guardians of freedom and peace is false. The presence of the US military in Hawai'i and elsewhere, outside of the US is always followed by the destruction of the environment, and other things that negatively impact the inhabitants. Bottom Line: The US Military should return PTA back to the Hawaiian Kingdom along with other parts of the Kingdom they stole. The Gov't should grant the state its original sovereignty (1893) [redacted]

Name: [redacted]
Organization: [redacted]
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City: Hilo State: HI Zip: 96720
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Evelyn Navas-Aron

From: Awapuhi Robinson <[redacted]>
Sent: Tuesday, May 28, 2024 8:29 AM
To: G70 - ATLR PTA EIS
Cc: [redacted]
Subject: Testimony for the no action alternative Pohakuloa

To be a Native Hawaiian is just something that sits on my birth certificate. The only true unalienable right that I have as a Native Hawaiian is the fact that my mookuauhau continues from my kupuna. We march, we speak, we ask questions, we struggle, we produce facts, we show our trauma and what reparations return back to us, the natives of this pae Aina ?

Pohakuloa, Kapukahi, Puuloa, Makua, the list is endless. It is clear that the motive for all these land restrictions is due to money, power and status.

The United States has already provided several documents that state they owe reparations to the Native Hawaiians. The report I will reference here is known as the Mauka to Makai report.

(https://www.doi.gov/media/document/mauka-makai-report-2-pdf#:~:text=iFROM%20MAUKA%20TO%20MAKAI,Public%20Law%20103%2D150%2C%20the)

A direct quote from the report is below:

In 1993, with Public Law 103-150, the Apology Resolution, the United States apologized to the Native Hawaiian people for the overthrow of the Kingdom of Hawaii in 1893 and expressed its

commitment to acknowledge the ramifications of the overthrow in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people. The passage of the Apology Resolution was the first step in this reconciliation process.

In March of 1999, Senator Daniel K. Akaka asked Secretary of the Interior Bruce Babbitt and Attorney General Janet Reno to designate officials to represent their respective Departments in efforts of reconciliation between the Federal Government and Native Hawaiians. Secretary Babbitt designated John Berry, Assistant Secretary, Policy Management and Budget, for the Department of the Interior (Interior), and Attorney General Reno designated Mark Van Norman, Director, Office of Tribal Justice, for the Department of Justice (Justice)(together, the Departments), to commence the reconciliation process. Messrs. Berry and Van Norman, the authors of this Report, have accepted Senator Akaka's definition of "reconciliation" as a "means for healing," and in addition believe, in words taken from one statement, "a 'reconciliation' requires something more than being nice or showing respect. It requires action to rectify the injustices and compensation for the harm." The authors urge the Federal Government to use the reconciliation process to address a wide array of issues, focusing on actions that will provide a better future for Native Hawaiians.

Part of my problem, when it comes to providing testimony, is the existence of reports such as this and how they hold no value with the federal government. The definition of a hostile environment is brewed with the continued health of our

ancestral land rights remaining out of reach to the natives of this aina.

We have heard the studies of what illegal activities occur in military occupied lands. The bombings, removal of iwi, the destruction of sacred sites, limitations of kanaka allowed access to these lands. The most painful is the emotional abuse and trauma our people face; that the Native Hawaiian people face daily due to such actions.

I will address the entire land surplus lease as a whole and this includes Pohakuloa. The impact the United States continues to lay on the Native Hawaiian community directly affects our access to housing, economic opportunities, elevation of our la hui to exist on our own aina. This is from taking our wai, water, from us and making us financially burdened in order to drink our own resources. Utilizing banks that regulate all entities operating in Hawaii in some facet. I am referencing First Hawaiian Bank, Bank of Hawaii, and the Bishop Trusts that were created by Charles Reed Bishop which intertwines heavily into the state and federal entities. When you research the connections between these banks, the State, the federal government it starts to shock even the average person. Here is my first shock, if the Bishop estate trust of Bernice Pauahi Bishop was signed October 31, 1884, but she died October 16, 1884 how can this be possible. More importantly, she died during the existence of the Kingdom of Hawaii, which means the Kingdom wouldn't have approved the trust. The fact that the entity isn't audited or reviewed shows recognition that all entities are connected. The two banks are here as an example because of the significance of their existence in 1895 after the overthrow of the Kingdom of Hawaii.

These banks are involved in many financial processes in Hawaii. The biggest asset they capitalize on is selling, renting, leasing and profiting from our lands. How can lands that are not being utilized by the United States be outsourced to private equity firms for profit and not provided as housing to the Natives of the land that it is occupying? This is in reference to the consistent involvement of Blackstone and Blackrock in our lands. If contract law is the oldest law, who do these lands belong to and why are their descendants not being provided notice or reparations for lands that were taken illegally? Why do you the United States allow quiet title claims when you have our mookuauhau and birth certificates in your possession? Why is the importance of notifying the rightful landowners not a priority? Why are the crown lands of the Native Hawaiians being utilized without the permission of the Native families that would be descendants and heirs to such lands?

Let's continue this argument when it comes to wai, water. The mismanagement of water resources by the military has been broadcasted and no reparations. Why I say no reparations is because, will the military ever truly fix the problem and remove each fuel tank at red hill? Possibly but will they replace all the plumbing connected to it? No. They will take the easy and cost efficient way out and leave the existing lines pretending to fix the problem. Schofield Aquifer, damaged. Water locks all across Oahu, Maui, Kauai, Molokai, Hawaii. Lanai is privately owned by a foreigner. Lunalilo trusts lands being sold to more foreigners; one is an ex-president Obama. You want to know why 52% of Native Hawaiians live in the United States and not Hawaii, because of the consistent push to increase the cost of living that is no longer affordable to the Native community. It has been documented that the disparity of rental pricing on

blackstone properties such as Kapilina Beach homes creates a rental disparity that is completely visible by the tenants. You have some homes being rented to non natives at significantly lower costs then those who are native. When these topics are brought up, they are ignored and there is no process that allows the voice of the community to be heard in the federal, state or private spaces. The priority is profit over people. The purpose of shedding light on this topic is to show it's all connected. Every resource that should be available to Kanaka Maoli is limited by actions set forth by the collaboration of these entities. It is the consistent example of emotional abuse and trauma that is placed on Native Hawaiians of this land even though the existence of Native Hawaiians is documented and the reports are created by the federal government that reparations are owed to the Native Hawaiian people.

I ask this to the federal government, what purpose is a testimony when you already recognized on October 23, 2000, that the reparations to the Native Hawaiian community is the first step for the healing process. When will you decide that it is important enough to enforce the report and make a difference for the Native Hawaiians. This report came out 24 years ago. Hawaiians have been overthrown for 131 years. You, the United States, are only 250 years old and struggle to provide sustainability for your country.

You know why there's a University of Hawaii Native Hawaiian program? It is to indoctrinate our language in order to interpret our history and documents for the purpose to control what the United States, the State of Hawaii and the education system shares with the Native Community. Why isn't there a government entity providing services to Hawaiians to help put together their mookuauhau in order to get Hawaiian

homelands? Doesn't the State of Hawaii have everyones birth certificates? Why do I have to pay in order to get these documents? The limitations that have been created to stop the Native Hawaiian community from rising is evident with how limited the processes are to ease our existence and provide the Native Community with feasible opportunities to reclaim their lands.

The United States has more than enough resources to conduct the same training, the same research, the same structures in a multitude of places. The occupation of Hawaiian lands needs to be made a priority and focus to not only be returned to the Native Hawaiians but also they must receive market price compensation for these lands that have been utilized illegally.

This testimony is to provide talking points that should be addressed when land comes up. The permission should be granted by the original ano alodio title holders as to what should happen to the land. The contract of those lands should be returned and all efforts should be made to ensure it happens. Continuing to discredit the existence of Native Hawaiian land owners is the exact opposite practice of what the United States preaches. The contract that should be honored is the Constitution of 1864 and with emphasis on the Land act of 1865 which designated all crown lands as inalienable.

I find it very disturbing that the date choses as the date at which the Native Hawaiians had enough opportunity to reclaim their lands was August 21, 1964. Most would overlook the date. Did you know that our valid constitution of 1864 was signed on August 20, 1864. Exactly 100 years and 1 day that the United states decided it was their right to take what didn't belong to them. I will not beg, I will not cry, I demand that you return the lands. We will continue to push for our existence in our lands.

The lands should be returned. Amama ua noa!

Awapuhi S. Kalauli Robinson
-Founder, CEO
Sent from my iPhone
Mobile: [redacted]

Rob Robinson

Individual

I am a veteran of the U.S. Army with 21 years of active service, as well as 20 additional years as an Army civilian employee. I enjoyed my years of government service and am proud to be a "Soldier For Life". That being said, I am against the renewal of all Army land leases in Hawaii that are expiring in 2029.

I am totally aware that the sole mission of the Army is to defend our country whether at home or abroad. To accomplish this requires a reasonable amount of land for training. I am also aware that Environmental Impact Statements and land reclamation from the military footprint are secondary requirements, often to the detriment of the land. As for the State of Hawaii, the land is both limited and fragile. A primary case is that of the 23,000 acres on Pohakuloa, initially set aside for the Hawaiian Home Lands to provide housing for Native Hawaiians. The property has no doubt been ravaged by the effects of military training conducted by the U.S., as well as foreign forces.

Unfortunately, the Army and it's sister services, have a poor record regarding care of the land that has been provided and entrusted to them. The examples of Kaho'olawe, Makua, Red Hill and Haleakala are cautionary examples. Reclamation of property previously used for live firing has been slow and painful to watch.

As such, I restate my support for the return of the 23,000 acres of Hawaii Island land, as well as other land currently leased to the Army and soon to be under renegotiation with the State of Hawaii.

U.S. ARMY

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Date Submitted: 5/7

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Please provide your comments below:

Buenas tardes. Me llamo Andrea Rocha. Trabajo en Pefe'elco, vivo en Hilo, Soy de Florida, con sangre Latina. Esa sangre significa una historia de batallas - de reyes, de pueblos, de volcanes de montañas, ríos, guerras, y después de todo, un mundo que siempre tiene el poder de oportunidad y Cambio. Eso es el progreso y la felicidad que nuestros hijos van por el universo. Un pueblo sin piernas pero que camina. Así son las islas. Volcanes no destruyen energía o vida, lo transforman. Montañas y estrellas, acá no explotan pero encienden nuestra cultura y vida. Cualquier persona, animal, piedra, gota de agua en la Mauna tiene ese poder de Ser el ejemplo para nuestros hijos. La Mauna no puede existir sin el Maleni, como Hawai'i no puede existir sin energía.

Good evening, I am Andrea Rocha. I work in Pefe'elco, live in Hawai'i. From FL, Latina blood. My blood was split from similar battles of kings, villages, volcanoes, mountains, rivers, stars + wars. After it all, the world has the power of change. Progress. Our Keiki's happiness, which they see universally. A town with no legs that makes strides, islands are like that. Volcanes do not just ~~destroy~~ destroy / create, they transform. All life and rock needs a space somewhere, let us work together. Please.

Name: Andrea Rocha
Organization: World peace?
Address: everywhere?
City: Tampa - Hilo State: FL - HI Zip: zilch
Email: Less help

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James Rodrigues

POHAKULOA EIS TESTIMONY 6-6-24 START
SUBMITTED BY
JAMES RODRIGUES
86-222 PUHAWAI ROAD
WAIANAE, HAWAII 96792
EMAIL: SPARKYRODRIGUES@GMAIL.COM
JUNE 7, 2024

1) THE ENTIRE EIS PROCESS HAS PROVIDED THE ILLUSION OF INCLUSIVENESS WHILE IT DENIED, DISMISSED AND DISTRACTED FROM A MAJOR ISSUE OF THE USA INVOLVEMENT IN THE ILLEGAL OVERTHROW OF HAWAIIAN KINGDOM AND CONTINUED BELLIGERENT OCCUPATION OF LANDS.

2) USA MILITARY IS OCCUPYING FORCE AND OPERATING UNDER CONTINUED MARSHALL LAW. AS SUCH NEED TO BE ADMINISTERING THE RULES OF OCCUPATION AND ENFORCING KINGDOM LAWS.

3) STATE AND MILITARY HAVE NO AUTHORITY TO NEGOTIATE OR OCCUPY, BUY, CONDEMN, LEASE IMPOSE USA PRESIDENTIAL ORDER OVER ANY HAWAIIAN LANDS.

4) CURRENT 1959 LEASE CONTRACT NEVER COMPLETED AS NO MONEY RECEIVED OTHER THAN ACKNOWLEDGEMENT IN LEASE WITH NO PHYSICAL PROOF OF PAYMENT.
OCCUPIED LEASED LANDS WERE INTENTIONALLY UNDER VALUED HAWAIIANS HAVE RECEIVED NO COMPENSATION FOR USE OF PILLAGED LANDS.
DECADES OF UNPAID FAIR MARKET RENT PLUS INTEREST AND LOSS OF USE REMAIN A MAJOR ISSUE.

5) LEASES AND NEGOTIATIONS INCLUDED AGREEMENT TO CLEAN UP MILITARY TOXIC UXO

6) TO RESTORE LANDS TO PRE USE CONDITION AFTER EACH TRAINING.
DECEPTIVE NEGOTIATION PRACTICES THROUGHOUT ALL LEASES ADVANTAGED ONLY USA MILITARY AND NOWHERE PRESENTED EQUITABLE FAIRNESS IN AGREEMENTS.

7) ALL EIS DOCUMENTS DEMONSTRATE A NEED FOR PEER REVIEW TO ASSIST COMMUNITY MEMBERS TO UNDERSTAND CONTENT LANGUAGE, IMPACT, DEFINITION, EXPECTATIONS NOT OBVIOUS IN EIS DOC.

8) IT APPEARS DLNR ACQUIESCE TO ALL MILITARY DEMANDS WITH LITTLE OR NO BENEFIT TO HAWAIIANS OR PEOPLE OF HAWAII. HAWAII FORCED TO CARRY FULL

WEIGHT OF USA NATIONAL SECURITY WITH LITTLE OR NO BENEFIT. INCREASED COST OF LIVING, FORCED HOMELESSNESS, DENIED ACCESS TO RESOURCES CULTURAL SITES.

9) THE APPEARANCE THAT STATE, COUNTY, FEDERAL GOVERNMENT AGENCIES COLLUDING FOR UNSPECIFIED BENEFITS RECEIVED EXCHANGED PROMISED.

10) ENDANGERED SPECIES CRITICAL HABITAT IMPACTS IGNORED OR DISMISSED BY RESPONSIBLE AGENCIES THAT FAILED AND CONTINUE FAILED PROTECTION OBLIGATIONS. OF THE 90,000 NESTING U'AU ENDANGERED PETRAL NON APPEAR TO EXIST IN POHAKULOA TODAY.

11) FEDERAL FISH AND WILDLIFE, PARK SERVICES, NATIONAL LANDMARKS EPA, OVERLAP OF POHAKULOA TRAINING AREA AND MAUNAKEA NATURAL LANDMARK OFFENSIVE CONFLICT TO HAWAIIAN CULTURE AND PRACTICES.

12) MILITARY ENCROACHING ON CULTURAL SITES, PRACTICES, PEACE NOT CONSIDERED IN ANY MEASURE OF SIGNIFICANTS. BOMBED, SHOT UP, BULLDOZED, POISONED WITHOUT CONCERN.

13) LIVE FIRE, EOD DISPOSAL AND OBOD TOXIC EXPOSURES TO AIR, LAND WATER IMPACT ON HUMAN AND ALL ENVIRONMENTAL RECEPTORS NOT MONITORED OR ASSESSED.

14) NEED FOR FULL TOXIC SCREENING FOR EVERY MILITARY TOXIC FROM ALL MILITARY ACTIVITIES AS TRAINING EXPOSURE TO PUBLIC AND ENVIRONMENT. FULL AND CONSTANT AIR QUALITY MONITORING ADN WARNING SYSTEMS NEED TO BE IN-PLACE TO PROTECT ALL DOWN WIND COMMUNITIES INCLUDING WATER MONITORING DOWNSTREAM AND AREA

15) HISTORIC CULTURAL PROPERTIES, SITES, NEED TO APPLY DOLLAR VALUES, DAMAGE ASSESSMENT, RESTORATION COST EVALUATION INCLUDED FOR COST AWARDS TO HAWAIIANS.

16) FAILURE OF STATE, FEDERAL AGENCIES TO PROTECT HAWAIIANS RIGHTS TO ACCESS RESOURCES, WATER, TRAVEL, HOUSING, EMPLOYMENT, QUALITY OF LIFE, ECONOMIC STABILITY, WITHIN ALL OF POHAKULOA LANDS REGARDLESS OF CONTROLS.

17) MANY RESOURCES TRANSFERED TO VARIOUS STATE, COUNTY FEDERAL AGENCIES PREVENTING HAWAIIAN ACCESS, USE, BENEFIT REMAIN UNREALIZED.

18) SEGMENTED EIS PROCESS BURYING PUBLIC IN PAPER WITHOUT ASSISTANCE OF PEER REVIEW CONSULTATION OR LEGAL ADVICE FOR BALANCED NEGOTIATION. AS WITH AGENCY BEING FUNDED WITH TAXPAYER MONEYS, PUBLIC SHOULD HAVE THE SAME ACCESS TO FUNDS TO HIRE EXPERTS FOR FULL PEER REVIEW.

19) THE ONLY ALTERNATIVE FOR CONSIDERATION IS THE FULL HAWAIIAN LANDS

RETURN, FIRST FULL RESTORATION, CLEANED TO FOOD USE STANDARDS, AND/OR FUNDING FOR FUTURE CLEAN UP BY HAWAIIANS.

20) STATE FAIL TO DO REGULAR INSPECTION OF ALL LANDS USED BY MILITARY AND IMPACTS ON LAND. TRUSTING MILITARY HONEST AND TRUTHFUL CARE AND MAINTENANCE HAS LEFT PUBLIC DISTRUSTING STATE, EPA, EIS, FISH AND WILDLIFE, CLEAN WATER AIR AGENCIES AS COLLUDING FOR THEIR OWN INTEREST.

21) INADEQUATE ACCOUNTING OF ENDANGERED SPECIES, CRITICAL HABITAT, CULTURAL SITES, LAVA TUBES, CULTURAL RELICS, FUNERARY OBJECTS, BURIAL PROTECTION,

22) WE WANT FUNDING PROVIDED FOR COMMUNITY TO HIRE, PROFESSIONAL PEER REVIEW OF ENTIRE EIS TO INSURE HONEST, FAIR EFFORTS, TRUE PROCESS AND CONCLUSION.

23) HAWAIIAN PEOPLE WANT FULL ACCESS TO ALL COPIES AND EVALUATION OF LIDAR SCANS FOR POHAKULOA NEED CULTURAL; AND ENVIRONMENTAL REVIEWS AND ASSESSMENT TO COMPARE WITH MILITARY ARCH EVALUATION. PROVIDE ALL INFORMATION FOR PEER REVIEW TO PRESENT TO FEDERAL COURTS.

24) A FULL REVIEW OF ALL USA MILITARY, STATE, COUNTY AND AGENCIES, OF INTERNATIONAL LAW OFFENSES, PILLAGING, WAR CRIMES, DESECRATION OF HAWAIIAN CULTURAL SITES, RELIGIOUS EXCLUSION, OVERNIGHT ACCESS FOR EVERY CELESTRIAL EVENT OCCURRENCE, OPPORTUNITY WITHIN ALL OF POHAKULOA LANDS FROM TIME OF CAPT COOKE ARRIVAL TO CURRENT.

25) PERPETUATION OF WAR IS A KILLING DARK ENERGETIC LEAVES DARKNESS AND PROMOTES VIOLENCE WITHIN OUR COMMUNITY AND PACIFIC.

26) LACK OF PEACE ENERGY EFFORTS LEAVES ALL HAWAIIANS AND LANDS INJURED, ALL NEEDING HEALING.

EIS PROJECT BACKGROUND QUESTIONS AUTHORITY

NO mention of undivided interest for every Hawaiian.
NO mention of NO TREATY OF ANNEXATION
NO mention of MARTIAL LAW Occupation
NO mention of Manipulated annexation, statehood vote, military occupation and voted.

2) NO PROOF OF LAND TITLES

NO mention of military rules of OCCUPATION to follow laws of Hawaii Kingdom

NO mention of AMERICANS AND USA military complicit in illegal Hawaiian kingdom overthrow

HOW DOES STATE USA AND DLNR RECONCILE THESE CONCERNS in this EIS?

3) PURPOSE AND NEED CONSERVATION LAND DESIGNATION NOW STOP ALLOWED TO BE BOMBED, POISONED, DESTROYED, PILLAGE AND DAMAGED RESOURCES...

4) LEASE AGREEMENT, TIME 65 YRSTD, CONDITION OF RETURN CLEANED TO PRE-USE CONDITION, VALUE $1.00. PLEASE PROVIDE ORIGINAL RECEIPT FROM USA TO HAWAII, MARKED PAID OF $1.00.

5) ENVIRONMENTAL PROTECTION FOR AIR, WATER, SOIL, AND ALL ENDANGERED SPECIES AND CRITICAL HABITAT PROTECTION

6) HAWAIIAN HISTORIC CULTURAL TREASURES MUST BE
IDENTIFIED, DOLLAR VALUE APPLIED, LIDAR DATA REVIEW
SITES PROTECTED FROM HARM
VALUE APPLIED TO DESTROYED, DAMAGED,
TO DATE: STATE AND ARMY, INADEQUATE INSPECTION, MONITORING AFTER EACH TRAINING SENARIO TO INSURE NO DAMAGE AND PREVENTION, PRESERVATION AND PROTECTION OF SITES. COMPENSATION TO PEOPLE OF HAWAII.

7) EVALUATION OF NOISE, CONCUSSION, VIBRATION DISTURBANCES OF TRAINING TO ENDANGERED SPECIES, HUMAN QUALITY OF LIFE, HEALTH MONITORING OF ALL POSSIBLE COMBINED CUMULATIVE IMPACTS TO MENTAL HEALTH, SPIRITUAL HEALTH, EMOTIONAL HEALTH AND WELLBEING. COMPENSATION FOR LOST PEACE OF MIND, LOST SLEEP, PTSD, QUALITY OF LIFE INTERRUPTION.

8) CONSTANT AND REGULAR CLEAN AIR MONITORING, TOXIC CHEMICAL AND RADIATION MONITORING TESTING BY INDEPENDENT LABS AND PEER REVIEWED.

9) STATE FIDUCIARY DUTIES TO PROTECT ALL HAWAIIAN LANDS AND RESOURCES FOR FUTURE GENERATIONS APPEARS TO BE INADEQUATE AT BEST.

10) RETURN ALL STATE PUBLIC USED LAND FOR FULL PUBLIC ACCESS

11) RETURN ALL LANDS TAKEN DURING OVERTHROW, MARTIAL LAW, PRESIDENTIAL ORDERS, CLEANED TO FOOD LEVEL SAFE OF ALL MILITARY TOXIC UXO AND HARMFUL ELEMENTS TO BE MONITORED SUPERVISED BY HAWAIIAN PEER REVIEW, OVERSIGHT AND FINAL APPROVAL

12) SUFFICIENT FUNDING TO INSURE COMPLETE CLEAN UP RESTORATION OF ALL RESOURCES AND ENVIRONMENT TO HAWAIIAN STANDARD AND PEER REVIEW APPROVED LEVELS UNTIL 7 GENERATIONS OR PERPETUITY WHICH EVER IS REQUIRED FOR FULL COMPLETION.

13) ADDRESS ALL SOCIAL-ECONOMICS AND ENVIRONMENTAL INJUSTICE BY ALL MILITARY PRESENCE, LAND USE, RESOURCES NEEDED, IMPACTING HAWAIIANS HEALTH, PEACE OF MIND, SUSTAINABILITY STATE OF PEACE.

14) QUALITY OF LIFE SUFFERS, MENTAL HEALTH PTSD SUFFER, COST OF LIVING, POVERTY, HOMELESS HAWAIIANS, COMPENSATION TO EVERY HAWAIIAN AND LOCAL FAMILY FROM OVERTHROW OF HAWAII FOR 7 GENERATIONS OR PERPETUITY WHICHEVER IS REQUIRED FOR FULL RESTORATION.

15) ALL STUDIES, MONITORING, TESTING MUST BE DONE BY INDEPENDENT ORGANIZATION WITH PEER REVIEWS SUPERVISED BY FEDERAL COURTS.

MAHALO,
JAMES "SPARKY" RODRIGUES

Tara Rojas

Aloha, this is Tara T-A-R-A. Rojas, R-O-J-A-S, speaking on behalf of myself as an individual. I am against the renewal of the lease, Pōhakuloa Training Area, by the army needs to be discontinued and stop now, and in these 5 years left of the lease up in 2029, you should focus on cleaning up the area and leaving in 2029. This is ridiculous, that as I'm listening to live, testimony happening right now, May 7th, I'm watching the livestream, continuous trauma takes no excuse and does not take precedence over the wellbeing, the maoli ola, of the people of Hawai‘i, especially and particularly kanaka maoli. The facts are that you are using sacred land, important land, right between the two mountains, Mauna Kea Mauna Loa, contaminating the land with depleted uranium, white phosphorus, and the bombings. For what purpose? To train to kill using our monies, using our land to do that. To destruct and destroy outside of Hawai‘i and within Hawai‘i itself. It has been enough years, over 131 years of desecration, destruction, and contamination of our lands, our waters, taking away land from kanaka maoli and the people of Hawai‘i. Again, you need to clean up. You need to leave, and I was in that meeting, the BLNR, right behind, and asking the Army leader what is he feeling as he's listening to this. And very happily, he say oh, you know, I've been here, you know, stationed 3 times before, so I understand. But at the same moment you're talking about using the land for training, that is not understanding. And once you found out, you know, that I was so like recording quickly change, demeanor, and stop speaking. This is life and livelihood. So again. No is no. Option 3. No lease renewal. Clean up and leave. Mahalo.

From: Heidi Rusina <[redacted]>
Sent: Friday, June 7, 2024 7:27 AM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) <[redacted]>
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Matthew Foster,

To whom it may concern:

I am opposed to the Army‘s retention of any of the “State” lands at Pōhakuloa. I support the “No Action Alternative” that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed.

Sincerely,
Heidi Rusina

From: Heidi Rusina <[redacted]>
Sent: Friday, June 7, 2024 7:27 AM
To: G70 - ATLR PTA EIS
Subject: ATLR PTA EIS Comments: Pōhakuloa is not your training ground

Dear Jeff Overton,

To whom it may concern:

I am opposed to the Army's retention of any of the "State" lands at Pōhakuloa. I support the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed.

Sincerely,
Heidi Rusina

From: Lynn Ryan <[redacted]>
Sent: Thursday, May 9, 2024 9:37 AM
To: G70 - ATLR PTA EIS
Subject: Pohakuloa Training Area lease comments

Comments on Pohakuloa Training area 2029 lease extension

5/9/2024

Please deny extending the lease on Pohakuloa Training Area.
The U.S. Army must clean up after themselves. That is just good manners and is a responsibility of being a good steward of leased land.
Unexploded ordinances, chemical spills, anything not part of the land itself must be removed.
Are there ongoing water sample tests? And does the U.S. Army agree with the results of those tests?
The people in charge of Pohakuloa should produce evidence that they are involved in implementing decisions about the the Red Hill travesty.
The key concept here is implementation of promises made.
Because of the ongoing denial, pushback and plain lies from the Defense Department about the ongoing pollution and questionable water sample lab tests at Red Hill area, Pohakuloa tenancy under the current lease is getting a bad name.
We the community cannot be expected to believe what we are being told by the U.S. Army leaseholders based on what we know about Red Hill.
More action on promises of cleanup would go a long way to reassure our community on Moku ʻo Keave.
I appreciate the U.S. Army good neighbor contribution to emergency response and safety on the Saddle Road.

Sincerely,
Lynn Ryan
[redacted]
Kailua Kona, HI 96740
POB 1237, Kailua Kona 96745
[redacted]
5/9/2024

Emily Salmieri

Get off Hawaii land. Stop harming the environment and the people.

Dominic Sardinha

23,000 Acres of land that was leased to the U.S. military for $1.00. While kanaka having to move because the average cost of a home is over a million. This is Hewa!!!
It also makes no sense to have to train here and hurt and litter our 'aina. Ex Kaho'olawe is now in habitable due to military training. When is enough, enough.

Kristen Pahukoa-Sardinha

This is hewa! Have we not learned from Kaho'olawe the impact to our 'Aina when we use our 'Aina for military training? How are we still doing this on such a small place in Hawai'i when America has huge piece's land! We as kanaka can hardly even afford to live here in our home and yet the military destroys the little land we have with weapons and bombs in the name of training! Not to mention the unbelievable lease agreement of $1.00! America has billions of dollars going into their military and they are paying $1.00 for our 'Aina to blow it up and leave their 'opala behind? It's sickening and just shows how much America does not care what they did to Hawai'i and her people and what the continue to do. We will never be American we will always be Hawaiian! What has America done for us? Nothing!

Jared Saxbury

With the recent uptick in Chinese incursions the last thing the United States, including Hawaii needs is a removal of the only South Pacific training area for the military. I think the loss of PTA would be a clear signal to the bad actors in the pacific that Hawaii is ripe for the taking. The media stated "U.S. officials said it (Chinese spy balloon) was equipped to detect and collect intelligence signals as part of a huge, military-linked aerial surveillance program that targeted more than 40 countries. Beijing insisted the balloon was just an errant civilian airship used mainly for meteorological research that went off course due to winds and had only limited "self-steering" capabilities." If we continue to be blindsided by bad actors we will be completely blind in a matter of no time. PTA has been in Use since 1956, Military training in the area of PTA has been used since the training for Iwo Jima in WW2. This is not the time to drop the PTA facility. If ever.

Laila Moire Selvage

Stop the desecration of sacred land. Growing up here on the bake island, I remember seeing bomb testing from the school bus on my field trip from Hilo to Kona. It's been almost 70 years of this. Enough is enough we must preserve our sacred land and malama aina!

Geoffrey Shaw

Hello, my name is Geoffrey Shaw, and that's Geoffrey with the G: G-E-O-F-F-R-E-Y. And I'm not affiliated with anybody. And I just want to express my concerns that the whole process is flawed. I mean, it's just so obvious that the saddle region of Hawai‘i Island is not a proper place to do military training. It's full of cultural sites and significance and endangered species, and there's no amount of orange fencing that can be placed around the endangered species to keep from inflicting harm on them. And you know it's just an exercise in - it's a bully exercise. You know, because it's the military - that's their mindset. We're going to get our way. We have the big guns. And you know, trying to fight them is pretty futile unless you just have a change of attitude. So that's what I'm calling for is a change of attitude. It's the Environmental Impact Statement. The environment is being destroyed by the process, by what they do there. And there's just no ifs, ands or buts about it. I've talked to the military people up there, and they have no intention to ever clean up the impact zone. And they made that very clear, and they don't make that clear in any public forum. But behind closed doors, they'll say, sure we don't care, you know. And they have no intention of ever surveying that area either. And if you just remove that 50,000 acres from being significant, you know, I mean what is significant. So I guess that's my spiel. Maybe I'll try to make a more you know – I got to read what they said and everything. But I know it's going to be BS, because I've just seen too much stuff coming out of the military, and I know it's all BS, and they're just trying to justify their actions. But there is no justification. You know, just the other – well, the thought occurred to me the expression, the leader of the free world. That's an oxymoron. The free world doesn't need a leader. It needs a facilitator. I mean, if we're free, we don't need to be led. So anyhow, that's my, that's my spiel. And I know you don't give a crap, and that's sad, and you don't care about the future, about the kids and everything else. Because if you did, you would not be continuing on the path that you're continuing on. So, anyhow. Have a good day. Thanks.

Ricia Shema

Oh, my name is Ricia Shema. I currently live in Volcano for the last 30 years. Prior to that, I lived outside of Kapa'au, North Hawaii, and came here from the continent. There were so many things that I couldn't even start to figure out what to say, what to keep. So I'm just -- I just threw out the paper and I'm going to come here with my feelings and my heart. I'm going to talk about my experience -- my personal experiences. I graduated high school in 1967. A large percentage of my graduating class men, young men, were drafted into the army straight over to Vietnam, several of them within two weeks of graduation. That was not a good thing that happened. A lot of those people, a lot of my friends, my generation became a lost generation of military survivors. The army did not take care of my generation of soldiers. I -- I -- I also want to say that I have deep respect for the people who fight for my country. I have no problem. My problem is with the military industrial complex, which I first heard as a little kid. Anyway, homeless, drug addiction, mental health issues, Agent Orange later on, which the army refused, refused to verify or treat for the longest time. After that, there was other things that came up. But in the Iraq war, burn pits -- right now, my friends' adult children who fought in -- in the Iraq, in that really, really, really, really stupid illegal war are suffering extreme damage from burn pits. And only just now are they receiving any kind of treatment or validity for their -- their problems. And it goes on and on. Most recent is the Red Hill. If anybody thinks that the military gives a rip about the people, just look what happened with the Red Hill disaster. How can we trust anything that comes out of the military complex? My whole life I've been seeing stuff that it's broken promises, coverups, lack of care for people who are in the military. The other thing that happens, people get programmed to go into the military, which is what needs to happen to be a good warrior, but they don't get deprogrammed when they come out to bring them back into societal norms and being able to get along better. It's a huge problem. And I guess my bottom line, because I could go on and on and I might be getting a little carried away here -- oh, also another thing in my experience, when I was six years old, I lived in Far West Texas. My big mama drove back and forth between California, where my Army Air Force uncle bought her a little bungalow. And she crossed over, during those nuclear tests, up range Nevada, and she died of what they finally determined was small cell carcinoma. I do believe that she died because of military testing. Okay. And I guess that's all I have for right now. I could go with a million reasons why this is a terrible idea, but my big thing is we cannot trust a thing that is happening with you folks. Mahalo.

Robbie Ann Shimose

My name is Robbie Ann Shimose, and I am a middle school counselor, so I'm going to speak to you from that perspective. Every day in my school counseling office, or most every day, I have students who come in to talk about situations that are happening to them, you know, social situations. And one of the things that we talk about and we educate our students about is bullying and harassment. And simply bullying is when somebody repetitively does something to you that you don't want done to you. And no matter how many times you tell them to stop, they continue to do it. That's just a simple definition of bullying. And so if we look at that definition, and if we look what people here have said tonight and for decades, you're bullies and people don't like to play with bullies. And the recommendation that I give to my students is you report bullies and you keep reporting it until you get some sort of -- you get help and the bullying stops. And so simply put, we don't want to play with you guys. You need to leave.

Lanny Sinkin

My name is Lanny Sinkin. I rise in opposition to the idea of the army continuing to occupy Hawaii. I -- it's like the elephant in the room that got mentioned a couple of times, the -- the apology resolution was mentioned. I highly recommend that you encourage your folks in the army and other services to read the apology resolution. It's a very detailed and accurate description of the overthrow of a legitimate government that was -- had a peaceful relationship with the United States, and that was overthrown by raiders -- traitors within the government and by United States personnel who cooperated with them. You have to know that story to understand the story of Hawaii. So here we are talking about land that was still stolen, land that was stolen from the people of Hawaii, passed on to the so-called state of Hawaii, passed on from them now to Pohakuloa. And there's a -- basically underneath that, there's a -- there's a claim to land that's going on here. A transformation from what was seeded lands, as they call it, but -- but sacred lands for Hawaii. A transformation from that into a commodity. A land that you can just take over this piece from here and give it to that piece over there and we'll swap. You know, "You take A, I'll take B," as if there are no prior owners who indeed have a right to the land. And it's important to understand the difference between right holders and stakeholders. You know, the right holders are the people who were here originally; the stakeholders are people who came later and have claimed to be part of the -- the -- the community now. These are -- these are issues that are huge to deal with. The -- the apology resolution called for reconciliation. There's been no effort at reconciliation ever between the Hawaiian people and those who stole their country. So I rise in opposition to this effort to transform that relationship. Mahalo.

Jake Smith

STOP THE BOMBING! Demilitarize Pohakuloa NOW! KEEP HAWAIIAN LANDS IN HAWAIIAN HANDS!

Malia Smith

i write in strong opposition to the military's continued lease at pōhakuloa. the military seized this land and paid a disgraceful $1 to "lease" it, when it should rightfully be returned to the community who can steward it with the care it deserves. the army's bombing activity is unacceptable desecration and threatens the viability of the land as critical habitat for local species. stop the bombing, stop the occupation, clean up the land, and give it back. do the right thing.

Chanel Souza

As a resident of Hawaii, I feel a profound obligation to voice my concerns about the US military's presence in our state. The long history of military occupation has left a detrimental impact on our environment, disregarding the rich cultural heritage and natural beauty of our islands. It's imperative that we address these issues and work towards a more sustainable and respectful relationship with our land and communities. Simply put it, the US military is not welcomed in Hawai'i.

Richard Spotts

I appreciate this opportunity to provide comments on this second DEIS and proposed action.

At the outset, I believe that this and other federal planning and NEPA analysis processes should actively consider how the proposed action and alternatives may add to or help solve the climate and extinction crises. These overlapping crises pose an existential threat to humanity and the health of the biosphere. On the climate crisis, please review the attached IPPC report. This report summarizes the overwhelming international scientific consensus on the severity of the climate crisis and the urgent need to phase out the use and development of fossil fuels. On the extinction crisis, there are an increasing number of scientific reports on the rapid loss of biological diversity and how this loss undermines the stability, resilience, and productivity of the ecosystems upon which life on Earth depends.

Overall, this compelling science demonstrates the urgent need for bold and innovative solutions. Questions arise like: how can fossil fuel use be reduced and replaced by clean, renewable energy sources? How can any destruction, degradation, or fragmentation of wildlife habitat be avoided, reduced, or successfully mitigated? How could construction materials be sourced from sustainable producers and practices? How could the use of any toxic chemicals be replaced by safer alternatives? How could gains in energy and water conservation be achieved? How could any harmful invasive plants be prevented, controlled, reduced, or eradicated? Please consider these questions in moving forward.

On this specific proposed action, I am concerned about the DEIS action alternatives that would all cause significant adverse impacts and those impacts would likely not be adequately mitigated. I therefore must support the No Action Alternative. It would be the most environmentally responsible choice. Our national security is very important but it should not conflict with the compelling urgency of solving the climate and extinction crises.

Thank you very much for your kind consideration of my comments and the attachment.

ipcc

INTERGOVERNMENTAL PANEL ON climate change

CLIMATE CHANGE 2023
Synthesis Report

Summary for Policymakers

A Report of the Intergovernmental Panel on Climate Change

CLIMATE CHANGE 2023

Synthesis Report

Summary for Policymakers

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"Fog opening the dawn" by Chung Jin Sil

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THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

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Sources cited in this Synthesis Report

References for material contained in this report are given in curly brackets {} at the end of each paragraph.

In the Summary for Policymakers, the references refer to the numbers of the sections, figures, tables and boxes in the underlying Introduction and Topics of this Synthesis Report.

In the Introduction and Sections of the longer report, the references refer to the contributions of the Working Groups I, II and III (WGI, WGII, WGIII) to the Sixth Assessment Report and other IPCC Reports (in italicized curly brackets), or to other sections of the Synthesis Report itself (in round brackets).

The following abbreviations have been used:
SPM: Summary for Policymakers
TS: Technical Summary
ES: Executive Summary of a chapter
Numbers denote specific chapters and sections of a report.

Other IPCC reports cited in this Synthesis Report:
SR1.5: Global Warming of 1.5°C
SRCCL: Climate Change and Land
SROCC: The Ocean and Cryosphere in a Changing Climate

Summary for Policymakers

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Introduction

This Synthesis Report (SYR) of the IPCC Sixth Assessment Report (AR6) summarises the state of knowledge of climate change, its widespread impacts and risks, and climate change mitigation and adaptation. It integrates the main findings of the Sixth Assessment Report (AR6) based on contributions from the three Working Groups[1], and the three Special Reports[2]. The summary for Policymakers (SPM) is structured in three parts: SPM.A Current Status and Trends, SPM.B Future Climate Change, Risks, and Long-Term Responses, and SPM.C Responses in the Near Term[3].

This report recognizes the interdependence of climate, ecosystems and biodiversity, and human societies; the value of diverse forms of knowledge; and the close linkages between climate change adaptation, mitigation, ecosystem health, human well-being and sustainable development, and reflects the increasing diversity of actors involved in climate action.

Based on scientific understanding, key findings can be formulated as statements of fact or associated with an assessed level of confidence using the IPCC calibrated language[4].

[1] The three Working Group contributions to AR6 are: AR6 Climate Change 2021: The Physical Science Basis; AR6 Climate Change 2022: Impacts, Adaptation and Vulnerability; and AR6 Climate Change 2022: Mitigation of Climate Change. Their assessments cover scientific literature accepted for publication respectively by 31 January 2021, 1 September 2021 and 11 October 2021.

[2] The three Special Reports are: Global Warming of 1.5°C (2018): an IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty (SR1.5); Climate Change and Land (2019): an IPCC Special Report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems (SRCCL); and The Ocean and Cryosphere in a Changing Climate (2019) (SROCC). The Special Reports cover scientific literature accepted for publication respectively by 15 May 2018, 7 April 2019 and 15 May 2019.

[3] In this report, the near term is defined as the period until 2040. The long term is defined as the period beyond 2040.

[4] Each finding is grounded in an evaluation of underlying evidence and agreement. The IPCC calibrated language uses five qualifiers to express a level of confidence: very low, low, medium, high and very high, and typeset in italics, for example, *medium confidence*. The following terms are used to indicate the assessed likelihood of an outcome or a result: virtually certain 99–100% probability, very likely 90–100%, likely 66–100%, more likely than not >50–100%, about as likely as not 33–66%, unlikely 0–33%, very unlikely 0–10%, exceptionally unlikely 0–1%. Additional terms (extremely likely 95–100%; and extremely unlikely 0–5%) are also used when appropriate. Assessed likelihood is typeset in italics, e.g., *very likely*. This is consistent with AR5 and the other AR6 Reports.

A. Current Status and Trends

Observed Warming and its Causes

A.1 Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-use change, lifestyles and patterns of consumption and production across regions, between and within countries, and among individuals (*high confidence*). {*2.1, Figure 2.1, Figure 2.2*}

A.1.1 Global surface temperature was 1.09 [0.95 to 1.20]°C[5] higher in 2011–2020 than 1850–1900[6], with larger increases over land (1.59 [1.34 to 1.83]°C) than over the ocean (0.88 [0.68 to 1.01]°C). Global surface temperature in the first two decades of the 21st century (2001–2020) was 0.99 [0.84 to 1.10]°C higher than 1850–1900. Global surface temperature has increased faster since 1970 than in any other 50-year period over at least the last 2000 years (*high confidence*). {*2.1.1, Figure 2.1*}

A.1.2 The *likely* range of total human-caused global surface temperature increase from 1850–1900 to 2010–2019[7] is 0.8°C to 1.3°C, with a best estimate of 1.07°C. Over this period, it is *likely* that well-mixed greenhouse gases (GHGs) contributed a warming of 1.0°C to 2.0°C[8], and other human drivers (principally aerosols) contributed a cooling of 0.0°C to 0.8°C, natural (solar and volcanic) drivers changed global surface temperature by –0.1°C to +0.1°C, and internal variability changed it by –0.2°C to +0.2°C. {*2.1.1, Figure 2.1*}

A.1.3 Observed increases in well-mixed GHG concentrations since around 1750 are unequivocally caused by GHG emissions from human activities over this period. Historical cumulative net CO_2 emissions from 1850 to 2019 were 2400 ± 240 $GtCO_2$ of which more than half (58%) occurred between 1850 and 1989, and about 42% occurred between 1990 and 2019 (*high confidence*). In 2019, atmospheric CO_2 concentrations (410 parts per million) were higher than at any time in at least 2 million years (*high confidence*), and concentrations of methane (1866 parts per billion) and nitrous oxide (332 parts per billion) were higher than at any time in at least 800,000 years (*very high confidence*). {*2.1.1, Figure 2.1*}

A.1.4 Global net anthropogenic GHG emissions have been estimated to be 59 ± 6.6 $GtCO_2$-eq[9] in 2019, about 12% (6.5 $GtCO_2$-eq) higher than in 2010 and 54% (21 $GtCO_2$-eq) higher than in 1990, with the largest share and growth in gross GHG emissions occurring in CO_2 from fossil fuels combustion and industrial processes (CO_2-FFI) followed by methane, whereas the highest relative growth occurred in fluorinated gases (F-gases), starting from low levels in 1990. Average annual GHG emissions during 2010–2019 were higher than in any previous decade on record, while the rate of growth between 2010 and 2019 (1.3% yr^{-1}) was lower than that between 2000 and 2009 (2.1% yr^{-1}). In 2019, approximately 79% of global GHG emissions came from the sectors of energy, industry, transport, and buildings together and 22%[10] from agriculture, forestry and other land use (AFOLU). Emissions reductions in CO_2-FFI due to improvements in energy intensity of GDP and carbon intensity of energy, have been less than emissions increases from rising global activity levels in industry, energy supply, transport, agriculture and buildings. (*high confidence*) {*2.1.1*}

A.1.5 Historical contributions of CO_2 emissions vary substantially across regions in terms of total magnitude, but also in terms of contributions to CO_2-FFI and net CO_2 emissions from land use, land-use change and forestry (CO_2-LULUCF). In 2019, around 35% of the global population live in countries emitting more than 9 tCO_2-eq per capita[11] (excluding CO_2-LULUCF) while 41% live in countries emitting less than 3 tCO_2-eq per capita; of the latter a substantial share lacks access to modern energy services. Least Developed Countries (LDCs) and Small Island Developing States (SIDS) have much lower per capita emissions (1.7 tCO_2-eq and 4.6 tCO_2-eq, respectively) than the global average (6.9 tCO_2-eq), excluding CO_2-LULUCF. The 10% of households with the highest per capita emissions contribute 34–45% of global consumption-based household GHG emissions, while the bottom 50% contribute 13–15%. (*high confidence*) {*2.1.1, Figure 2.2*}

Observed Changes and Impacts

A.2 Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred. Human-caused climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people (*high confidence*). Vulnerable communities who have historically contributed the least to current climate change are disproportionately affected (*high confidence*). {*2.1, Table 2.1, Figure 2.2, Figure 2.3*} (*Figure SPM.1*)

A.2.1 It is unequivocal that human influence has warmed the atmosphere, ocean and land. Global mean sea level increased by 0.20 [0.15 to 0.25] m between 1901 and 2018. The average rate of sea level rise was 1.3 [0.6 to 2.1] mm yr^{-1} between 1901 and 1971, increasing to 1.9 [0.8 to 2.9] mm yr^{-1} between 1971 and 2006, and further increasing to 3.7 [3.2 to 4.2] mm yr^{-1} between 2006 and 2018 (*high confidence*). Human influence was *very likely* the main driver of these increases since at least 1971. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has further strengthened since AR5. Human influence has *likely* increased the chance of compound extreme events since the 1950s, including increases in the frequency of concurrent heatwaves and droughts (*high confidence*). {*2.1.2, Table 2.1, Figure 2.3, Figure 3.4*} (*Figure SPM.1*)

A.2.2 Approximately 3.3 to 3.6 billion people live in contexts that are highly vulnerable to climate change. Human and ecosystem vulnerability are interdependent. Regions and people with considerable development constraints have high vulnerability to climatic hazards. Increasing weather and climate extreme events have exposed millions of people to acute food insecurity[12] and reduced water security, with the largest adverse impacts observed in many locations and/or communities in Africa, Asia, Central and South America, LDCs, Small Islands and the Arctic, and globally for Indigenous Peoples, small-scale food producers and low-income households. Between 2010 and 2020, human mortality from floods, droughts and storms was 15 times higher in highly vulnerable regions, compared to regions with very low vulnerability. (*high confidence*) {*2.1.2, 4.4*} (*Figure SPM.1*)

A.2.3 Climate change has caused substantial damages, and increasingly irreversible losses, in terrestrial, freshwater, cryospheric, and coastal and open ocean ecosystems (*high confidence*). Hundreds of local losses of species have been driven by increases in the magnitude of heat extremes (*high confidence*) with mass mortality events recorded on land and in the ocean (*very high confidence*). Impacts on some ecosystems are approaching irreversibility such as the impacts of hydrological changes resulting from the retreat of glaciers, or the changes in some mountain (*medium confidence*) and Arctic ecosystems driven by permafrost thaw (*high confidence*). {*2.1.2, Figure 2.3*} (*Figure SPM.1*)

[5] Ranges given throughout the SPM represent *very likely* ranges (5–95% range) unless otherwise stated.

[6] The estimated increase in global surface temperature since AR5 is principally due to further warming since 2003–2012 (0.19 [0.16 to 0.22] °C). Additionally, methodological advances and new datasets have provided a more complete spatial representation of changes in surface temperature, including in the Arctic. These and other improvements have also increased the estimate of global surface temperature change by approximately 0.1°C, but this increase does not represent additional physical warming since AR5.

[7] The period distinction with A.1.1 arises because the attribution studies consider this slightly earlier period. The observed warming to 2010–2019 is 1.06 [0.88 to 1.21]°C.

[8] Contributions from emissions to the 2010–2019 warming relative to 1850–1900 assessed from radiative forcing studies are: CO_2 0.8 [0.5 to 1.2]°C; methane 0.5 [0.3 to 0.8]°C; nitrous oxide 0.1 [0.0 to 0.2]°C and fluorinated gases 0.1 [0.0 to 0.2]°C. {*2.1.1*}

[9] GHG emission metrics are used to express emissions of different greenhouse gases in a common unit. Aggregated GHG emissions in this report are stated in CO_2-equivalents (CO_2-eq) using the Global Warming Potential with a time horizon of 100 years (GWP100) with values based on the contribution of Working Group I to the AR6. The AR6 WGI and WGIII reports contain updated emission metric values, evaluations of different metrics with regard to mitigation objectives, and assess new approaches to aggregating gases. The choice of metric depends on the purpose of the analysis and all GHG emission metrics have limitations and uncertainties, given that they simplify the complexity of the physical climate system and its response to past and future GHG emissions. {*2.1.1*}

[10] GHG emission levels are rounded to two significant digits; as a consequence, small differences in sums due to rounding may occur. {*2.1.1*}

[11] Territorial emissions.

[12] Acute food insecurity can occur at any time with a severity that threatens lives, livelihoods or both, regardless of the causes, context or duration, as a result of shocks risking determinants of food security and nutrition, and is used to assess the need for humanitarian action. {*2.1*}

A.2.4 Climate change has reduced food security and affected water security, hindering efforts to meet Sustainable Development Goals (*high confidence*). Although overall agricultural productivity has increased, climate change has slowed this growth over the past 50 years globally (*medium confidence*), with related negative impacts mainly in mid- and low latitude regions but positive impacts in some high latitude regions (*high confidence*). Ocean warming and ocean acidification have adversely affected food production from fisheries and shellfish aquaculture in some oceanic regions *(high confidence)*. Roughly half of the world's population currently experience severe water scarcity for at least part of the year due to a combination of climatic and non-climatic drivers (*medium confidence*). {*2.1.2, Figure 2.3*} (*Figure SPM.1*)

A.2.5 In all regions increases in extreme heat events have resulted in human mortality and morbidity (*very high confidence*). The occurrence of climate-related food-borne and water-borne diseases (*very high confidence*) and the incidence of vector-borne diseases (*high confidence*) have increased. In assessed regions, some mental health challenges are associated with increasing temperatures (*high confidence*), trauma from extreme events (*very high confidence*), and loss of livelihoods and culture (*high confidence*). Climate and weather extremes are increasingly driving displacement in Africa, Asia, North America (*high confidence*), and Central and South America (*medium confidence*), with small island states in the Caribbean and South Pacific being disproportionately affected relative to their small population size (*high confidence*). {*2.1.2, Figure 2.3*} (*Figure SPM.1*)

A.2.6 Climate change has caused widespread adverse impacts and related losses and damages[13] to nature and people that are unequally distributed across systems, regions and sectors. Economic damages from climate change have been detected in climate-exposed sectors, such as agriculture, forestry, fishery, energy, and tourism. Individual livelihoods have been affected through, for example, destruction of homes and infrastructure, and loss of property and income, human health and food security, with adverse effects on gender and social equity. (*high confidence*) {*2.1.2*} (*Figure SPM.1*)

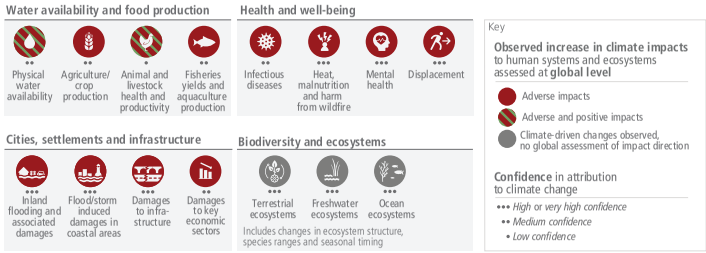
A.2.7 In urban areas, observed climate change has caused adverse impacts on human health, livelihoods and key infrastructure. Hot extremes have intensified in cities. Urban infrastructure, including transportation, water, sanitation and energy systems have been compromised by extreme and slow-onset events[14], with resulting economic losses, disruptions of services and negative impacts to well-being. Observed adverse impacts are concentrated amongst economically and socially marginalised urban residents. (*high confidence*) {*2.1.2*}

[13] In this report, the term 'losses and damages' refers to adverse observed impacts and/or projected risks and can be economic and/or non-economic (see Annex I: Glossary).

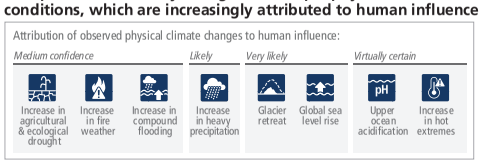
[14] Slow-onset events are described among the climatic-impact drivers of the AR6 WGI and refer to the risks and impacts associated with e.g., increasing temperature means, desertification, decreasing precipitation, loss of biodiversity, land and forest degradation, glacial retreat and related impacts, ocean acidification, sea level rise and salinization. {*2.1.2*}

Adverse impacts from human-caused climate change will continue to intensify

a) **Observed widespread and substantial impacts and related losses and damages attributed to climate change**



b) **Impacts are driven by changes in multiple physical climate conditions, which are increasingly attributed to human influence**



c) **The extent to which current and future generations will experience a hotter and different world depends on choices now and in the near term**

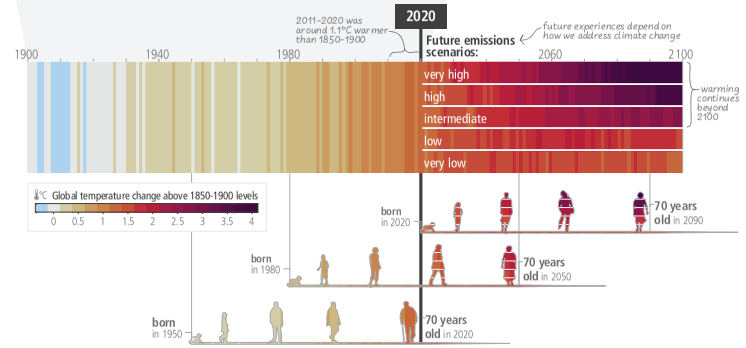


Figure SPM.1: (a) Climate change has already caused widespread impacts and related losses and damages on human systems and altered terrestrial, freshwater and ocean ecosystems worldwide. Physical water availability includes balance of water available from various sources including ground water, water quality and demand for water. Global mental health and displacement assessments reflect only assessed regions. Confidence levels reflect the assessment of attribution of the observed impact to climate change. **(b)** Observed impacts are connected to physical climate changes including many that have been attributed to human influence such as the selected climatic impact-drivers shown. Confidence and likelihood levels reflect the assessment of attribution of the observed climatic impact-driver to human influence. **(c)** Observed (1900–2020) and projected (2021–2100) changes in global surface temperature (relative to 1850-1900), which are linked to changes in climate conditions and impacts, illustrate how the climate has already changed and will change along the lifespan of three

representative generations (born in 1950, 1980 and 2020). Future projections (2021–2100) of changes in global surface temperature are shown for very low (SSP1-1.9), low (SSP1-2.6), intermediate (SSP2-4.5), high (SSP3-7.0) and very high (SSP5-8.5) GHG emissions scenarios. Changes in annual global surface temperatures are presented as 'climate stripes', with future projections showing the human-caused long-term trends and continuing modulation by natural variability (represented here using observed levels of past natural variability). Colours on the generational icons correspond to the global surface temperature stripes for each year, with segments on future icons differentiating possible future experiences. {*2.1, 2.1.2, Figure 2.1, Table 2.1, Figure 2.3, Cross-Section Box.2, 3.1, Figure 3.3, 4.1, 4.3*} (*Box SPM.1*)

Current Progress in Adaptation and Gaps and Challenges

A.3 Adaptation planning and implementation has progressed across all sectors and regions, with documented benefits and varying effectiveness. Despite progress, adaptation gaps exist, and will continue to grow at current rates of implementation. Hard and soft limits to adaptation have been reached in some ecosystems and regions. Maladaptation is happening in some sectors and regions. Current global financial flows for adaptation are insufficient for, and constrain implementation of, adaptation options, especially in developing countries (*high confidence*). {*2.2, 2.3*}

A.3.1 Progress in adaptation planning and implementation has been observed across all sectors and regions, generating multiple benefits (*very high confidence*). Growing public and political awareness of climate impacts and risks has resulted in at least 170 countries and many cities including adaptation in their climate policies and planning processes (*high confidence*). {*2.2.3*}

A.3.2 Effectiveness[15] of adaptation in reducing climate risks[16] is documented for specific contexts, sectors and regions (*high confidence*). Examples of effective adaptation options include: cultivar improvements, on-farm water management and storage, soil moisture conservation, irrigation, agroforestry, community-based adaptation, farm and landscape level diversification in agriculture, sustainable land management approaches, use of agroecological principles and practices and other approaches that work with natural processes (*high confidence*). Ecosystem-based adaptation[17] approaches such as urban greening, restoration of wetlands and upstream forest ecosystems have been effective in reducing flood risks and urban heat (*high confidence*). Combinations of non-structural measures like early warning systems and structural measures like levees have reduced loss of lives in case of inland flooding (*medium confidence*). Adaptation options such as disaster risk management, early warning systems, climate services and social safety nets have broad applicability across multiple sectors (*high confidence*). {*2.2.3*}

A.3.3 Most observed adaptation responses are fragmented, incremental[18], sector-specific and unequally distributed across regions. Despite progress, adaptation gaps exist across sectors and regions, and will continue to grow under current levels of implementation, with the largest adaptation gaps among lower income groups. (*high confidence*) {*2.3.2*}

A.3.4 There is increased evidence of maladaptation in various sectors and regions. Maladaptation especially affects marginalised and vulnerable groups adversely. (*high confidence*) {*2.3.2*}

A.3.5 Soft limits to adaptation are currently being experienced by small-scale farmers and households along some low-lying coastal areas (*medium confidence*) resulting from financial, governance, institutional and policy constraints (*high confidence*). Some tropical, coastal, polar and mountain ecosystems have reached hard adaptation limits (*high confidence*). Adaptation does not prevent all losses and damages, even with effective adaptation and before reaching soft and hard limits (*high confidence*). {*2.3.2*}

[15] Effectiveness refers here to the extent to which an adaptation option is anticipated or observed to reduce climate-related risk. {*2.2.3*}

[16] See Annex I: Glossary. {*2.2.3*}

[17] Ecosystem-based Adaptation (EbA) is recognized internationally under the Convention on Biological Diversity (CBD14/5). A related concept is Nature-based Solutions (NbS), see Annex I: Glossary.

[18] Incremental adaptations to change in climate are understood as extensions of actions and behaviours that already reduce the losses or enhance the benefits of natural variations in extreme weather/climate events. {*2.3.2*}

A.3.6 Key barriers to adaptation are limited resources, lack of private sector and citizen engagement, insufficient mobilization of finance (including for research), low climate literacy, lack of political commitment, limited research and/or slow and low uptake of adaptation science, and low sense of urgency. There are widening disparities between the estimated costs of adaptation and the finance allocated to adaptation (*high confidence*). Adaptation finance has come predominantly from public sources, and a small proportion of global tracked climate finance was targeted to adaptation and an overwhelming majority to mitigation (*very high confidence*). Although global tracked climate finance has shown an upward trend since AR5, current global financial flows for adaptation, including from public and private finance sources, are insufficient and constrain implementation of adaptation options, especially in developing countries (*high confidence*). Adverse climate impacts can reduce the availability of financial resources by incurring losses and damages and through impeding national economic growth, thereby further increasing financial constraints for adaptation, particularly for developing and least developed countries (*medium confidence*). {*2.3.2, 2.3.3*}

Box SPM.1 The use of scenarios and modelled pathways in the AR6 Synthesis Report

Modelled scenarios and pathways[19] are used to explore future emissions, climate change, related impacts and risks, and possible mitigation and adaptation strategies and are based on a range of assumptions, including socio-economic variables and mitigation options. These are quantitative projections and are neither predictions nor forecasts. Global modelled emission pathways, including those based on cost effective approaches contain regionally differentiated assumptions and outcomes, and have to be assessed with the careful recognition of these assumptions. Most do not make explicit assumptions about global equity, environmental justice or intra-regional income distribution. IPCC is neutral with regard to the assumptions underlying the scenarios in the literature assessed in this report, which do not cover all possible futures.[20] {*Cross-Section Box.2*}

WGI assessed the climate response to five illustrative scenarios based on Shared Socio-economic Pathways (SSPs)[21] that cover the range of possible future development of anthropogenic drivers of climate change found in the literature. High and very high GHG emissions scenarios (SSP3-7.0 and SSP5-8.5[22]) have CO_2 emissions that roughly double from current levels by 2100 and 2050, respectively. The intermediate GHG emissions scenario (SSP2-4.5) has CO_2 emissions remaining around current levels until the middle of the century. The very low and low GHG emissions scenarios (SSP1-1.9 and SSP1-2.6) have CO_2 emissions declining to net zero around 2050 and 2070, respectively, followed by varying levels of net negative CO_2 emissions. In addition, Representative Concentration Pathways (RCPs)[23] were used by WGI and WGII to assess regional climate changes, impacts and risks. In WGIII, a large number of global modelled emissions pathways were assessed, of which 1202 pathways were categorised based on their assessed global warming over the 21st century; categories range from pathways that limit warming to 1.5°C with more than 50% likelihood (noted >50% in this report) with no or limited overshoot (C1) to pathways that exceed 4°C (C8). {*Cross-Section Box.2*} (*Box SPM.1, Table 1*)

Global warming levels (GWLs) relative to 1850–1900 are used to integrate the assessment of climate change and related impacts and risks since patterns of changes for many variables at a given GWL are common to all scenarios considered and independent of timing when that level is reached. {*Cross-Section Box.2*}

[19] In the literature, the terms pathways and scenarios are used interchangeably, with the former more frequently used in relation to climate goals. WGI primarily used the term scenarios and WGIII mostly used the term modelled emission and mitigation pathways. The SYR primarily uses scenarios when referring to WGI and modelled emission and mitigation pathways when referring to WGIII.

[20] Around half of all modelled global emission pathways assume cost-effective approaches that rely on least-cost mitigation/abatement options globally. The other half looks at existing policies and regionally and sectorally differentiated actions.

[21] SSP-based scenarios are referred to as SSPx-y, where 'SSPx' refers to the Shared Socioeconomic Pathway describing the socioeconomic trends underlying the scenarios, and 'y' refers to the level of radiative forcing (in watts per square metre, or W m^{-2}) resulting from the scenario in the year 2100. {*Cross-Section Box.2*}

[22] Very high emissions scenarios have become *less likely* but cannot be ruled out. Warming levels >4°C may result from very high emissions scenarios, but can also occur from lower emission scenarios if climate sensitivity or carbon cycle feedbacks are higher than the best estimate. {*3.1.1*}

[23] RCP-based scenarios are referred to as RCPy, where 'y' refers to the level of radiative forcing (in watts per square metre, or W m^{-2}) resulting from the scenario in the year 2100. The SSP scenarios cover a broader range of greenhouse gas and air pollutant futures than the RCPs. They are similar but not identical, with differences in concentration trajectories. The overall effective radiative forcing tends to be higher for the SSPs compared to the RCPs with the same label (*medium confidence*). {*Cross-Section Box.2*}

Box SPM.1, Table 1: Description and relationship of scenarios and modelled pathways considered across AR6 Working Group reports. {*Cross-Section Box.2 Figure 1*}

Category in WGIII	Category description	GHG emissions scenarios (SSPx-y*) in WGI & WGII	RCPy** in WGI & WGII
C1	limit warming to 1.5°C (>50%) with no or limited overshoot***	Very low (SSP1-1.9)	
C2	return warming to 1.5°C (>50%) after a high overshoot***		
C3	limit warming to 2°C (>67%)	Low (SSP1-2.6)	RCP2.6
C4	limit warming to 2°C (>50%)		
C5	limit warming to 2.5°C (>50%)		
C6	limit warming to 3°C (>50%)	Intermediate (SSP2-4.5)	RCP 4.5
C7	limit warming to 4°C (>50%)	High (SSP3-7.0)	
C8	exceed warming of 4°C (>50%)	Very high (SSP5-8.5)	RCP 8.5

* See footnote 21 for the SSPx-y terminology.

** See footnote 23 for the RCPy terminology.

*** Limited overshoot refers to exceeding 1.5°C global warming by up to about 0.1°C, high overshoot by 0.1°C-0.3°C, in both cases for up to several decades.

Current Mitigation Progress, Gaps and Challenges

A.4 Policies and laws addressing mitigation have consistently expanded since AR5. Global GHG emissions in 2030 implied by nationally determined contributions (NDCs) announced by October 2021 make it *likely* that warming will exceed 1.5°C during the 21st century and make it harder to limit warming below 2°C. There are gaps between projected emissions from implemented policies and those from NDCs and finance flows fall short of the levels needed to meet climate goals across all sectors and regions. (*high confidence*) {*2.2, 2.3, Figure 2.5, Table 2.2*}

A.4.1 The UNFCCC, Kyoto Protocol, and the Paris Agreement are supporting rising levels of national ambition. The Paris Agreement, adopted under the UNFCCC, with near universal participation, has led to policy development and target-setting at national and sub-national levels, in particular in relation to mitigation, as well as enhanced transparency of climate action and support (*medium confidence*). Many regulatory and economic instruments have already been deployed successfully (*high confidence*). In many countries, policies have enhanced energy efficiency, reduced rates of deforestation and accelerated technology deployment, leading to avoided and in some cases reduced or removed emissions (*high confidence*). Multiple lines of evidence suggest that mitigation policies have led to several[24] Gt CO_2-eq yr^{-1} of avoided global emissions (*medium confidence*). At least 18 countries have sustained absolute production-based GHG and consumption-based CO_2 reductions[25] for longer than 10 years. These reductions have only partly offset global emissions growth (*high confidence*). {*2.2.1, 2.2.2*}

A.4.2 Several mitigation options, notably solar energy, wind energy, electrification of urban systems, urban green infrastructure, energy efficiency, demand-side management, improved forest and crop/grassland management, and reduced food waste and loss, are technically viable, are becoming increasingly cost effective and are generally supported by the public. From 2010 to 2019 there have been sustained decreases in the unit costs of solar energy (85%), wind energy (55%), and lithium-ion batteries (85%), and large increases in their deployment, e.g., >10× for solar and >100× for electric vehicles (EVs), varying widely across regions. The mix of policy instruments that reduced costs and stimulated adoption includes public R&D, funding for demonstration and pilot projects, and demand-pull instruments such as deployment subsidies to attain scale. Maintaining emission-intensive systems may, in some regions and sectors, be more expensive than transitioning to low emission systems. (*high confidence*) {*2.2.2, Figure 2.4*}

A.4.3 A substantial 'emissions gap' exists between global GHG emissions in 2030 associated with the implementation of NDCs announced prior to COP26[26] and those associated with modelled mitigation pathways that limit warming to 1.5°C (>50%) with no or limited overshoot or limit warming to 2°C (>67%) assuming immediate action (*high confidence*). This would make it *likely* that warming will exceed 1.5°C during the 21st century (*high confidence*). Global modelled mitigation pathways that limit warming to 1.5°C (>50%) with no or limited overshoot or limit warming to 2°C (>67%) assuming immediate action imply deep global GHG emissions reductions this decade (*high confidence*) (see SPM Box 1, Table 1, B.6)[27]. Modelled pathways that are consistent with NDCs announced prior to COP26 until 2030 and assume no increase in ambition thereafter have higher emissions, leading to a median global warming of 2.8 [2.1 to 3.4] °C by 2100 (*medium confidence*). Many countries have signalled an intention to achieve net zero GHG or net zero CO_2 by around mid-century but pledges differ across countries in terms of scope and specificity, and limited policies are to date in place to deliver on them. {*2.3.1, Table 2.2, Figure 2.5, Table 3.1, 4.1*}

A.4.4 Policy coverage is uneven across sectors (*high confidence*). Policies implemented by the end of 2020 are projected to result in higher global GHG emissions in 2030 than emissions implied by NDCs, indicating an 'implementation gap' (*high confidence*). Without a strengthening of policies, global warming of 3.2 [2.2 to 3.5] °C is projected by 2100 (*medium confidence*). {*2.2.2, 2.3.1, 3.1.1, Figure 2.5*} (*Box SPM.1, Figure SPM.5*)

A.4.5 The adoption of low-emission technologies lags in most developing countries, particularly least developed ones, due in part to limited finance, technology development and transfer, and capacity (*medium confidence*). The magnitude of climate finance flows has increased over the last decade and financing channels have broadened but growth has slowed since 2018 (*high confidence*). Financial flows have developed heterogeneously across regions and sectors (*high confidence*). Public and private finance flows for fossil fuels are still greater than those for climate adaptation and mitigation (*high confidence*). The overwhelming majority of tracked climate finance is directed towards mitigation, but nevertheless falls short of the levels needed to limit warming to below 2°C or to 1.5°C across all sectors and regions (see C7.2) (*very high confidence*). In 2018, public and publicly mobilised private climate finance flows from developed to developing countries were below the collective goal under the UNFCCC and Paris Agreement to mobilise USD 100 billion per year by 2020 in the context of meaningful mitigation action and transparency on implementation (*medium confidence*). {*2.2.2, 2.3.1, 2.3.3*}

[24] At least 1.8 $GtCO_2$-eq yr^{-1} can be accounted for by aggregating separate estimates for the effects of economic and regulatory instruments. Growing numbers of laws and executive orders have impacted global emissions and were estimated to result in 5.9 $GtCO_2$-eq yr^{-1} less emissions in 2016 than they otherwise would have been. (*medium confidence*) {*2.2.2*}

[25] Reductions were linked to energy supply decarbonisation, energy efficiency gains, and energy demand reduction, which resulted from both policies and changes in economic structure (*high confidence*). {*2.2.2*}

[26] Due to the literature cutoff date of WGIII, the additional NDCs submitted after 11 October 2021 are not assessed here. {*Footnote 32 in the Longer Report*}

[27] Projected 2030 GHG emissions are 50 (47–55) $GtCO_2$-eq if all conditional NDC elements are taken into account. Without conditional elements, the global emissions are projected to be approximately similar to modelled 2019 levels at 53 (50–57) $GtCO_2$-eq. {*2.3.1, Table 2.2*}

B. Future Climate Change, Risks, and Long-Term Responses

Future Climate Change

B.1 Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (*high confidence*). Deep, rapid, and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (*high confidence*). {*Cross-Section Boxes 1 and 2, 3.1, 3.3, Table 3.1, Figure 3.1, 4.3*} (*Figure SPM.2, Box SPM.1*)

B.1.1 Global warming[28] will continue to increase in the near term (2021–2040) mainly due to increased cumulative CO_2 emissions in nearly all considered scenarios and modelled pathways. In the near term, global warming *is more likely than not* to reach 1.5°C even under the very low GHG emission scenario (SSP1-1.9) and *likely* or *very likely* to exceed 1.5°C under higher emissions scenarios. In the considered scenarios and modelled pathways, the best estimates of the time when the level of global warming of 1.5°C is reached lie in the near term[29]. Global warming declines back to below 1.5°C by the end of the 21st century in some scenarios and modelled pathways (see B.7). The assessed climate response to GHG emissions scenarios results in a best estimate of warming for 2081–2100 that spans a range from 1.4°C for a very low GHG emissions scenario (SSP1-1.9) to 2.7°C for an intermediate GHG emissions scenario (SSP2-4.5) and 4.4°C for a very high GHG emissions scenario (SSP5-8.5)[30], with narrower uncertainty ranges[31] than for corresponding scenarios in AR5. {*Cross-Section Boxes 1 and 2, 3.1.1, 3.3.4, Table 3.1, 4.3*} (*Box SPM.1*)

B.1.2 Discernible differences in trends of global surface temperature between contrasting GHG emissions scenarios (SSP1-1.9 and SSP1-2.6 vs. SSP3-7.0 and SSP5-8.5) would begin to emerge from natural variability[32] within around 20 years. Under these contrasting scenarios, discernible effects would emerge within years for GHG concentrations, and sooner for air quality improvements, due to the combined targeted air pollution controls and strong and sustained methane emissions reductions. Targeted reductions of air pollutant emissions lead to more rapid improvements in air quality within years compared to reductions in GHG emissions only, but in the long term, further improvements are projected in scenarios that combine efforts to reduce air pollutants as well as GHG emissions[33]. (*high confidence*) {*3.1.1*} (*Box SPM.1*)

B.1.3 Continued emissions will further affect all major climate system components. With every additional increment of global warming, changes in extremes continue to become larger. Continued global warming is projected to further intensify the global water cycle, including its variability, global monsoon precipitation, and very wet and very dry weather and climate events and seasons (*high confidence*). In scenarios with increasing CO_2 emissions, natural land and ocean carbon sinks are projected to take up a decreasing proportion of these emissions (*high confidence*). Other projected changes include further reduced extents and/or volumes of almost all cryospheric elements[34] (*high confidence*), further global mean sea level rise (*virtually certain*), and increased ocean acidification (*virtually certain*) and deoxygenation (*high confidence*). {*3.1.1, 3.3.1, Figure 3.4*} (*Figure SPM.2*)

B.1.4 With further warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Compound heatwaves and droughts are projected to become more frequent, including concurrent events across multiple locations (*high confidence*). Due to relative sea level rise, current 1-in-100 year extreme sea level events are projected to occur at least annually in more than half of all tide gauge locations by 2100 under all considered scenarios (*high confidence*). Other projected regional changes include intensification of tropical cyclones and/or extratropical storms (*medium confidence*), and increases in aridity and fire weather *(medium* to *high confidence*). {*3.1.1, 3.1.3*}

B.1.5 Natural variability will continue to modulate human-caused climate changes, either attenuating or amplifying projected changes, with little effect on centennial-scale global warming (*high confidence*). These modulations are important to consider in adaptation planning, especially at the regional scale and in the near term. If a large explosive volcanic eruption were to occur[35], it would temporarily and partially mask human-caused climate change by reducing global surface temperature and precipitation for one to three years (*medium confidence*). {*4.3*}

[28] Global warming (see Annex I: Glossary) is here reported as running 20-year averages, unless stated otherwise, relative to 1850–1900. Global surface temperature in any single year can vary above or below the long-term human-caused trend, due to natural variability. The internal variability of global surface temperature in a single year is estimated to be about ±0.25°C (5–95% range, *high confidence*). The occurrence of individual years with global surface temperature change above a certain level does not imply that this global warming level has been reached. {*4.3, Cross-Section Box.2*}

[29] Median five-year interval at which a 1.5°C global warming level is reached (50% probability) in categories of modelled pathways considered in WGIII is 2030–2035. By 2030, global surface temperature in any individual year could exceed 1.5°C relative to 1850–1900 with a probability between 40% and 60%, across the five scenarios assessed in WGI (*medium confidence*). In all scenarios considered in WGI except the very high emissions scenario (SSP5-8.5), the midpoint of the first 20-year running average period during which the assessed average global surface temperature change reaches 1.5°C lies in the first half of the 2030s. In the very high GHG emissions scenario, the midpoint is in the late 2020s. {*3.1.1, 3.3.1, 4.3*} (*Box SPM.1*)

[30] The best estimates [and *very likely* ranges] for the different scenarios are: 1.4 [1.0 to 1.8]°C (SSP1-1.9); 1.8 [1.3 to 2.4]°C (SSP1-2.6); 2.7 [2.1 to 3.5]°C (SSP2-4.5); 3.6 [2.8 to 4.6]°C (SSP3-7.0); and 4.4 [3.3 to 5.7]°C (SSP5-8.5). {*3.1.1*} (*Box SPM.1*)

[31] Assessed future changes in global surface temperature have been constructed, for the first time, by combining multi-model projections with observational constraints and the assessed equilibrium climate sensitivity and transient climate response. The uncertainty range is narrower than in the AR5 thanks to improved knowledge of climate processes, paleoclimate evidence and model-based emergent constraints. {*3.1.1*}

[32] See Annex I: Glossary. Natural variability includes natural drivers and internal variability. The main internal variability phenomena include El Niño-Southern Oscillation, Pacific Decadal Variability and Atlantic Multi-decadal Variability. {*4.3*}

[33] Based on additional scenarios.

[34] Permafrost, seasonal snow cover, glaciers, the Greenland and Antarctic Ice Sheets, and Arctic sea ice.

[35] Based on 2500-year reconstructions, eruptions with a radiative forcing more negative than −1 W m^{-2}, related to the radiative effect of volcanic stratospheric aerosols in the literature assessed in this report, occur on average twice per century. {*4.3*}

With every increment of global warming, regional changes in mean climate and extremes become more widespread and pronounced

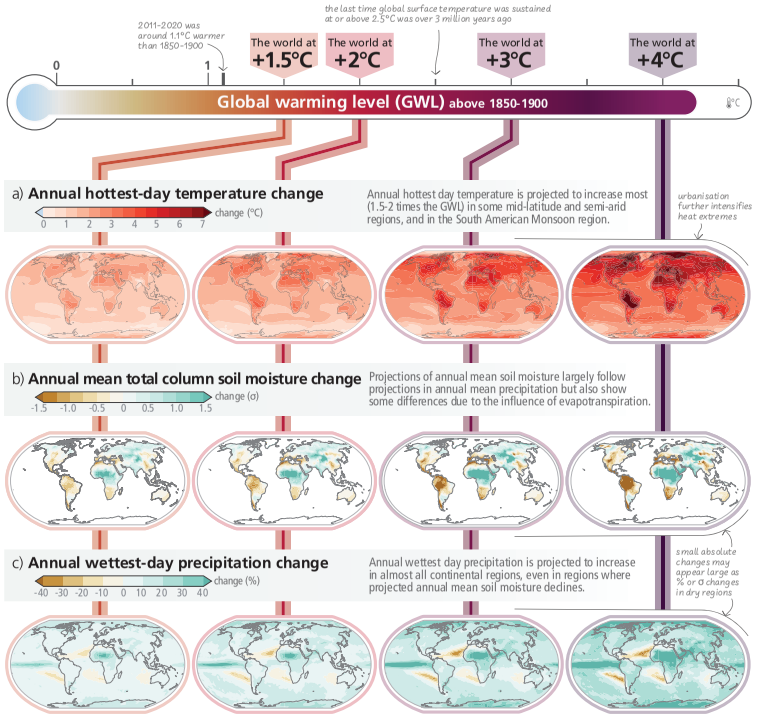


Figure SPM.2: Projected changes of annual maximum daily maximum temperature, annual mean total column soil moisture and annual maximum 1-day precipitation at global warming levels of 1.5°C, 2°C, 3°C, and 4°C relative to 1850–1900. Projected **(a)** annual maximum daily temperature change (°C), **(b)** annual mean total column soil moisture change (standard deviation), **(c)** annual maximum 1-day precipitation change (%). The panels show CMIP6 multi-model median changes. In panels (b) and (c), large positive relative changes in dry regions may correspond to small absolute changes. In panel (b), the unit is the standard deviation of interannual variability in soil moisture during 1850–1900. Standard deviation is a widely used metric in characterising drought severity. A projected reduction in mean soil moisture by one standard deviation corresponds to soil moisture conditions typical of droughts that occurred about once every six years during 1850–1900. The WGI Interactive Atlas (https://interactive-atlas.ipcc.ch/) can be used to explore additional changes in the climate system across the range of global warming levels presented in this figure. {*Figure 3.1, Cross-Section Box.2*}

Climate Change Impacts and Climate-Related Risks

B.2 For any given future warming level, many climate-related risks are higher than assessed in AR5, and projected long-term impacts are up to multiple times higher than currently observed (*high confidence*). Risks and projected adverse impacts and related losses and damages from climate change escalate with every increment of global warming (*very high confidence*). Climatic and non-climatic risks will increasingly interact, creating compound and cascading risks that are more complex and difficult to manage (*high confidence*). {*Cross-Section Box.2, 3.1, 4.3, Figure 3.3, Figure 4.3*} (*Figure SPM.3, Figure SPM.4*)

B.2.1 In the near term, every region in the world is projected to face further increases in climate hazards (*medium* to *high confidence*, depending on region and hazard), increasing multiple risks to ecosystems and humans (*very high confidence*). Hazards and associated risks expected in the near term include an increase in heat-related human mortality and morbidity (*high confidence*), food-borne, water-borne, and vector-borne diseases (*high confidence*), and mental health challenges[36] (*very high confidence*), flooding in coastal and other low-lying cities and regions (*high confidence*), biodiversity loss in land, freshwater and ocean ecosystems (*medium* to *very high confidence*, depending on ecosystem), and a decrease in food production in some regions (*high confidence*). Cryosphere-related changes in floods, landslides, and water availability have the potential to lead to severe consequences for people, infrastructure and the economy in most mountain regions (*high confidence*). The projected increase in frequency and intensity of heavy precipitation (*high confidence*) will increase rain-generated local flooding (*medium confidence*). {*Figure 3.2, Figure 3.3, 4.3, Figure 4.3*} (*Figure SPM.3, Figure SPM.4*)

B.2.2 Risks and projected adverse impacts and related losses and damages from climate change will escalate with every increment of global warming (*very high confidence*). They are higher for global warming of 1.5°C than at present, and even higher at 2°C (*high confidence*). Compared to the AR5, global aggregated risk levels[37] (Reasons for Concern[38]) are assessed to become high to very high at lower levels of global warming due to recent evidence of observed impacts, improved process understanding, and new knowledge on exposure and vulnerability of human and natural systems, including limits to adaptation (*high confidence*). Due to unavoidable sea level rise (see also B.3), risks for coastal ecosystems, people and infrastructure will continue to increase beyond 2100 (*high confidence*). {*3.1.2, 3.1.3, Figure 3.4, Figure 4.3*} (*Figure SPM.3, Figure SPM.4*)

B.2.3 With further warming, climate change risks will become increasingly complex and more difficult to manage. Multiple climatic and non-climatic risk drivers will interact, resulting in compounding overall risk and risks cascading across sectors and regions. Climate-driven food insecurity and supply instability, for example, are projected to increase with increasing global warming, interacting with non-climatic risk drivers such as competition for land between urban expansion and food production, pandemics and conflict. (*high confidence*) {*3.1.2, 4.3, Figure 4.3*}

B.2.4 For any given warming level, the level of risk will also depend on trends in vulnerability and exposure of humans and ecosystems. Future exposure to climatic hazards is increasing globally due to socio-economic development trends including migration, growing inequality and urbanisation. Human vulnerability will concentrate in informal settlements and rapidly growing smaller settlements. In rural areas vulnerability will be heightened by high reliance on climate-sensitive livelihoods. Vulnerability of ecosystems will be strongly influenced by past, present, and future patterns of unsustainable consumption and production, increasing demographic pressures, and persistent unsustainable use and management of land, ocean, and water. Loss of ecosystems and their services has cascading and long-term impacts on people globally, especially for Indigenous Peoples and local communities who are directly dependent on ecosystems to meet basic needs. (*high confidence*) {*Cross-Section Box.2 Figure 1c, 3.1.2, 4.3*}

[36] In all assessed regions.

[37] Undetectable risk level indicates no associated impacts are detectable and attributable to climate change; moderate risk indicates associated impacts are both detectable and attributable to climate change with at least *medium confidence*, also accounting for the other specific criteria for key risks; high risk indicates severe and widespread impacts that are judged to be high on one or more criteria for assessing key risks; and very high risk level indicates very high risk of severe impacts and the presence of significant irreversibility or the persistence of climate-related hazards, combined with limited ability to adapt due to the nature of the hazard or impacts/risks. {*3.1.2*}

[38] The Reasons for Concern (RFC) framework communicates scientific understanding about accrual of risk for five broad categories. RFC1: Unique and threatened systems: ecological and human systems that have restricted geographic ranges constrained by climate-related conditions and have high endemism or other distinctive properties. RFC2: Extreme weather events: risks/impacts to human health, livelihoods, assets and ecosystems from extreme weather events. RFC3: Distribution of impacts: risks/impacts that disproportionately affect particular groups due to uneven distribution of physical climate change hazards, exposure or vulnerability. RFC4: Global aggregate impacts: impacts to socio-ecological systems that can be aggregated globally into a single metric. RFC5: Large-scale singular events: relatively large, abrupt and sometimes irreversible changes in systems caused by global warming. See also Annex I: Glossary. {*3.1.2, Cross-Section Box.2*}

Future climate change is projected to increase the severity of impacts across natural and human systems and will increase regional differences

Examples of impacts without additional adaptation

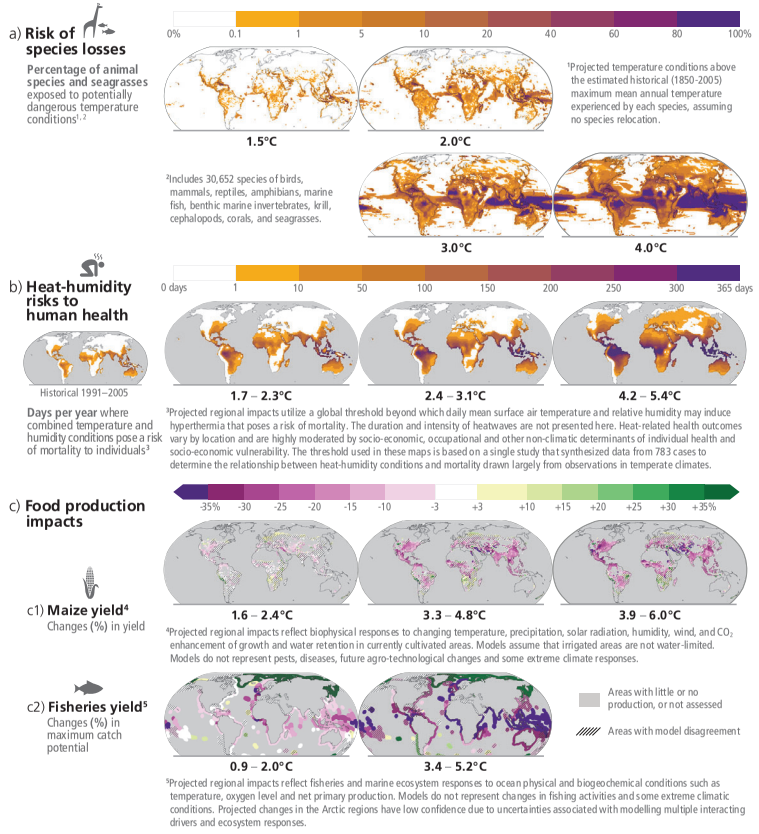


Figure SPM.3: Projected risks and impacts of climate change on natural and human systems at different global warming levels (GWLs) relative to 1850-1900 levels. Projected risks and impacts shown on the maps are based on outputs from different subsets of Earth system and impact models that were used to project each impact indicator without additional adaptation. WGII provides further assessment of the impacts on human and natural systems using these projections and additional lines of evidence. **(a)** Risks of species losses as indicated by the percentage of assessed species exposed to potentially dangerous temperature conditions, as defined by conditions beyond the estimated historical (1850–2005) maximum mean annual temperature experienced by each species, at GWLs of 1.5°C, 2°C, 3°C and 4°C. Underpinning projections of temperature are from 21 Earth system models and do not consider extreme events impacting ecosystems such as the Arctic. **(b)** Risks to human health as indicated by the days per year of population exposure to hyperthermic conditions that pose a risk of mortality from surface air temperature and humidity conditions for historical period (1991–2005) and at GWLs of 1.7°C–2.3°C (mean = 1.9°C; 13 climate models), 2.4°C–3.1°C (2.7°C; 16 climate models) and 4.2°C–5.4°C (4.7°C; 15 climate models). Interquartile ranges of GWLs by 2081–2100 under RCP2.6, RCP4.5 and RCP8.5. The presented index is consistent with common features found in many indices included within WGI and WGII assessments. **(c)** Impacts on food production: (c1) Changes in maize yield by 2080–2099 relative to 1986–2005 at projected GWLs of 1.6°C–2.4°C (2.0°C), 3.3°C–4.8°C (4.1°C) and 3.9°C–6.0°C (4.9°C). Median yield changes from an ensemble of 12 crop models, each driven by bias-adjusted outputs from 5 Earth system models, from the Agricultural Model Intercomparison and Improvement Project (AgMIP) and the Inter-Sectoral Impact Model Intercomparison Project (ISIMIP). Maps depict 2080–2099 compared to 1986–2005 for current growing regions (>10 ha), with the corresponding range of future global warming levels shown under SSP1-2.6, SSP3-7.0 and SSP5-8.5, respectively. Hatching indicates areas where <70% of the climate-crop model combinations agree on the sign of impact. (c2) Change in maximum fisheries catch potential by 2081–2099 relative to 1986–2005 at projected GWLs of 0.9°C–2.0°C (1.5°C) and 3.4°C–5.2°C (4.3°C). GWLs by 2081–2100 under RCP2.6 and RCP8.5. Hatching indicates where the two climate-fisheries models disagree in the direction of change. Large relative changes in low yielding regions may correspond to small absolute changes. Biodiversity and fisheries in Antarctica were not analysed due to data limitations. Food security is also affected by crop and fishery failures not presented here. {*3.1.2, Figure 3.2, Cross-Section Box.2*} {*Box SPM.1*}

Risks are increasing with every increment of warming

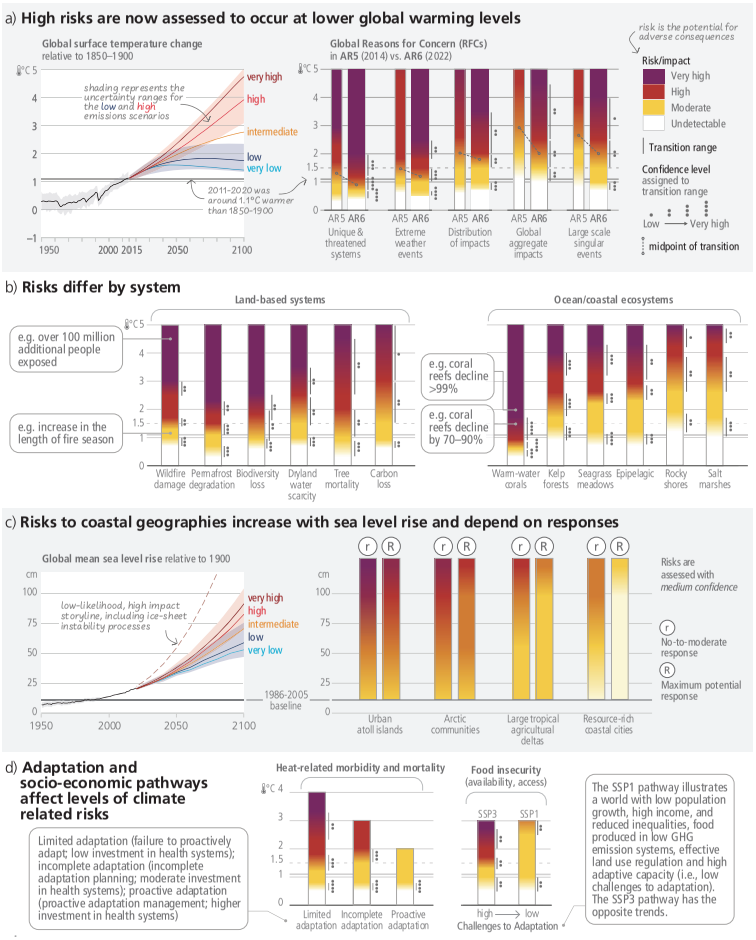


Figure SPM.4: Subset of assessed climate outcomes and associated global and regional climate risks. The burning embers result from a literature based expert elicitation. **Panel (a): Left** – Global surface temperature changes in °C relative to 1850–1900. These changes were obtained by combining CMIP6 model simulations with observational constraints based on past simulated warming, as well as an updated assessment of equilibrium climate sensitivity. *Very likely* ranges are shown for the low and high GHG emissions scenarios (SSP1-2.6 and SSP3-7.0) (Cross-Section Box.2). **Right** – Global Reasons for Concern (RFC), comparing AR6 (thick embers) and AR5 (thin embers) assessments. Risk transitions have generally shifted towards lower temperatures with updated scientific understanding. Diagrams are shown for each RFC, assuming low to no adaptation. Lines connect the midpoints of the transitions from moderate to high risk across AR5 and AR6. **Panel (b)**: Selected global risks for land and ocean ecosystems, illustrating general increase of risk with global warming levels with low to no adaptation. **Panel (c): Left** - Global mean sea level change in centimetres, relative to 1900. The historical changes (black) are observed by tide gauges before 1992 and altimeters afterwards. The future changes to 2100 (coloured lines and shading) are assessed consistently with observational constraints based on emulation of CMIP, ice-sheet, and glacier models, and *likely* ranges are shown for SSP1-2.6 and SSP3-7.0. **Right** - Assessment of the combined risk of coastal flooding, erosion and salinization for four illustrative coastal geographies in 2100, due to changing mean and extreme sea levels, under two response scenarios, with respect to the SROCC baseline period (1986–2005). The assessment does not account for changes in extreme sea level beyond those directly induced by mean sea level rise; risk levels could increase if other changes in extreme sea levels were considered (e.g., due to changes in cyclone intensity). "No-to-moderate response" describes efforts as of today (i.e., no further significant action or new types of actions). "Maximum potential response" represent a combination of responses implemented to their full extent and thus significant additional efforts compared to today, assuming minimal financial, social and political barriers. (In this context, 'today' refers to 2019.) The assessment criteria include exposure and vulnerability, coastal hazards, in-situ responses and planned relocation. Planned relocation refers to managed retreat or resettlements. The term response is used here instead of adaptation because some responses, such as retreat, may or may not be considered to be adaptation. **Panel (d)**: Selected risks under different socio-economic pathways, illustrating how development strategies and challenges to adaptation influence risk. **Left** - Heat-sensitive human health outcomes under three scenarios of adaptation effectiveness. The diagrams are truncated at the nearest whole °C within the range of temperature change in 2100 under three SSP scenarios. **Right** - Risks associated with food security due to climate change and patterns of socio-economic development. Risks to food security include availability and access to food, including population at risk of hunger, food price increases and increases in disability adjusted life years attributable to childhood underweight. Risks are assessed for two contrasted socio-economic pathways (SSP1 and SSP3) excluding the effects of targeted mitigation and adaptation policies. {*Figure 3.3*} (*Box SPM.1*)

Likelihood and Risks of Unavoidable, Irreversible or Abrupt Changes

B.3 Some future changes are unavoidable and/or irreversible but can be limited by deep, rapid, and sustained global greenhouse gas emissions reduction. The likelihood of abrupt and/or irreversible changes increases with higher global warming levels. Similarly, the probability of low-likelihood outcomes associated with potentially very large adverse impacts increases with higher global warming levels. (*high confidence*) {*3.1*}

B.3.1 Limiting global surface temperature does not prevent continued changes in climate system components that have multi-decadal or longer timescales of response (*high confidence*). Sea level rise is unavoidable for centuries to millennia due to continuing deep ocean warming and ice sheet melt, and sea levels will remain elevated for thousands of years (*high confidence*). However, deep, rapid, and sustained GHG emissions reductions would limit further sea level rise acceleration and projected long-term sea level rise commitment. Relative to 1995–2014, the *likely* global mean sea level rise under the SSP1-1.9 GHG emissions scenario is 0.15–0.23 m by 2050 and 0.28–0.55 m by 2100; while for the SSP5-8.5 GHG emissions scenario it is 0.20–0.29 m by 2050 and 0.63–1.01 m by 2100 (*medium confidence*). Over the next 2000 years, global mean sea level will rise by about 2–3 m if warming is limited to 1.5°C and 2–6 m if limited to 2°C (*low confidence*). {*3.1.3, Figure 3.4*} (*Box SPM.1*)

B.3.2 The likelihood and impacts of abrupt and/or irreversible changes in the climate system, including changes triggered when tipping points are reached, increase with further global warming (*high confidence*). As warming levels increase, so do the risks of species extinction or irreversible loss of biodiversity in ecosystems including forests (*medium confidence*), coral reefs (*very high confidence*) and in Arctic regions (*high confidence*). At sustained warming levels between 2°C and 3°C, the Greenland and West Antarctic ice sheets will be lost almost completely and irreversibly over multiple millennia, causing several metres of sea level rise *(limited evidence)*. The probability and rate of ice mass loss increase with higher global surface temperatures (*high confidence*). {*3.1.2, 3.1.3*}

B.3.3 The probability of low-likelihood outcomes associated with potentially very large impacts increases with higher global warming levels (*high confidence*). Due to deep uncertainty linked to ice-sheet processes, global mean sea level rise above the *likely* range – approaching 2 m by 2100 and in excess of 15 m by 2300 under the very high GHG emissions scenario (SSP5-8.5) (*low confidence*) – cannot be excluded. There is *medium confidence* that the Atlantic Meridional Overturning Circulation will not collapse abruptly before 2100, but if it were to occur, it would *very likely* cause abrupt shifts in regional weather patterns, and large impacts on ecosystems and human activities. {*3.1.3*} (*Box SPM.1*)

Adaptation Options and their Limits in a Warmer World

B.4 Adaptation options that are feasible and effective today will become constrained and less effective with increasing global warming. With increasing global warming, losses and damages will increase and additional human and natural systems will reach adaptation limits. Maladaptation can be avoided by flexible, multi-sectoral, inclusive, long-term planning and implementation of adaptation actions, with co-benefits to many sectors and systems. (*high confidence*) {*3.2, 4.1, 4.2, 4.3*}

B.4.1 The effectiveness of adaptation, including ecosystem-based and most water-related options, will decrease with increasing warming. The feasibility and effectiveness of options increase with integrated, multi-sectoral solutions that differentiate responses based on climate risk, cut across systems and address social inequities. As adaptation options often have long implementation times, long-term planning increases their efficiency. (*high confidence*) {*3.2, Figure 3.4, 4.1, 4.2*}

B.4.2 With additional global warming, limits to adaptation and losses and damages, strongly concentrated among vulnerable populations, will become increasingly difficult to avoid (*high confidence*). Above 1.5°C of global warming, limited freshwater resources pose potential hard adaptation limits for small islands and for regions dependent on glacier and snow melt (*medium confidence*). Above that level, ecosystems such as some warm-water coral reefs, coastal wetlands, rainforests, and polar and mountain ecosystems will have reached or surpassed hard adaptation limits and as a consequence, some Ecosystem-based Adaptation measures will also lose their effectiveness (*high confidence*). {*2.3.2, 3.2, 4.3*}

B.4.3 Actions that focus on sectors and risks in isolation and on short-term gains often lead to maladaptation over the long term, creating lock-ins of vulnerability, exposure and risks that are difficult to change. For example, seawalls effectively reduce impacts to people and assets in the short term but can also result in lock-ins and increase exposure to climate risks in the long term unless they are integrated into a long-term adaptive plan. Maladaptive responses can worsen existing inequities especially for Indigenous Peoples and marginalised groups and decrease ecosystem and biodiversity resilience. Maladaptation can be avoided by flexible, multi-sectoral, inclusive, long-term planning and implementation of adaptation actions, with co-benefits to many sectors and systems. (*high confidence*) {*2.3.2, 3.2*}

Carbon Budgets and Net Zero Emissions

B.5 Limiting human-caused global warming requires net zero CO_2 emissions. Cumulative carbon emissions until the time of reaching net zero CO_2 emissions and the level of greenhouse gas emission reductions this decade largely determine whether warming can be limited to 1.5°C or 2°C (*high confidence*). Projected CO_2 emissions from existing fossil fuel infrastructure without additional abatement would exceed the remaining carbon budget for 1.5°C (50%) (*high confidence*). {*2.3, 3.1, 3.3, Table 3.1*}

B.5.1 From a physical science perspective, limiting human-caused global warming to a specific level requires limiting cumulative CO_2 emissions, reaching at least net zero CO_2 emissions, along with strong reductions in other greenhouse gas emissions. Reaching net zero GHG emissions primarily requires deep reductions in CO_2, methane, and other GHG emissions, and implies net negative CO_2 emissions[39]. Carbon dioxide removal (CDR) will be necessary to achieve net negative CO_2 emissions (see B.6). Net zero GHG emissions, if sustained, are projected to result in a gradual decline in global surface temperatures after an earlier peak. (*high confidence*) {*3.1.1, 3.3.1, 3.3.2, 3.3.3, Table 3.1, Cross-Section Box.1}*

B.5.2 For every 1000 $GtCO_2$ emitted by human activity, global surface temperature rises by 0.45°C (best estimate, with a *likely* range from 0.27°C to 0.63°C). The best estimates of the remaining carbon budgets from the beginning of 2020 are 500 $GtCO_2$ for a 50% likelihood of limiting global warming to 1.5°C and 1150 $GtCO_2$ for a 67% likelihood of limiting warming to 2°C[40]. The stronger the reductions in non-CO_2 emissions, the lower the resulting temperatures are for a given remaining carbon budget or the larger remaining carbon budget for the same level of temperature change[41]. {*3.3.1*}

[39] Net zero GHG emissions defined by the 100-year global warming potential. See footnote 9.

[40] Global databases make different choices about which emissions and removals occurring on land are considered anthropogenic. Most countries report their anthropogenic land CO_2 fluxes including fluxes due to human-caused environmental change (e.g., CO_2 fertilisation) on 'managed' land in their national GHG inventories. Using emissions estimates based on these inventories, the remaining carbon budgets must be correspondingly reduced. {*3.3.1*}

[41] For example, remaining carbon budgets could be 300 or 600 $GtCO_2$ for 1.5°C (50%), respectively for high and low non-CO_2 emissions, compared to 500 $GtCO_2$ in the central case. {*3.3.1*}

B.5.3 If the annual CO_2 emissions between 2020–2030 stayed, on average, at the same level as 2019, the resulting cumulative emissions would almost exhaust the remaining carbon budget for 1.5°C (50%), and deplete more than a third of the remaining carbon budget for 2°C (67%). Estimates of future CO_2 emissions from existing fossil fuel infrastructures without additional abatement[42] already exceed the remaining carbon budget for limiting warming to 1.5°C (50%) (*high confidence*). Projected cumulative future CO_2 emissions over the lifetime of existing and planned fossil fuel infrastructure, if historical operating patterns are maintained and without additional abatement[43], are approximately equal to the remaining carbon budget for limiting warming to 2°C with a likelihood of 83%[44] (*high confidence*). {*2.3.1, 3.3.1, Figure 3.5*}

B.5.4 Based on central estimates only, historical cumulative net CO_2 emissions between 1850 and 2019 amount to about four fifths[45] of the total carbon budget for a 50% probability of limiting global warming to 1.5°C (central estimate about 2900 $GtCO_2$), and to about two thirds[46] of the total carbon budget for a 67% probability to limit global warming to 2°C (central estimate about 3550 $GtCO_2$). {*3.3.1, Figure 3.5*}

Mitigation Pathways

B.6 All global modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot, and those that limit warming to 2°C (>67%), involve rapid and deep and, in most cases, immediate greenhouse gas emissions reductions in all sectors this decade. Global net zero CO_2 emissions are reached for these pathway categories, in the early 2050s and around the early 2070s, respectively. (*high confidence*) {*3.3, 3.4, 4.1, 4.5, Table 3.1*} (*Figure SPM.5, Box SPM.1*)

B.6.1 Global modelled pathways provide information on limiting warming to different levels; these pathways, particularly their sectoral and regional aspects, depend on the assumptions described in Box SPM.1. Global modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot or limit warming to 2°C (>67%) are characterized by deep, rapid, and, in most cases, immediate GHG emissions reductions. Pathways that limit warming to 1.5 °C (>50%) with no or limited overshoot reach net zero CO_2 in the early 2050s, followed by net negative CO_2 emissions. Those pathways that reach net zero GHG emissions do so around the 2070s. Pathways that limit warming to 2 °C (>67%) reach net zero CO_2 emissions in the early 2070s. Global GHG emissions are projected to peak between 2020 and at the latest before 2025 in global modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot and in those that limit warming to 2°C (>67%) and assume immediate action. (*high confidence*) {*3.3.2, 3.3.4, 4.1, Table 3.1, Figure 3.6*} (*Table SPM.1*)

[42] Abatement here refers to human interventions that reduce the amount of greenhouse gases that are released from fossil fuel infrastructure to the atmosphere.

[43] Ibid.

[44] WGI provides carbon budgets that are in line with limiting global warming to temperature limits with different likelihoods, such as 50%, 67% or 83%. {*3.3.1*}

[45] Uncertainties for total carbon budgets have not been assessed and could affect the specific calculated fractions.

[46] Ibid.

Table SPM.1: Greenhouse gas and CO_2 emission reductions from 2019, median and 5-95 percentiles. {*3.3.1, 4.1, Table 3.1, Figure 2.5, Box SPM.1*}

		Reductions from 2019 emission levels (%)			
		2030	2035	2040	2050
Limit warming to1.5°C (>50%) with no or limited overshoot	GHG	43 [34-60]	60 [49-77]	69 [58-90]	84 [73-98]
	CO_2	48 [36-69]	65 [50-96]	80 [61-109]	99 [79-119]
Limit warming to 2°C (>67%)	GHG	21 [1-42]	35 [22-55]	46 [34-63]	64 [53-77]
	CO_2	22 [1-44]	37 [21-59]	51 [36-70]	73 [55-90]

B.6.2 Reaching net zero CO_2 or GHG emissions primarily requires deep and rapid reductions in gross emissions of CO_2, as well as substantial reductions of non-CO_2 GHG emissions (*high confidence*). For example, in modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot, global methane emissions are reduced by 34 [21–57] % by 2030 relative to 2019. However, some hard-to-abate residual GHG emissions (e.g., some emissions from agriculture, aviation, shipping, and industrial processes) remain and would need to be counterbalanced by deployment of CDR methods to achieve net zero CO_2 or GHG emissions (*high confidence*). As a result, net zero CO_2 is reached earlier than net zero GHGs (*high confidence*). {*3.3.2, 3.3.3, Table 3.1, Figure 3.5*} (*Figure SPM.5*)

B.6.3 Global modelled mitigation pathways reaching net zero CO_2 and GHG emissions include transitioning from fossil fuels without carbon capture and storage (CCS) to very low- or zero-carbon energy sources, such as renewables or fossil fuels with CCS, demand-side measures and improving efficiency, reducing non-CO_2 GHG emissions, and CDR[47]. In most global modelled pathways, land-use change and forestry (via reforestation and reduced deforestation) and the energy supply sector reach net zero CO_2 emissions earlier than the buildings, industry and transport sectors. (*high confidence*) {*3.3.3, 4.1, 4.5, Figure 4.1*} (*Figure SPM.5, Box SPM.1*)

B.6.4 Mitigation options often have synergies with other aspects of sustainable development, but some options can also have trade-offs. There are potential synergies between sustainable development and, for instance, energy efficiency and renewable energy. Similarly, depending on the context[48], biological CDR methods like reforestation, improved forest management, soil carbon sequestration, peatland restoration and coastal blue carbon management can enhance biodiversity and ecosystem functions, employment and local livelihoods. However, afforestation or production of biomass crops can have adverse socio-economic and environmental impacts, including on biodiversity, food and water security, local livelihoods and the rights of Indigenous Peoples, especially if implemented at large scales and where land tenure is insecure. Modelled pathways that assume using resources more efficiently or that shift global development towards sustainability include fewer challenges, such as less dependence on CDR and pressure on land and biodiversity. (*high confidence*) {*3.4.1*}

[47] CCS is an option to reduce emissions from large-scale fossil-based energy and industry sources provided geological storage is available. When CO_2 is captured directly from the atmosphere (DACCS), or from biomass (BECCS), CCS provides the storage component of these CDR methods. CO_2 capture and subsurface injection is a mature technology for gas processing and enhanced oil recovery. In contrast to the oil and gas sector, CCS is less mature in the power sector, as well as in cement and chemicals production, where it is a critical mitigation option. The technical geological storage capacity is estimated to be on the order of 1000 $GtCO_2$, which is more than the CO_2 storage requirements through 2100 to limit global warming to 1.5°C, although the regional availability of geological storage could be a limiting factor. If the geological storage site is appropriately selected and managed, it is estimated that the CO_2 can be permanently isolated from the atmosphere. Implementation of CCS currently faces technological, economic, institutional, ecological-environmental and socio-cultural barriers. Currently, global rates of CCS deployment are far below those in modelled pathways limiting global warming to 1.5°C to 2°C. Enabling conditions such as policy instruments, greater public support and technological innovation could reduce these barriers. (*high confidence*) {*3.3.3*}

[48] The impacts, risks, and co-benefits of CDR deployment for ecosystems, biodiversity and people will be highly variable depending on the method, site-specific context, implementation and scale (*high confidence*).

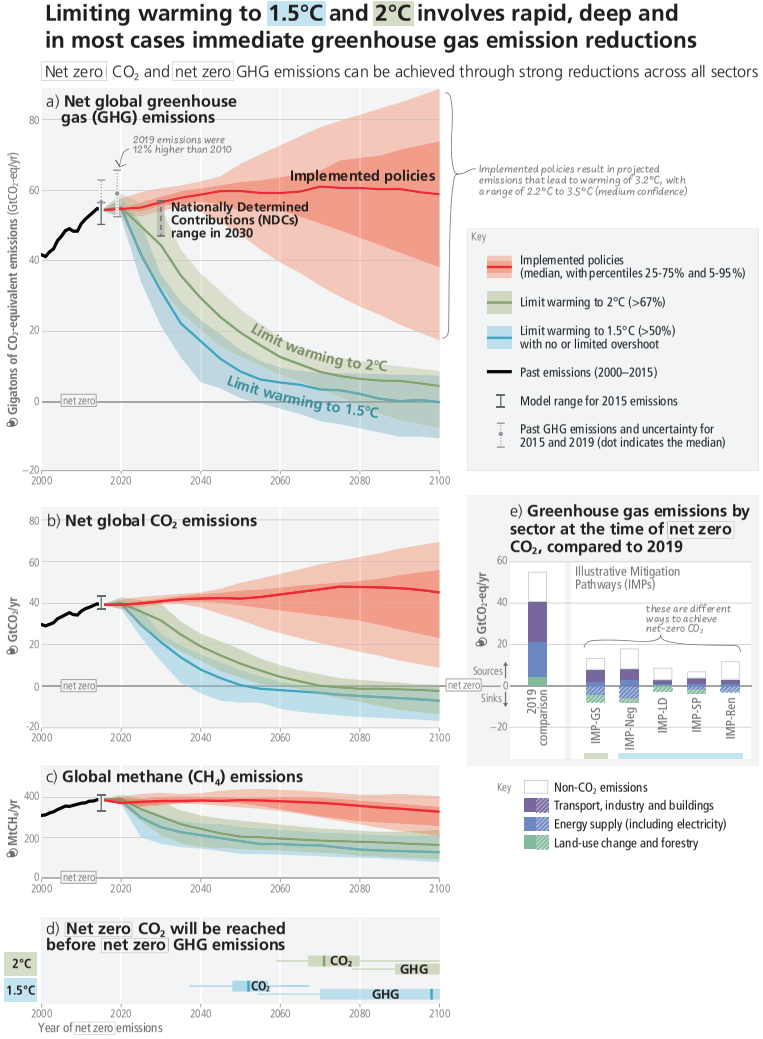


Figure SPM.5: Global emissions pathways consistent with implemented policies and mitigation strategies. Panels (a), (b) and **(c)** show the development of global GHG, CO_2 and methane emissions in modelled pathways, while **panel (d)** shows the associated timing of when GHG and CO_2 emissions reach net zero. Coloured ranges denote the 5th to 95th percentile across the global modelled pathways falling within a given category as described in Box SPM.1. The red ranges depict emissions pathways assuming policies that were implemented by the end of 2020. Ranges of modelled pathways that limit warming to 1.5°C (>50%) with no or limited overshoot are shown in light blue (category C1) and pathways that limit warming to 2°C (>67%) are shown in green (category C3). Global emission pathways that would limit warming to 1.5°C (>50%) with no or limited overshoot and also reach net zero GHG in the second half of the century do so between 2070–2075. **Panel (e)** shows the sectoral contributions of CO_2 and non-CO_2 emissions sources and sinks at the time when net zero CO_2 emissions are reached in illustrative mitigation pathways (IMPs) consistent with limiting warming to 1.5°C with a high reliance on net negative emissions (IMP-Neg) ("high overshoot"), high resource efficiency (IMP-LD), a focus on sustainable development (IMP-SP), renewables (IMP-Ren) and limiting warming to 2°C with less rapid mitigation initially followed by a gradual strengthening (IMP-GS). Positive and negative emissions for different IMPs are compared to GHG emissions from the year 2019. Energy supply (including electricity) includes bioenergy with carbon dioxide capture and storage and direct air carbon dioxide capture and storage. CO_2 emissions from land-use change and forestry can only be shown as a net number as many models do not report emissions and sinks of this category separately. {*Figure 3.6, 4.1*} (*Box SPM.1*)

Overshoot: Exceeding a Warming Level and Returning

B.7 If warming exceeds a specified level such as 1.5°C, it could gradually be reduced again by achieving and sustaining net negative global CO_2 emissions. This would require additional deployment of carbon dioxide removal, compared to pathways without overshoot, leading to greater feasibility and sustainability concerns. Overshoot entails adverse impacts, some irreversible, and additional risks for human and natural systems, all growing with the magnitude and duration of overshoot. (*high confidence*) {*3.1, 3.3, 3.4, Table 3.1, Figure 3.6*}

B.7.1 Only a small number of the most ambitious global modelled pathways limit global warming to 1.5°C (>50%) by 2100 without exceeding this level temporarily. Achieving and sustaining net negative global CO_2 emissions, with annual rates of CDR greater than residual CO_2 emissions, would gradually reduce the warming level again (*high confidence*). Adverse impacts that occur during this period of overshoot and cause additional warming via feedback mechanisms, such as increased wildfires, mass mortality of trees, drying of peatlands, and permafrost thawing, weakening natural land carbon sinks and increasing releases of GHGs would make the return more challenging (*medium confidence*). {*3.3.2, 3.3.4, Table 3.1, Figure 3.6*} (*Box SPM.1*)

B.7.2 The higher the magnitude and the longer the duration of overshoot, the more ecosystems and societies are exposed to greater and more widespread changes in climatic impact-drivers, increasing risks for many natural and human systems. Compared to pathways without overshoot, societies would face higher risks to infrastructure, low-lying coastal settlements, and associated livelihoods. Overshooting 1.5°C will result in irreversible adverse impacts on certain ecosystems with low resilience, such as polar, mountain, and coastal ecosystems, impacted by ice-sheet melt, glacier melt, or by accelerating and higher committed sea level rise. (*high confidence*) {*3.1.2, 3.3.4*}

B.7.3 The larger the overshoot, the more net negative CO_2 emissions would be needed to return to 1.5°C by 2100. Transitioning towards net zero CO_2 emissions faster and reducing non-CO_2 emissions such as methane more rapidly would limit peak warming levels and reduce the requirement for net negative CO_2 emissions, thereby reducing feasibility and sustainability concerns, and social and environmental risks associated with CDR deployment at large scales. (*high confidence*) {*3.3.3, 3.3.4, 3.4.1, Table 3.1*}

C. Responses in the Near Term

Urgency of Near-Term Integrated Climate Action

C.1 Climate change is a threat to human well-being and planetary health (*very high confidence*). There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (*very high confidence*). Climate resilient development integrates adaptation and mitigation to advance sustainable development for all, and is enabled by increased international cooperation including improved access to adequate financial resources, particularly for vulnerable regions, sectors and groups, and inclusive governance and coordinated policies (*high confidence*). The choices and actions implemented in this decade will have impacts now and for thousands of years (*high confidence*). {*3.1, 3.3, 4.1, 4.2, 4.3, 4.4, 4.7, 4.8, 4.9, Figure 3.1, Figure 3.3, Figure 4.2*} (*Figure SPM.1, Figure SPM.6*)

C.1.1 Evidence of observed adverse impacts and related losses and damages, projected risks, levels and trends in vulnerability and adaptation limits, demonstrate that worldwide climate resilient development action is more urgent than previously assessed in AR5. Climate resilient development integrates adaptation and GHG mitigation to advance sustainable development for all. Climate resilient development pathways have been constrained by past development, emissions and climate change and are progressively constrained by every increment of warming, in particular beyond 1.5°C. (*very high confidence*) {*3.4, 3.4.2, 4.1*}

C.1.2 Government actions at sub-national, national and international levels, with civil society and the private sector, play a crucial role in enabling and accelerating shifts in development pathways towards sustainability and climate resilient development (*very high confidence*). Climate resilient development is enabled when governments, civil society and the private sector make inclusive development choices that prioritize risk reduction, equity and justice, and when decision-making processes, finance and actions are integrated across governance levels, sectors, and timeframes (*very high confidence*). Enabling conditions are differentiated by national, regional and local circumstances and geographies, according to capabilities, and include: political commitment and follow-through, coordinated policies, social and international cooperation, ecosystem stewardship, inclusive governance, knowledge diversity, technological innovation, monitoring and evaluation, and improved access to adequate financial resources, especially for vulnerable regions, sectors and communities (*high confidence*). {*3.4, 4.2, 4.4, 4.5, 4.7, 4.8*} (*Figure SPM.6*)

C.1.3 Continued emissions will further affect all major climate system components, and many changes will be irreversible on centennial to millennial time scales and become larger with increasing global warming. Without urgent, effective, and equitable mitigation and adaptation actions, climate change increasingly threatens ecosystems, biodiversity, and the livelihoods, health and well-being of current and future generations. (*high confidence*) {*3.1.3, 3.3.3, 3.4.1, Figure 3.4, 4.1, 4.2, 4.3, 4.4*} (*Figure SPM.1, Figure SPM.6*)

There is a rapidly narrowing window of opportunity to enable climate resilient development

Multiple interacting choices and actions can shift development pathways towards sustainability

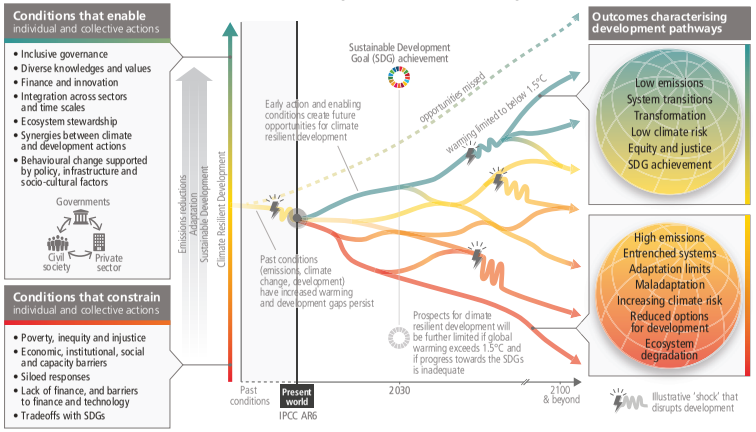


Figure SPM.6: The illustrative development pathways (red to green) and associated outcomes (right panel) show that there is a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all. Climate resilient development is the process of implementing greenhouse gas mitigation and adaptation measures to support sustainable development. Diverging pathways illustrate that interacting choices and actions made by diverse government, private sector and civil society actors can advance climate resilient development, shift pathways towards sustainability, and enable lower emissions and adaptation. Diverse knowledge and values include cultural values, Indigenous Knowledge, local knowledge, and scientific knowledge. Climatic and non-climatic events, such as droughts, floods or pandemics, pose more severe shocks to pathways with lower climate resilient development (red to yellow) than to pathways with higher climate resilient development (green). There are limits to adaptation and adaptive capacity for some human and natural systems at global warming of 1.5°C, and with every increment of warming, losses and damages will increase. The development pathways taken by countries at all stages of economic development impact GHG emissions and mitigation challenges and opportunities, which vary across countries and regions. Pathways and opportunities for action are shaped by previous actions (or inactions and opportunities missed; dashed pathway) and enabling and constraining conditions (left panel), and take place in the context of climate risks, adaptation limits and development gaps. The longer emissions reductions are delayed, the fewer effective adaptation options. {*Figure 4.2, 3.1, 3.2, 3.4, 4.2, 4.4, 4.5, 4.6, 4.9*}

The Benefits of Near-Term Action

C.2 Deep, rapid, and sustained mitigation and accelerated implementation of adaptation actions in this decade would reduce projected losses and damages for humans and ecosystems (*very high confidence*), and deliver many co-benefits, especially for air quality and health (*high confidence*). Delayed mitigation and adaptation action would lock in high-emissions infrastructure, raise risks of stranded assets and cost-escalation, reduce feasibility, and increase losses and damages (*high confidence*). Near-term actions involve high up-front investments and potentially disruptive changes that can be lessened by a range of enabling policies (*high confidence*). {*2.1, 2.2, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8*}

C.2.1 Deep, rapid, and sustained mitigation and accelerated implementation of adaptation actions in this decade would reduce future losses and damages related to climate change for humans and ecosystems (*very high confidence*). As adaptation options often have long implementation times, accelerated implementation of adaptation in this decade is important to close adaptation gaps (*high confidence*). Comprehensive, effective, and innovative responses integrating adaptation and mitigation can harness synergies and reduce trade-offs between adaptation and mitigation (*high confidence*). {*4.1, 4.2, 4.3*}

C.2.2 Delayed mitigation action will further increase global warming and losses and damages will rise and additional human and natural systems will reach adaptation limits. Challenges from delayed adaptation and mitigation actions include the risk of cost escalation, lock-in of infrastructure, stranded assets, and reduced feasibility and effectiveness of adaptation and mitigation options. Without rapid, deep and sustained mitigation and accelerated adaptation actions, losses and damages will continue to increase, including projected adverse impacts in Africa, LDCs, SIDS, Central and South America[49], Asia and the Arctic, and will disproportionately affect the most vulnerable populations. *(high confidence)* {*2.1.2, 3.1.2, 3.2, 3.3.1, 3.3.3, 4.1, 4.2, 4.3*} (*Figure SPM.3, Figure SPM.4*)

C.2.3 Accelerated climate action can also provide co-benefits (see also C.4) (*high confidence*). Many mitigation actions would have benefits for health through lower air pollution, active mobility (e.g., walking, cycling), and shifts to sustainable healthy diets (*high confidence*). Strong, rapid and sustained reductions in methane emissions can limit near-term warming and improve air quality by reducing global surface ozone (*high confidence*). Adaptation can generate multiple additional benefits such as improving agricultural productivity, innovation, health and well-being, food security, livelihood, and biodiversity conservation (*very high confidence*). {*4.2, 4.5.4, 4.5.5, 4.6*}

C.2.4 Cost-benefit analysis remains limited in its ability to represent all avoided damages from climate change (*high confidence*). The economic benefits for human health from air quality improvement arising from mitigation action can be of the same order of magnitude as mitigation costs, and potentially even larger (*medium confidence*). Even without accounting for all the benefits of avoiding potential damages, the global economic and social benefit of limiting global warming to 2°C exceeds the cost of mitigation in most of the assessed literature (*medium confidence*)[50]. More rapid climate change mitigation, with emissions peaking earlier, increases co-benefits and reduces feasibility risks and costs in the long-term, but requires higher up-front investments (*high confidence*). {*3.4.1, 4.2*}

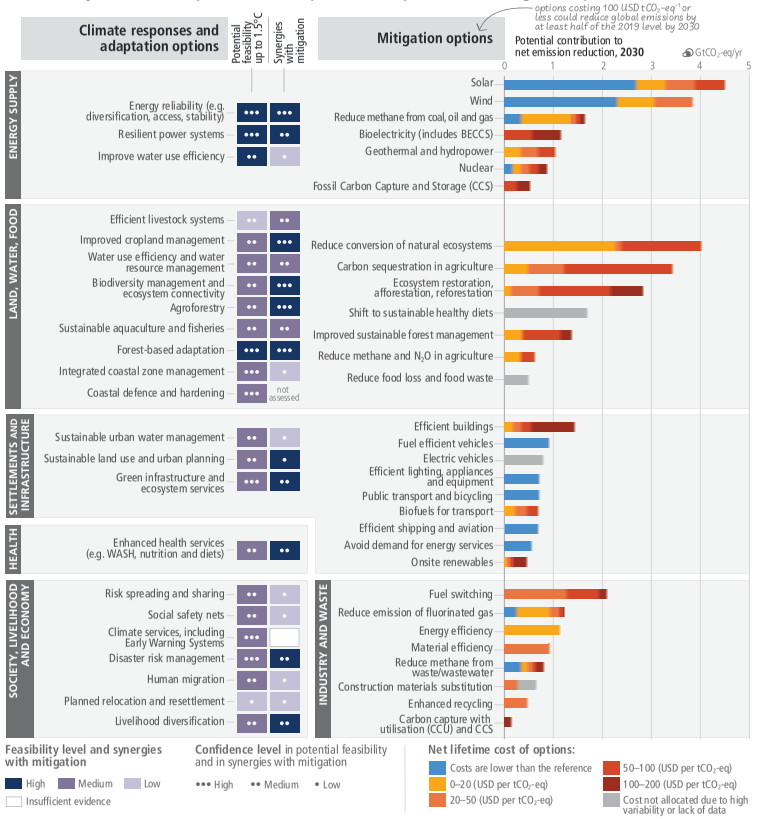
C.2.5 Ambitious mitigation pathways imply large and sometimes disruptive changes in existing economic structures, with significant distributional consequences within and between countries. To accelerate climate action, the adverse consequences of these changes can be moderated by fiscal, financial, institutional and regulatory reforms and by integrating climate actions with macroeconomic policies through (i) economy-wide packages, consistent with national circumstances, supporting sustainable low-emission growth paths; (ii) climate resilient safety nets and social protection; and (iii) improved access to finance for low-emissions infrastructure and technologies, especially in developing countries. (*high confidence*) {*4.2, 4.4, 4.7, 4.8.1*}

[49] The southern part of Mexico is included in the climatic subregion South Central America (SCA) for WGI. Mexico is assessed as part of North America for WGII. The climate change literature for the SCA region occasionally includes Mexico, and in those cases WGII assessment makes reference to Latin America. Mexico is considered part of Latin America and the Caribbean for WGIII.

[50] The evidence is too limited to make a similar robust conclusion for limiting warming to 1.5°C. Limiting global warming to 1.5°C instead of 2°C would increase the costs of mitigation, but also increase the benefits in terms of reduced impacts and related risks, and reduced adaptation needs (*high confidence*).

There are multiple opportunities for scaling up climate action

a) **Feasibility of climate responses and adaptation, and potential of mitigation options in the near term**



b) **Potential of demand-side mitigation options by 2050**

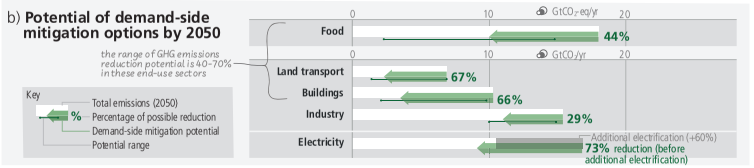


Figure SPM.7: Multiple Opportunities for scaling up climate action. Panel (a) presents selected mitigation and adaptation options across different systems. The left-hand side of panel a shows climate responses and adaptation options assessed for their multidimensional feasibility at global scale, in the near term and up to 1.5°C global warming. As literature above 1.5°C is limited, feasibility at higher levels of warming may change, which is currently not possible to assess robustly. The term response is used here in addition to adaptation because some responses, such as migration, relocation and resettlement may or may not be considered to be adaptation. Forest based adaptation includes sustainable forest management, forest conservation and restoration, reforestation

and afforestation. WASH refers to water, sanitation and hygiene. Six feasibility dimensions (economic, technological, institutional, social, environmental and geophysical) were used to calculate the potential feasibility of climate responses and adaptation options, along with their synergies with mitigation. For potential feasibility and feasibility dimensions, the figure shows high, medium, or low feasibility. Synergies with mitigation are identified as high, medium, and low. The right-hand side of Panel a provides an overview of selected mitigation options and their estimated costs and potentials in 2030. Costs are net lifetime discounted monetary costs of avoided GHG emissions calculated relative to a reference technology. Relative potentials and costs will vary by place, context and time and in the longer term compared to 2030. The potential (horizontal axis) is the net GHG emission reduction (sum of reduced emissions and/or enhanced sinks) broken down into cost categories (coloured bar segments) relative to an emission baseline consisting of current policy (around 2019) reference scenarios from the AR6 scenarios database. The potentials are assessed independently for each option and are not additive. Health system mitigation options are included mostly in settlement and infrastructure (e.g., efficient healthcare buildings) and cannot be identified separately. Fuel switching in industry refers to switching to electricity, hydrogen, bioenergy and natural gas. Gradual colour transitions indicate uncertain breakdown into cost categories due to uncertainty or heavy context dependency. The uncertainty in the total potential is typically 25–50%. **Panel (b)** displays the indicative potential of demand-side mitigation options for 2050. Potentials are estimated based on approximately 500 bottom-up studies representing all global regions. The baseline (white bar) is provided by the sectoral mean GHG emissions in 2050 of the two scenarios (IEA-STEPS and IP_ModAct) consistent with policies announced by national governments until 2020. The green arrow represents the demand-side emissions reductions potentials. The range in potential is shown by a line connecting dots displaying the highest and the lowest potentials reported in the literature. Food shows demand-side potential of socio-cultural factors and infrastructure use, and changes in land-use patterns enabled by change in food demand. Demand-side measures and new ways of end-use service provision can reduce global GHG emissions in end-use sectors (buildings, land transport, food) by 40–70% by 2050 compared to baseline scenarios, while some regions and socioeconomic groups require additional energy and resources. The last row shows how demand-side mitigation options in other sectors can influence overall electricity demand. The dark grey bar shows the projected increase in electricity demand above the 2050 baseline due to increasing electrification in the other sectors. Based on a bottom-up assessment, this projected increase in electricity demand can be avoided through demand-side mitigation options in the domains of infrastructure use and socio-cultural factors that influence electricity usage in industry, land transport, and buildings (green arrow). {*Figure 4.4*}

Mitigation and Adaptation Options across Systems

C.3 Rapid and far-reaching transitions across all sectors and systems are necessary to achieve deep and sustained emissions reductions and secure a liveable and sustainable future for all. These system transitions involve a significant upscaling of a wide portfolio of mitigation and adaptation options. Feasible, effective, and low-cost options for mitigation and adaptation are already available, with differences across systems and regions. (*high confidence*) {*4.1, 4.5, 4.6*} (*Figure SPM.7*)

C.3.1 The systemic change required to achieve rapid and deep emissions reductions and transformative adaptation to climate change is unprecedented in terms of scale, but not necessarily in terms of speed (*medium confidence*). Systems transitions include: deployment of low- or zero-emission technologies; reducing and changing demand through infrastructure design and access, socio-cultural and behavioural changes, and increased technological efficiency and adoption; social protection, climate services or other services; and protecting and restoring ecosystems (*high confidence*). Feasible, effective, and low-cost options for mitigation and adaptation are already available (*high confidence*). The availability, feasibility and potential of mitigation and adaptation options in the near term differs across systems and regions (*very high confidence*). {*4.1, 4.5.1 to 4.5.6*} (*Figure SPM.7*)

Energy Systems

C.3.2 Net zero CO_2 energy systems entail: a substantial reduction in overall fossil fuel use, minimal use of unabated fossil fuels[51], and use of carbon capture and storage in the remaining fossil fuel systems; electricity systems that emit no net CO_2; widespread electrification; alternative energy carriers in applications less amenable to electrification; energy conservation and efficiency; and greater integration across the energy system (*high confidence*). Large contributions to emissions reductions with costs less than USD 20 tCO_2-eq^{-1} come from solar and wind energy, energy efficiency improvements, and methane emissions reductions (coal mining, oil and gas, waste) (*medium confidence*). There are feasible adaptation options that support infrastructure resilience, reliable power systems and efficient water use for existing and new energy generation systems (*very high confidence*). Energy generation diversification (e.g., via wind, solar, small scale hydropower) and demand-side management (e.g., storage and energy efficiency improvements) can increase energy reliability and reduce vulnerabilities to climate change (*high confidence*). Climate responsive energy markets, updated design standards on energy assets according to current and projected climate change, smart-grid technologies, robust transmission systems and improved capacity to respond to supply deficits have high feasibility in the medium to long term, with mitigation co-benefits (*very high confidence*). {*4.5.1*} (*Figure SPM.7*)

[51] In this context, 'unabated fossil fuels' refers to fossil fuels produced and used without interventions that substantially reduce the amount of GHG emitted throughout the life cycle; for example, capturing 90% or more CO_2 from power plants, or 50–80% of fugitive methane emissions from energy supply.

Industry and Transport

C.3.3 Reducing industry GHG emissions entails coordinated action throughout value chains to promote all mitigation options, including demand management, energy and materials efficiency, circular material flows, as well as abatement technologies and transformational changes in production processes (*high confidence*). In transport, sustainable biofuels, low-emissions hydrogen, and derivatives (including ammonia and synthetic fuels) can support mitigation of CO_2 emissions from shipping, aviation, and heavy-duty land transport but require production process improvements and cost reductions (*medium confidence*). Sustainable biofuels can offer additional mitigation benefits in land-based transport in the short and medium term (*medium confidence*). Electric vehicles powered by low-GHG emissions electricity have large potential to reduce land-based transport GHG emissions, on a life cycle basis (*high confidence*). Advances in battery technologies could facilitate the electrification of heavy-duty trucks and compliment conventional electric rail systems (*medium confidence*). The environmental footprint of battery production and growing concerns about critical minerals can be addressed by material and supply diversification strategies, energy and material efficiency improvements, and circular material flows (*medium confidence*). {*4.5.2, 4.5.3*} (*Figure SPM.7*)

Cities, Settlements and Infrastructure

C.3.4 Urban systems are critical for achieving deep emissions reductions and advancing climate resilient development (*high confidence*). Key adaptation and mitigation elements in cities include considering climate change impacts and risks (e.g., through climate services) in the design and planning of settlements and infrastructure; land use planning to achieve compact urban form, co-location of jobs and housing; supporting public transport and active mobility (e.g., walking and cycling); the efficient design, construction, retrofit, and use of buildings; reducing and changing energy and material consumption; sufficiency[52]; material substitution; and electrification in combination with low emissions sources (*high confidence*). Urban transitions that offer benefits for mitigation, adaptation, human health and well-being, ecosystem services, and vulnerability reduction for low-income communities are fostered by inclusive long-term planning that takes an integrated approach to physical, natural and social infrastructure (*high confidence*). Green/natural and blue infrastructure supports carbon uptake and storage and either singly or when combined with grey infrastructure can reduce energy use and risk from extreme events such as heatwaves, flooding, heavy precipitation and droughts, while generating co-benefits for health, well-being and livelihoods (*medium confidence*). {*4.5.3*}

Land, Ocean, Food, and Water

C.3.5 Many agriculture, forestry, and other land use (AFOLU) options provide adaptation and mitigation benefits that could be upscaled in the near term across most regions. Conservation, improved management, and restoration of forests and other ecosystems offer the largest share of economic mitigation potential, with reduced deforestation in tropical regions having the highest total mitigation potential. Ecosystem restoration, reforestation, and afforestation can lead to trade-offs due to competing demands on land. Minimizing trade-offs requires integrated approaches to meet multiple objectives including food security. Demand-side measures (shifting to sustainable healthy diets[53] and reducing food loss/waste) and sustainable agricultural intensification can reduce ecosystem conversion, and methane and nitrous oxide emissions, and free up land for reforestation and ecosystem restoration. Sustainably sourced agricultural and forest products, including long-lived wood products, can be used instead of more GHG-intensive products in other sectors. Effective adaptation options include cultivar improvements, agroforestry, community-based adaptation, farm and landscape diversification, and urban agriculture. These AFOLU response options require integration of biophysical, socioeconomic and other enabling factors. Some options, such as conservation of high-carbon ecosystems (e.g., peatlands, wetlands, rangelands, mangroves and forests), deliver immediate benefits, while others, such as restoration of high-carbon ecosystems, take decades to deliver measurable results. (*high confidence*) {*4.5.4*} (*Figure SPM.7*)

C.3.6 Maintaining the resilience of biodiversity and ecosystem services at a global scale depends on effective and equitable conservation of approximately 30% to 50% of Earth's land, freshwater and ocean areas, including currently near-natural ecosystems (*high confidence*). Conservation, protection and restoration of terrestrial, freshwater, coastal and

[52] A set of measures and daily practices that avoid demand for energy, materials, land, and water while delivering human well-being for all within planetary boundaries. {*4.5.3*}

[53] 'Sustainable healthy diets' promote all dimensions of individuals' health and well-being; have low environmental pressure and impact; are accessible, affordable, safe and equitable; and are culturally acceptable, as described in FAO and WHO. The related concept of 'balanced diets' refers to diets that feature plant-based foods, such as those based on coarse grains, legumes, fruits and vegetables, nuts and seeds, and animal-sourced food produced in resilient, sustainable and low-GHG emission systems, as described in SRCCL.

ocean ecosystems, together with targeted management to adapt to unavoidable impacts of climate change reduces the vulnerability of biodiversity and ecosystem services to climate change (*high confidence*), reduces coastal erosion and flooding (*high confidence*), and could increase carbon uptake and storage if global warming is limited (*medium confidence*). Rebuilding overexploited or depleted fisheries reduces negative climate change impacts on fisheries (*medium confidence*) and supports food security, biodiversity, human health and well-being (*high confidence*). Land restoration contributes to climate change mitigation and adaptation with synergies via enhanced ecosystem services and with economically positive returns and co-benefits for poverty reduction and improved livelihoods (*high confidence*). Cooperation, and inclusive decision making, with Indigenous Peoples and local communities, as well as recognition of inherent rights of Indigenous Peoples, is integral to successful adaptation and mitigation across forests and other ecosystems (*high confidence*). {*4.5.4, 4.6*} (*Figure SPM.7*)

Health and Nutrition

C.3.7 Human health will benefit from integrated mitigation and adaptation options that mainstream health into food, infrastructure, social protection, and water policies (*very high confidence*). Effective adaptation options exist to help protect human health and well-being, including: strengthening public health programs related to climate-sensitive diseases, increasing health systems resilience, improving ecosystem health, improving access to potable water, reducing exposure of water and sanitation systems to flooding, improving surveillance and early warning systems, vaccine development (*very high confidence*), improving access to mental healthcare, and Heat Health Action Plans that include early warning and response systems (*high confidence*). Adaptation strategies which reduce food loss and waste or support balanced, sustainable healthy diets contribute to nutrition, health, biodiversity and other environmental benefits (*high confidence*). {*4.5.5*} (*Figure SPM.7*)

Society, Livelihoods, and Economies

C.3.8 Policy mixes that include weather and health insurance, social protection and adaptive social safety nets, contingent finance and reserve funds, and universal access to early warning systems combined with effective contingency plans, can reduce vulnerability and exposure of human systems. Disaster risk management, early warning systems, climate services and risk spreading and sharing approaches have broad applicability across sectors. Increasing education including capacity building, climate literacy, and information provided through climate services and community approaches can facilitate heightened risk perception and accelerate behavioural changes and planning. (*high confidence*) {*4.5.6*}

Synergies and Trade-Offs with Sustainable Development

C.4 Accelerated and equitable action in mitigating and adapting to climate change impacts is critical to sustainable development. Mitigation and adaptation actions have more synergies than trade-offs with Sustainable Development Goals. Synergies and trade-offs depend on context and scale of implementation. (*high confidence*) {*3.4, 4.2, 4.4, 4.5, 4.6, 4.9, Figure 4.5*}

C.4.1 Mitigation efforts embedded within the wider development context can increase the pace, depth and breadth of emission reductions (*medium confidence*). Countries at all stages of economic development seek to improve the well-being of people, and their development priorities reflect different starting points and contexts. Different contexts include but are not limited to social, economic, environmental, cultural, political circumstances, resource endowment, capabilities, international environment, and prior development (*high confidence*). In regions with high dependency on fossil fuels for, among other things, revenue and employment generation, mitigating risk for sustainable development requires policies that promote economic and energy sector diversification and considerations of just transitions principles, processes and practices (*high confidence*). Eradicating extreme poverty, energy poverty, and providing decent living standards in low-emitting countries / regions in the context of achieving sustainable development objectives, in the near term, can be achieved without significant global emissions growth (*high confidence*). {*4.4, 4.6, Annex I: Glossary*}

C.4.2 Many mitigation and adaptation actions have multiple synergies with Sustainable Development Goals (SDGs) and sustainable development generally, but some actions can also have trade-offs. Potential synergies with SDGs exceed potential trade-offs; synergies and trade-offs depend on the pace and magnitude of change and the development context including inequalities with consideration of climate justice. Trade-offs can be evaluated and minimised by giving emphasis to capacity building, finance, governance, technology transfer, investments, development, context specific gender-based and other social equity considerations with meaningful participation of Indigenous Peoples, local communities and vulnerable populations. (*high confidence*) {*3.4.1, 4.6, Figure 4.5, 4.9*}

C.4.3 Implementing both mitigation and adaptation actions together and taking trade-offs into account supports co-benefits and synergies for human health and well-being. For example, improved access to clean energy sources and technologies generates health benefits especially for women and children; electrification combined with low-GHG energy, and shifts to active mobility and public transport can enhance air quality, health, employment, and can elicit energy security and deliver equity. (*high confidence*) {*4.2, 4.5.3, 4.5.5, 4.6, 4.9*}

Equity and Inclusion

C.5 Prioritising equity, climate justice, social justice, inclusion and just transition processes can enable adaptation and ambitious mitigation actions and climate resilient development. Adaptation outcomes are enhanced by increased support to regions and people with the highest vulnerability to climatic hazards. Integrating climate adaptation into social protection programs improves resilience. Many options are available for reducing emission-intensive consumption, including through behavioural and lifestyle changes, with co-benefits for societal well-being. (*high confidence*) {*4.4, 4.5*}

C.5.1 Equity remains a central element in the UN climate regime, notwithstanding shifts in differentiation between states over time and challenges in assessing fair shares. Ambitious mitigation pathways imply large and sometimes disruptive changes in economic structure, with significant distributional consequences, within and between countries. Distributional consequences within and between countries include shifting of income and employment during the transition from high- to low-emissions activities. (*high confidence*) {*4.4*}

C.5.2 Adaptation and mitigation actions that prioritise equity, social justice, climate justice, rights-based approaches, and inclusivity, lead to more sustainable outcomes, reduce trade-offs, support transformative change and advance climate resilient development. Redistributive policies across sectors and regions that shield the poor and vulnerable, social safety nets, equity, inclusion and just transitions, at all scales can enable deeper societal ambitions and resolve trade-offs with sustainable development goals. Attention to equity and broad and meaningful participation of all relevant actors in decision making at all scales can build social trust which builds on equitable sharing of benefits and burdens of mitigation that deepen and widen support for transformative changes. (*high confidence*) {*4.4*}

C.5.3 Regions and people (3.3 to 3.6 billion in number) with considerable development constraints have high vulnerability to climatic hazards (see A.2.2). Adaptation outcomes for the most vulnerable within and across countries and regions are enhanced through approaches focusing on equity, inclusivity and rights-based approaches. Vulnerability is exacerbated by inequity and marginalisation linked to e.g., gender, ethnicity, low incomes, informal settlements, disability, age, and historical and ongoing patterns of inequity such as colonialism, especially for many Indigenous Peoples and local communities. Integrating climate adaptation into social protection programs, including cash transfers and public works programs, is highly feasible and increases resilience to climate change, especially when supported by basic services and infrastructure. The greatest gains in well-being in urban areas can be achieved by prioritising access to finance to reduce climate risk for low-income and marginalised communities including people living in informal settlements. (*high confidence*) {*4.4, 4.5.3, 4.5.5, 4.5.6*}

C.5.4 The design of regulatory instruments and economic instruments and consumption-based approaches, can advance equity. Individuals with high socio-economic status contribute disproportionately to emissions, and have the highest potential for emissions reductions. Many options are available for reducing emission-intensive consumption while improving societal well-being. Socio-cultural options, behaviour and lifestyle changes supported by policies, infrastructure, and technology can help end-users shift to low-emissions-intensive consumption, with multiple co-benefits. A substantial share of the population in low-emitting countries lack access to modern energy services. Technology development, transfer, capacity building and financing can support developing countries / regions leapfrogging or transitioning to low-emissions transport systems thereby providing multiple co-benefits. Climate resilient development is advanced when actors work in equitable, just and inclusive ways to reconcile divergent interests, values and worldviews, toward equitable and just outcomes. (*high confidence*) {*2.1, 4.4*}

Governance and Policies

C.6 Effective climate action is enabled by political commitment, well-aligned multilevel governance, institutional frameworks, laws, policies and strategies and enhanced access to finance and technology. Clear goals, coordination across multiple policy domains, and inclusive governance processes facilitate effective climate action. Regulatory and economic instruments can support deep emissions reductions and climate resilience if scaled up and applied widely. Climate resilient development benefits from drawing on diverse knowledge. (*high confidence*) {*2.2, 4.4, 4.5, 4.7*}

C.6.1 Effective climate governance enables mitigation and adaptation. Effective governance provides overall direction on setting targets and priorities and mainstreaming climate action across policy domains and levels, based on national circumstances and in the context of international cooperation. It enhances monitoring and evaluation and regulatory certainty, prioritising inclusive, transparent and equitable decision-making, and improves access to finance and technology (see C.7). (*high confidence*) {*2.2.2, 4.7*}

C.6.2 Effective local, municipal, national and subnational institutions build consensus for climate action among diverse interests, enable coordination and inform strategy setting but require adequate institutional capacity. Policy support is influenced by actors in civil society, including businesses, youth, women, labour, media, Indigenous Peoples, and local communities. Effectiveness is enhanced by political commitment and partnerships between different groups in society. (*high confidence*) {*2.2, 4.7*}

C.6.3 Effective multilevel governence for mitigation, adaptation, risk management, and climate resilient development is enabled by inclusive decision processes that prioritise equity and justice in planning and implementation, allocation of appropriate resources, institutional review, and monitoring and evaluation. Vulnerabilities and climate risks are often reduced through carefully designed and implemented laws, policies, participatory processes, and interventions that address context specific inequities such as those based on gender, ethnicity, disability, age, location and income. (*high confidence*) {*4.4, 4.7*}

C.6.4 Regulatory and economic instruments could support deep emissions reductions if scaled up and applied more widely (*high confidence*). Scaling up and enhancing the use of regulatory instruments can improve mitigation outcomes in sectoral applications, consistent with national circumstances (*high confidence*). Where implemented, carbon pricing instruments have incentivized low-cost emissions reduction measures but have been less effective, on their own and at prevailing prices during the assessment period, to promote higher-cost measures necessary for further reductions (*medium confidence*). Equity and distributional impacts of such carbon pricing instruments, e.g., carbon taxes and emissions trading, can be addressed by using revenue to support low-income households, among other approaches. Removing fossil fuel subsidies would reduce emissions[54] and yield benefits such as improved public revenue, macroeconomic and sustainability performance; subsidy removal can have adverse distributional impacts, especially on the most economically vulnerable groups which, in some cases can be mitigated by measures such as redistributing revenue saved, all of which depend on national circumstances (*high confidence*). Economy-wide policy packages, such as public spending commitments and pricing reforms, can meet short-term economic goals while reducing emissions and shifting development pathways towards sustainability (*medium confidence*). Effective policy packages would be comprehensive, consistent, balanced across objectives, and tailored to national circumstances (*high confidence*). {*2.2.2, 4.7*}

C.6.5 Drawing on diverse knowledges and cultural values, meaningful participation and inclusive engagement processes—including Indigenous Knowledge, local knowledge, and scientific knowledge—facilitates climate resilient development, builds capacity and allows locally appropriate and socially acceptable solutions. (*high confidence*) {*4.4, 4.5.6, 4.7*}

[54] Fossil fuel subsidy removal is projected by various studies to reduce global CO_2 emission by 1 to 4%, and GHG emissions by up to 10% by 2030, varying across regions (*medium confidence*).

Finance, Technology and International Cooperation

C.7 Finance, technology and international cooperation are critical enablers for accelerated climate action. If climate goals are to be achieved, both adaptation and mitigation financing would need to increase many-fold. There is sufficient global capital to close the global investment gaps but there are barriers to redirect capital to climate action. Enhancing technology innovation systems is key to accelerate the widespread adoption of technologies and practices. Enhancing international cooperation is possible through multiple channels. (*high confidence*) {*2.3, 4.8*}

C.7.1 Improved availability of and access to finance[55] would enable accelerated climate action (*very high confidence*). Addressing needs and gaps and broadening equitable access to domestic and international finance, when combined with other supportive actions, can act as a catalyst for accelerating adaptation and mitigation, and enabling climate resilient development (*high confidence*). If climate goals are to be achieved, and to address rising risks and accelerate investments in emissions reductions, both adaptation and mitigation finance would need to increase many-fold (*high confidence*). {*4.8.1*}

C.7.2 Increased access to finance can build capacity and address soft limits to adaptation and avert rising risks, especially for developing countries, vulnerable groups, regions and sectors (*high confidence*). Public finance is an important enabler of adaptation and mitigation, and can also leverage private finance (*high confidence*). Average annual modelled mitigation investment requirements for 2020 to 2030 in scenarios that limit warming to 2°C or 1.5°C are a factor of three to six greater than current levels[56], and total mitigation investments (public, private, domestic and international) would need to increase across all sectors and regions (*medium confidence*). Even if extensive global mitigation efforts are implemented, there will be a need for financial, technical, and human resources for adaptation (*high confidence*). {*4.3, 4.8.1*}

C.7.3 There is sufficient global capital and liquidity to close global investment gaps, given the size of the global financial system, but there are barriers to redirect capital to climate action both within and outside the global financial sector and in the context of economic vulnerabilities and indebtedness facing developing countries. Reducing financing barriers for scaling up financial flows would require clear signalling and support by governments, including a stronger alignment of public finances in order to lower real and perceived regulatory, cost and market barriers and risks and improving the risk-return profile of investments. At the same time, depending on national contexts, financial actors, including investors, financial intermediaries, central banks and financial regulators can shift the systemic underpricing of climate-related risks, and reduce sectoral and regional mismatches between available capital and investment needs. (*high confidence*) {*4.8.1*}

C.7.4 Tracked financial flows fall short of the levels needed for adaptation and to achieve mitigation goals across all sectors and regions. These gaps create many opportunities and the challenge of closing gaps is largest in developing countries. Accelerated financial support for developing countries from developed countries and other sources is a critical enabler to enhance adaptation and mitigation actions and address inequities in access to finance, including its costs, terms and conditions, and economic vulnerability to climate change for developing countries. Scaled-up public grants for mitigation and adaptation funding for vulnerable regions, especially in Sub-Saharan Africa, would be cost-effective and have high social returns in terms of access to basic energy. Options for scaling up mitigation in developing countries include: increased levels of public finance and publicly mobilised private finance flows from developed to developing countries in the context of the USD 100 billion-a-year goal; increased use of public guarantees to reduce risks and leverage private flows at lower cost; local capital markets development; and building greater trust in international cooperation processes. A coordinated effort to make the post-pandemic recovery sustainable over the longer-term can accelerate climate action, including in developing regions and countries facing high debt costs, debt distress and macroeconomic uncertainty. (*high confidence*) {*4.8.1*}

C.7.5 Enhancing technology innovation systems can provide opportunities to lower emissions growth, create social and environmental co-benefits, and achieve other SDGs. Policy packages tailored to national contexts and technological characteristics have been effective in supporting low-emission innovation and technology diffusion. Public policies can

[55] Finance originates from diverse sources: public or private, local, national or international, bilateral or multilateral, and alternative sources. It can take the form of grants, technical assistance, loans (concessional and non-concessional), bonds, equity, risk insurance and financial guarantees (of different types).

[56] These estimates rely on scenario assumptions.

support training and R&D, complemented by both regulatory and market-based instruments that create incentives and market opportunities. Technological innovation can have trade-offs such as new and greater environmental impacts, social inequalities, overdependence on foreign knowledge and providers, distributional impacts and rebound effects[57], requiring appropriate governance and policies to enhance potential and reduce trade-offs. Innovation and adoption of low-emission technologies lags in most developing countries, particularly least developed ones, due in part to weaker enabling conditions, including limited finance, technology development and transfer, and capacity building. (*high confidence*) {*4.8.3*}

C.7.6 International cooperation is a critical enabler for achieving ambitious climate change mitigation, adaptation, and climate resilient development (*high confidence*). Climate resilient development is enabled by increased international cooperation including mobilising and enhancing access to finance, particularly for developing countries, vulnerable regions, sectors and groups and aligning finance flows for climate action to be consistent with ambition levels and funding needs (*high confidence*). Enhancing international cooperation on finance, technology and capacity building can enable greater ambition and can act as a catalyst for accelerating mitigation and adaptation, and shifting development pathways towards sustainability (*high confidence*). This includes support to NDCs and accelerating technology development and deployment (*high confidence*). Transnational partnerships can stimulate policy development, technology diffusion, adaptation and mitigation, though uncertainties remain over their costs, feasibility and effectiveness (*medium confidence*). International environmental and sectoral agreements, institutions and initiatives are helping, and in some cases may help, to stimulate low GHG emissions investments and reduce emissions (*medium confidence*). {*2.2.2, 4.8.2*}

[57] Leading to lower net emission reductions or even emission increases.

Laurel Stacy

Respect the people and the land. Get rid of the U.S. military bases in Hawaii. They are making us targets for foreign powers. We are a peace-loving people who demand respect without being bullied. "Love the people, love the land."
By the way, stop planning for a war with China in 2025! It is sheer insanity to plan for a war with a more technologically advanced country, and with a population 4x the U.S. How about trying harder with diplomacy. Are you people so delusional that you honestly think you can win a war with China, or that the concept of preemptive first strike will save anyone?

Michael Stacy

Recently, the U.S. military has been upgrading and/or replacing facilities at this base, as visible from the public roadway that divides the base. The total costs for these upgrades are not readily available to the taxpaying public, who is required to pay for them.
As the facility is used for "live-fire" training, there must be large tranches of weapons and munitions in support of training sessions. The "live-fire" training results in environmental degradation, which must be cleaned up sometime. In my humble opinion, the monies spent on facility upgrades and replacements would be put to better use in removing the facilities and restoring the environment to the condition prior to the U.S. military entering the land.
The presence of the U.S. military in Hawaii, instead of making us safer, actually makes us a target, and hence, less safe. According to 2015 figures, there were over 800 U.S. military bases in over 70 countries, which has only increased in the last 9 years. It is past time to close bases around the world, end forever wars, honor and protect military personnel, and bring them home.
I respectfully request that the proposed lease extension past 2029 be denied, and the Hawaii people and environment be respected, and damaged areas be restored. What was done to the island of Kaho'olawe by the U.S. military must not be allowed to continue here, or anywhere else.

Julie Stowell

I am firmly opposed to the Army's retention of any of the "State" lands at Pohakuloa. I support the "No Action Alternative" that would allow the lease to expire and require the Army to comply with all the lease terms that include the clean-up of these lands.
This land is not your training ground. The Army has had 65 years to show us what kind of stewards they are to our precious Aina. The Army has admitted it does not know the extent of contamination and whether it can be required to clean it up. We do not want this pattern of harmful behavior to continue. No more polluting of the Aina. It is time for the Army to meaningfully engage the community on a clean up plan that returns the land to the those that love and will properly care for it. It is time for the Army to return these "ceded" Hawaiian lands that were illegally seized. The Army is proposing to further pollute and contaminate these lands for an unknown number of years. They also presume they will clean up and restore the lands later even thought their lease limits clean up to existing technologies and costs that "would not exceed the fair market value of the land", this means they may not even have a budget to clean up and restore the land. How will the Army fully clear and restore the lands after their use?
Many concerned in our communities have expressed to you the impact of the long-term occupation of these lands and the presence of the US military in our islands. Our comments have raised the impacts of this occupation and the EIS should follow suit. The people come out every time there is a public process and it seems the concerns fall on deaf ears. We are affected, our land is affected, our water is affected, our air is affected and the future generations will be affected if things do not change.
Please listen to the people. It is time to clean up the mess and give the land back.
And as Unko Hank Fergerstrom would say, "Show us the treaty".

kestrel swift

I strongly oppose the proposed Army Training Land Retention at Pōhakuloa Training Area on the island of Hawai'i. Pōhakuloa is a wahi pana of great importance to Kānaka Maoli. The bombing of this scared land for the sake of war games is unacceptable. The Army's history of destruction in Hawai'i should come to an end-- the lease should not be renewed. I strongly oppose the renewal of the Army's lease at Pōhakuloa.

John Swindle

I am a US Army war veteran living on the Island of Oahu in Hawaii. I am troubled by the prospect of continued Army use of the Pohakuloa Training Area. US military stewardship of the land is a mixed bag. It keeps down numbers of invasive Homo sapiens at the cost of despoiling the natural environment. I say enough already.

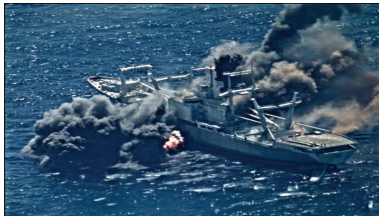
Kari Tamblyn

LAND BACK

Jane Taylor

The land should revert to the state and the military should no longer continue at Pohakuloa. That behavior is a remnant of our colonial past and is not acceptable. This is an entirely unique location which should be protected simply for its own sake, for ecological and cultural and geological reasons and not used in such a manner ever again. Find a less unique place for training. It is places like this we should be protecting not desecrating. This is my second comment saying the same thing.

Why We Need to End RIMPAC



What is RIMPAC?

RIMPAC is the largest naval exercise in history. It takes place every two years in and around Hawai'i. This year, RIMPAC is scheduled for **June 26th** to **August 1, 2024**. 22 countries will participate.

Why is RIMPAC harmful?

Colonial Violence: Prior to a 1893 invasion and subsequent occupation by the United States, Hawai'i was a peaceful, neutral country that served as a hub of peace for the Pacific and the world. In fact, the concept of neutrality was largely pioneered by the Hawaiian Kingdom. Kanaka Maoli have been diligently appealing to the US, UN and other bodies for a peaceful return of our independent, neutral country for over a century. **Destructive militarization of Hawai'i is an unacceptable act of colonial violence that needs to stop.** RIMPAC also violates the important international concept of Free, Prior, Informed Consent (FPIC) by Indigenous Peoples. **Kanaka Maoli do not consent to RIMPAC, and never will.**

Environmental destruction: RIMPAC exercises include extreme impacts to ocean health, destructive activities such as the killing of whales, dolphins, sharks and other marine life sacred to Kanaka Maoli, the bombing and sinking of toxic decommissioned vessels, and amphibious assaults in turtle nesting grounds, amongst many other harmful activities. Sacred areas are bombed, shelled and invaded. Tens of millions of gallons of fossil fuels are used for these war games; the climate impact is severe. Biofuels used in RIMPAC are taken away from community circulation, so they do not actually offset anything.

Human Impact: 25,000 sailors on an island that does not want them means an increased risk of fights and violence, increased sex trafficking, and cumulative impacts to Kanaka Maoli chronic health problems (including extreme rates of heart disease, cancers, diabetes, depression and much more) that have been correlated with ongoing US occupation and militarization. It also means demand on our water table, which is already in a state of crisis due to military fuel spills.

There is also a global impact, via war. Israel will be bombing Hawai'i this summer, as it is bombing Gaza. **Hawai'i stands in peaceful solidarity with Palestine!**

What Are the Solutions?

End RIMPAC now. The time in human history for massive Earth-destructive war games is over. World superpowers should be gathering to clean up the mess they have made, not to make more of it. De-fund this oceanic horror and work together, under Indigenous leadership, to heal all of the damage that has been done to our beloved Mother Earth.

Liberate Hawai'i and support peaceful restoration of Independence. When our Queen was violently deposed in 1893 (for proposing a Constitution that would have given voting rights to impoverished Kanaka Maoli and Asian laborers), she gave a clear directive to her people: Onipa'a (move together in a steadfast way); do not fight back with violence, but never give up. Kanaka Maoli have been appealing to the "honest Americans" for many decades, for full restoration of our country. This is the ONLY way to peace in Hawai'i, and in the world. A free, neutral, Indigenous-led Hawai'i would be a shining beacon of peace in the Pacific, as it was in 1893, as opposed to a toxic parking lot for war and continued rape and pillage of our lands and people.

Learn More:

Ho'opae Pono Peace Project
https://www.eapono.org,
https://stoprimpac.wixsite.com/stoprimpac

Hawai'i Peace and Justice -
https://hawaiipeaceandjustice.org

Cancel RIMPAC petition (with links):
https://diy.rootsaction.org/petitions/cancel-largest-naval-war-maneuvers-dangerous-rimpac-2022

MILITARY LEASE RENEWALS

an act of colonial violence in Hawai'i

Pōhakuloa: What is going on?

Lands belonging to the Kingdom of Hawai'i (improperly referred to as "ceded" lands) that were seized during US takeover of Hawai'i, have been leased to the United States military, who has bombed and polluted them extensively, continually expanding their area of impact. The US Army currently has a proposal to continue to occupy 22,750 acres of leased State land at Pōhakuloa Training Area (PTA) for an undetermined amount of time, in addition to 84,057 of Hawaiian land that was stolen via an Executive Order in 1964. **Kanaka Maoli have never consented to any of this, and do not consent now.** This is one of many military lease renewals that will be under very serious contention in the next few years.

What is the opposition to lease renewals?

Land Theft: Prior to a 1893 invasion and subsequent occupation by the United States, Hawai'i was a peaceful, neutral, fully independent country. **The people of the Hawaiian Kingdom have never consented to US rule**, and Kanaka Maoli have increasingly, strongly opposed continued US occupation. The lands in question legally belong to Hawai'i as an independent country, as there was never a treaty with the Kingdom that was illegally deposed, nor any legal reason for the invasion or taking of its lands. **It is important not to continue colonial land theft against the wishes of the rightful people of the lands in question**. This is an unacceptable act of military aggression that must stop immediately.

Destructive militarization of Hawai'i is an unacceptable act of colonial violence that needs to stop. Forcible lease renewals also violate the important international concept of Free, Prior, Informed Consent (FPIC) by Indigenous Peoples. **Kanaka Maoli do not consent to military lease renewals at Pōhakuloa, or anywhere else.**

Environmental destruction: From KAHEA:
For decades, the Army has been contaminating Pōhakuloa lands with hazardous contaminants that keep accumulating. Their current lease does not require full clean up if there is no "technical and economic capability" and only if "expenditure for removal would not exceed the fair market value of the land." The EIS never discloses the Army's technical and economic capability nor the fair market value of the land and therefore the extent to which these lands can never be cleaned up. Continued occupation will continue to kill native wildlife. Calling its plans a "real estate" action, the Army says "ongoing activities would remain the same." Native bird researchers pointed out six species of native birds have disappeared from Pōhakuloa while the Army has occupied these lands. In response, the Army lists "management measures" developed since 2003. These measures are clearly not working. The Army's military activities cause fires that have burned through thousands of acres of listed plant habitat and subject native fauna to chronic stress. Yet, the EIS says wildlife can be "habituated" to noise and concludes, with **no** evidence, that this is ok.

Climate Impacts:
Militaries are notorious for not reporting greenhouse gas emissions. The Army at Pōhakuloa admits that their EIS does not include an analysis of greenhouse gas emissions (GHG) from their occupation, stating "there are no data inputs reasonably available to support such calculations for a real estate transaction such as the Proposed Action." GHG emission studies are regularly submitted as part of EISs and other processes. The Army just does not want to own up to its impacts.

Destructive Militarization: Pohakuloa is bombed, shelled, burned and otherwise harmed as part of RIMPAC, the world's largest and most destructive . This must stop. Militarization also threatens Hawai'i as a "First Strike" community continually endangered by the presence and international aggression of the US military. We could all die in a nuclear attack, and this is not ok.

Learn More:

Ho'opae Pono Peace Project
https://www.eapono.org,

KAHEA (Hawaiian-Environmental Alliance)
http://www.kahea.org.

Hawai'i Peace and Justice -
https://hawaiipeaceandjustice.org

Petition: Stop Pohakuloa Lease Renewal:
https://diy.rootsaction.org/petitions/do-not-extend-1-lease-on-27-000-acres-of-hawai-i-state-lands-in-pohakuloa-training-are

Chariya Terlep-Cabatbat

Mahalo to everybody who spoke before me. I really appreciate you guys. And seeing like the ‘ōpio here and giving their mana'o and their testimony really gave me courage to come up here today. I wasn't going to, but I was compelled and I felt am I not (inaudible) to stand up? So the military says they're -- O wau o Chariya Terlep-Cabatbat. I am from Hawaii. I live in Puna. So the military says they are cultural and non-stewards and that they clean up. I'm just wondering how. Most recently that I can think back to December 22nd when Mauna Loa was erupting, unexploded ordinance was found on the mitigation rolled. I can't imagine how many more unexploded ordinances there are that are not discovered. You mentioned quick responses to fires. I sure hope so. The military causes them, multiple brush fires. In 2022, the PTA burned excess of 10,000 acres. And I'm just going to share some facts that I feel are important to mention while I'm up here. Native Hawaiian girls represent a disproportionate number of missing children in Hawaii. This was released by Hawaii News Now in December 2022. More than one quarter of missing girls in Hawaii are Native Hawaiian. This is alarming considering that Hawaiians are already a minority in Hawaii. And the fact that we make up more than a quarter of missing people is alarming. Now you're probably sitting there thinking, what does this have to do with you? Well, 38 percent of men arrested for trying to have a sexual encounter with a 13-year-old online have been active duty military. And this was published by Hawaii News Now. So with that being said, I'm here to say that I am for the no action alternative, no lease renewal, ho'iho'i 'āina, land back, bodies back. Mahalo.

Logan Terkelsen

It's an absolute travesty the way that native peoples are regarded in this country. First colonists eradicated most everyone then took their land then destroyed it to build a shopping mall or for the sake of military power in this case. Colonization continues today with such acts as this army base, the TMT and other illegal desecration and occupational acts. I'm native Hawaiian. I did not grow up on the islands. I do however feel a strong connection to fellow Kanaka Maoli and the Aina. Do what you know is the right thing, give the Hawaiian people their land back and atop bombing the land. Everything the army does in Hawaii is against all that Hawaiians stand for and believe in. Have some respect for once and do what is right for native peoples. You know that bombing sacred lands should not continue so make it stop. Thanks for your time.

From: Anjani <[redacted]>
Sent: Friday, May 24, 2024 1:36 PM
To: G70 - ATLR PTA EIS
Subject: Pōhakuloa Training Area

To Whom It May Concern:

I am writing in support of **"No Action Alternative" for the Pōhakuloa Training Area. To be clear, I am saying NO to lease extensions, NO to ongoing military training, NO land swaps, YES to restoration and clean up of Pōhakuloa, and YES to reparations to Hawaiians for destroying their lands.**

Thank you for your consideration of the people's voice on this issue.

Sincerely,
Anjani Thomas
Manoa Valley, HI

Dillion Thomas

Have a heart. Do not allow the desecration of native lands to continue. The only ongoing military presence should be an island wide cleanup and natural rehabilitation of the land. Thank you for reading.

Kupaianaha O Kākā'Ōlelo Thurman

My name is Kupaianaha O Kākā'Ōlelo Thurman. I'm originally from O'ahu but I reside here on Moku o Keawe along the Hamakua coast. I didn't plan on speaking tonight. I originally came here just to listen and kilo and just to observe what was going on, but the longer I sat here I realized I couldn't, you know, leave here without speaking up for our 'āina. There's two reasons this holds dear to my heart. The first is because I am Kānaka Maoli on my mother's side. My Hawaiian family is the only family I've ever known, and I'm deeply connected with them and this 'āina. The second reason is because I also served in the U.S. Army. For seven years I was the airborne infantry. I was 19 years old when I first seen war. That was my first combat deployment. I'm 33 years old now and I'm still trying to heal from that, but I also believe it prepared me for this moment because I know how the U.S. Army operates. I know how you guys train. I know your tactics and I know why you guys want this 'āina. It's so you can continue to prepare for war. There is no other reason why you shoot live ammunition and bomb the land. And I know most of these meetings are just blowing smoke. I know the U.S. government, you know, they're not going to want to give this away at all, but our government, there is no accountability. That's why I want to hold you two specifically accountable because I know you two, as a full bird colonel, on the left side, and a lieutenant colonel on the right, you both have pull. In 2029 when the lease expires in the next five years, you guys won't be here. You both will be PCSing to another place or possibly ETSing and retiring. I don't know you guys' future but you guys are -- have already been in for a long time and that's why you need to do what's right. You guys need to start implementing and making plans on how to clean -- clean up Pohakuloa and getting ready to leave by 2029 because out of all this stuff, I haven't really heard, like what are you guys doing to implement the cleanup, you know. You guys want to stay here, and you guys want to extend the lease or buy the land, but what are you guys actually doing to mālama this area? And you guys need to actively act on it because what steps are you guys doing to remove all the toxins in the soil? Pohakuloa sits right in the middle of our two biggest sacred mountains in all of the Hawaiian islands. Our biggest aquifers sit right beneath Pohakuloa. You need to understand that all of our water is connected to one another, you know, our wai -- our water is the most sacred thing in life. There is no human, animal or plant on earth that can survive without it. But the thing is, we love this 'āina more than you do and we will stand up and fight for it. And so I ask you, you guys need to do what's right because, you know, there is going to come a time in the future when you guys are going to get out of the Army and, you know, you're going to have that consciousness on you, you know. You have all these Hawaiians, you have all of us that are like, telling you, you know, to do what's right. So you guys need to act on it. I wish I had more time, and I would have prepared more for this, but I'm sure I'm going to be back again, so -- yeah. That's all I have to say. Mahalo.

Brandi Tia

No more bombing! Protect our land and people from further destruction!

M Tomlinson

From the continent: Get Out Of Hawai‘i!! No to all your projects. The peoples Environmental Impact Statement says everywhere you are you cause Harm, Death, and Destruction. We Love Hawai‘i and the only acceptable action for the military is to leave. Number one polluter in the world in the most remote and endangered place. Get out of Hawai‘i and please feel free to start with Pōhakuloa.

-Upload is cutting off words like your and Harm also pretty telling you all ask to refrain from offensive language... when you are literally the offenders

Mary True

Aloha, my name is Mary True and I am from Pepe`ekeo. I am writing in opposition to the Army's Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State. Mahalo!

Leomana Turalde

Aloha. My name is Leomana Turalde. I'm a Marine Corps Combat Veteran, Native Hawaiian. I'm a NASA rocket scientist, and I did astrophysics as a scientist at Gemini Telescope. First of all, I just wanted to say I oppose the renewal of all of these leases. Sir, Lieutenant, please can you look at me? I -- I'm offended that they send you to broker this deal because you're in the infantry just like me. You don't have any experience with natural resource management. You're not a conservationist and you're here to hear us about the land deal and you're in the infantry. That's what you focus on. You don't know anything about the mountain. I know you love Hawaii. Your first duty station Oahu, right? On Oahu. I know that. I know you love my islands. Love me. Love me. Since the military got to all of these islands, my people are not here. The Hawaiians are moving. You focus too much on the mission, man. You're not focusing on us, us in this room. Us. We don't need all the bombs up there. I dropped the bombs just like you did. Yeah. I see you. We dropped the bombs. I don't know this guy. I was at Fort Bragg. I was at Benning. I was at the Army Infantry and the Rangers. I was at the same places you were at. And now I'm here fighting for the land, fighting for the people, fighting for my people. Oahu, everybody got poisoned. Big Island, same thing. I dropped bombs on this base too. Did you? I did. I'm not proud of that. And I tell all my people, "I'm sorry. I'm sorry for doing that. I'm sorry for all the lies. I'm sorry for all the damage." I fucking hurt. I don't want to wear that stuff on my chest. You see that stuff you got on your chest? I took mines out because when I got up there, I saw what was going on. It's beautiful, isn't it, Mauna Kea and Mauna Loa? And you sit right in the middle. And we launch all the mortars and we watch the helicopters and we fucking launch the flares at night. Beautiful. That's why we have it. It's like a -- it's -- it's a military tourism. That's why you came back. That's why you came back to Hawaii. That's why you are still here. Care about me. Care about the things I'm saying. Care about my people. Look at everybody in the room, do they look like me? They don't look like me. That's because we're all gone. More Hawaiians live outside of Hawaii and you know who's here? You. You are here and him. And we're all in this room begging, "Please don't destroy the land. Please listen to us. Please help me. Please help." Call the last base commander from Kane'ohe in 2019. He didn't keep his promises and he lied. Do better. We don't need this base and you know that. All the millions of dollars that we spend getting all of our skills, it's not hard for me to come -- it's -- it's real hard for me to come up here and tell you this kind of stuff. I'm afraid to speak up against the empire. That's what it is. I'm afraid to come inside here and look at you and tell you the truth because you know, you know what I talk about. You know what I'm talking about. These people don't know. He don't know. I joined 2005 like you. I wanted to be a Special Forces pilot so I could be a -- a -- a -- a space shuttle commander. I ended up becoming an operator like you. Right? Infantry first, right? And then you become the operator and then we go do all that bullshit. Look up my name, please. You know where I'm coming from. Please protect me. That guy cannot do nothing. Thank you guys for your time. Thank you, sir. Thank you, sir.

From: Maddie turner <[redacted]>
Sent: Sunday, May 26, 2024 1:04 PM
To: G70 - ATLR PTA EIS
Subject: PTA

No lease extensions
Stop military training
No to land swaps
We need Pohakuloa cleaned up
Madeleine Turner

Mike Waimea

I support alternative #2 and believe there needs to be a balance between training our service members/national security and taking care of the Aina. the Army must demonstrate that this is not business as usual and there needs to be a balance. The nation's security is at risk with the growing threats in the Pacific and we need to be ready. Similarly, we must do everything to convey respect and openess to doing things differently. I support Alternative #2 and also having the Army demonstrate their kokua to the community and the land. Mahalo.

Lyn Wandell

This land needs to be conceded back to the people. The military have not used it for not good purposes and have decimated the aina!

Deborah Ward

Thank you. Aloha. My name is Deborah Ward. I worked at the University of Hawaii for 25 years and I have been farming for 23 years. And I live in Mountain View. I would like to speak for a dear friend of mine who passed away at the age of 42 after single handedly fighting the army to close off the multipurpose range complex at Pohakuloa because she had done research up there on the plants and -- and flora that -- that were native and critical to the area that she was studying. She died of cancer at the age of 42 after winning her battle with the army to shut down the NPRC. We are not happy and we're not willing to put up with this many more years of occupation. We object to the bombs, the trash, and the pollution and the arrogance that comes with it. Don Thomas, the UH geologist, found high-level water under PTA and we -- we've been waiting for years to learn if the contaminants were found in the water. The information has not been released despite many requests over several years. Six species of native birds have disappeared from PTA during the Army occupation, thousands of acres have burned and fires occur many times every year. Helicopters fly during the fledging of the birds and the birds are not habituated to the noise and the disruption, as you say; instead, they've died or disappeared from critical habitat. This is sacred land and it contains standing stones that relate to the standing stones on Mauna Kea that were used by kānaka of old and now that relate to astronomy. We do not appreciate the idea that you would exchange the land or that you would change the conservation district. We don't really want you here as an occupier. We do not believe that you will ever clean up this land and you are not being truthful or transparent. This EIS is deficient and defective and the entire premise is unacceptable. Why have you removed 700 pages of the cultural impact statement from this -- from the EIS? I -- I find it impossible to respond to 3,000 pages of an EIS in three minutes. You must be joking. Thank you for your time. I cannot begin to explain how not happy we are with the ideas that you proposed. You must explore other alternatives that do not involve using the land of Hawaii. Thank you.

Rick Warshauer

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SUBJECT: Army Training Land Retention at Pohakuloa Training Area Second Draft Environmental Impact Statement, Hawai'i Island, Hawai'i

Comments by Rick Warshauer, PO Box 192, Volcano, Hawai'I 96785 7JUNE2024

GENERAL CONCERNS AND RECOMMENDATIONS

The long-standing concerns over the biological consequences of military training at Pohakuloa Training Area (PTA) derive from the situation that PTA contains the richest and most pristine dryland biota remaining in the Hawaiian Islands. Three diverse biotic assemblages meet at PTA, and the last and best remnants of two of them are on the installation. One, the last remnant of a diverse shrubland, formerly extended across the driest parts of northwest Mauna Kea and now is found only at Kipuka Kalawamauna and immediately northwest of Puu Ka Pele. This is a large relict of Mauna Kea land surface long isolated by Mauna Loa lava flows and more recent cattle fences. Second, an encircling band of Mauna Kea montane dry forest extends downslope to Mauna Loa in the north and northeast edges of PTA and onto some northeast cinder cones. The latter are surrounded by relatively lightly vegetated Mauna Loa lava flows. Third, to the southwest lie a suite of dry forest and scrub communities which represent several degrees of ecosystem succession (scattered pioneer plants developing into 'ohi'a forests, and then maturing to mamane-naio forests) of the unique Mauna Loa-Hualalai central plateau area. The best examples also lie within PTA, again because of relative protection from grazing and browsing. These various plant communities are habitat for a rare invertebrate fauna that is equally special and appears to be in a better state of preservation than is the fragmentary bird life.

Thus, at least the western third of Pohakuloa Training Area (PTA) contains the finest and most extensive dryland ecosystems remaining in Hawai'i, an area that is of national park quality. Within the area are numerous rare and endangered species, and presently most still remain in self-sustaining populations. This is a situation of unusual rarity in Hawaii, and is deserving of very special and sensitive treatment. Certain small portions have been selected for fencing, and presumably the damaging ungulates within them have been removed (unless that removal is completed, the confining fences may well concentrate the ungulates' damaging browsing within the fences and therefore be counter-productive).

My involvement with PTA goes back to January, 1977, when I spent time doing botanical surveys as contributions to a planned but never released EIS for PTA. Subsequently, over the next few decades I have written advisory scientifically based commentaries on various proposals and activities of the military at PTA, both as an agency person and as a private individual. Some changes have been made at PTA; some bad projects have been prevented or modified; but overall, the continued military training has been cumulatively very detrimental to the 'aina at PTA, and particularly so for its native plants and animals. If these or similar training activities are continued it is inevitable that much more will be lost forever. Not only has the land at PTA suffered as a result of military use and management decisions, but also the adjacent state, private and DHHL lands and the travelling public are facing ever-expanding risks and damage due to ungulates and fire.

It is also true that all this training could be done on the US mainland instead of at PTA. This is what should be done. Our lands have made their contributions to the nation's security for well over a half century and at a great

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cost. Now the Department of Defense and the country need to end field training at PTA. The Department of Defense needs to take responsibility for the consequences of its use of the land and to do what is pono and right for the 'aina and residents of Hawai'i. It is time for change and restitution.

While doing the 1977 survey work at PTA (and also at Makua Valley) I came close to being injured or killed by unexploded ordnance. At PTA, it was intervention by an army EOD person who stopped us from hitting the trip wires from aerially dispersed anti-personnel mines. This and other unexploded ordnance is a blight that will remain to threaten future use of the land, and it cannot be cleared from the land. It is a permanent presence on the land used for military training. Following the decision to stop military bombing and shelling of Kaho'olawe island, there was a futile attempt by the Navy and its contractors to clear the ordnance from the land. It was expensive and it failed miserably, causing extensive physical damage and catastrophic fires. The risk and threat to man and restoration activities remains on the land and the offshore waters. Upon joining restoration planting activities years later, we were not able to travel beyond the near-barren surface areas and could not do any sort of digging during the planting and irrigation of large numbers of native plants. All was done by volunteers and hired managers funded by the state of Hawaii. The military had left, and it left its mark and burden for others to bear.

The threat from ordnance will remain for the long term at PTA as well and any activities and future use on the landscape there. This will have to be factored into any planning for the land's future. The bulk of PTA lands will need to be left for nature to restore itself. This time, however, the Department of Defense cannot just drop a few bucks for show and walk away. There needs to be much more discussed and done.

A FEW RECOMMENDATIONS AND QUESTIONS TO BE CONSIDERED THOUGHTFULLY IN THE DRAFT EIS

1-- What are and have been the effects of military training activities on nesting activities of the Hawaiian Petrel ('ua'u) and the Band-rumped Storm-petrel ('ake'ake) on or near the PTA controlled lands, and also on these birds that transit PTA lands on their way to breeding activities elsewhere on Mauna Loa and Mauna Kea? PTA activities affect rare species away from PTA itself.

2-- Any continuation of either or both live firing and vehicle and troop maneuvers have associated with them unavoidable risk of fire ignition. This will only increase with drier climate conditions that are projected for Hawaii's dries regions, including those at PTA and adjoining state, private and DHHL lands. Past fire history on the islands shows fires spreading across boundaries as the rule, not the exception. The DEIS should offer a serious discussion of the benefits of ceasing live firing and vehicle and troop maneuvers permanently at PTA for both the 'aina at PTA and that of its neighbors.

3-- The Department of Defense's maintenance of breeding ungulates on PTA lands has been cumulatively destroying the native biota at PTA and fostering emigration ungulates to do the same on adjacent public, private and DHHL lands. Driving the Saddle Road provides one with ample evidence of this in the form of abundant dead mamane and naio trees, aweoweo shrubs and absent much else native, stark browse lines on surviving trees, near-bare and eroding ground, and dead ungulates along the roadside. Vehicle-ungulate collisions are common, as evidenced by the roadside carcasses. PTA management strategies foster the breeding and spread of these ungulates throughout PTA and onto adjoining lands. Thus, PTA and the Department of Defense have

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responsibility for the adverse outcomes described above, including degradation of the ‘aina, loss of native species, and liability for ungulate collisions with traffic along the Saddle Road.

The Department of Defense should fund PTA to complete quickly an ungulate proof fence to prevent ungulate movement out of PTA. This should accompany effective eradication of these animals from within PTA to eliminate future ungulate impacts on the PTA ‘aina. Both actions would benefit the highway travelers and neighbors’ lands. The DEIS should acknowledge and discuss the foregoing issues and present practical and effective plans to correct them ASAP.

4-- Should the Department of Defense decide to retain the approximately 110,000 acres that the U.S. expropriated from Hawai’i, it should change its activities on the land away from current training to alternative Defense Department activities. It should consider use of most of the land as a conservation-managed mitigation area to compensate for past and ongoing training activities in Hawai’i and the Pacific. To do so, all the land away from the main complex of buildings and airfield should be freed from ungulates and transitioned to restoration actions. These should include restoring native species, as has been done so well by Department of Defense-funded work on O’ahu. Perhaps the main buildings and airfield could be used to house and develop cyber warfare. Could Space Force activities and structures be transferred from Haleakala to PTA facilities? The DEIS should discuss all of these alternatives to current usage or retention of the land.

Kano Watanabe

The militarization of these islands, including the bombing experimentations in multiple sacred land areas is a continuation of violent colonization. The use of Hawaiian land for military experiments is disrespectful to its people, ancestors, native ecosystems, and overall health of the environment. Stop poisoning the land and water systems of Hawai'i. 'āina back.

Linda Williams

Aloha, my name is Linda Williams. I am a resident of Hawai‘i, living in Hilo. I am submitting testimony in opposition to extending the lease to the US Army at Pōhakuloa. The lease must not be renewed, in fact, all of the land must be returned to the state and restored when the lease is up. That's my testimony. Thank you.

John Witeck

Pohakuloa should be cleaned up and made safe, and then returned to civilian control and used for peaceful purposes and not for training for war. The land should ultimately go back to its original indigenous caretakers, the Kanaka Maoli.

Katriel Wong

My name is Katriel Wong and I am a medical student and anthropologist from Honolulu, Hawai‘i. I am writing in opposition of the state renewing their contract or selling Pōhakuloa, Mākua, Kahuku and Kawailoa to the US military.

Since the 1940s U.S. weapon testing has destroyed the natural landscape of these sites and released toxic substances like depleted uranium into the environment. Depleted uranium (DU) is a radioactive waste product from missiles and nuclear weapons used by the U.S. military in the 1950s and 60s. Approximately 70% of DU converts into nano-particles that can be inhaled and enter the bloodstream; with a 4.5 billion year half life, DU presents a significant risk to human health. In a study by Alice Deikirk (2009) she concludes that, "the long half-life of depleted uranium, the continual military testing of munitions on the site, and frequent fires that stem from those tests, there is a strong likelihood that questionable levels of radiation exposure are still occurring." Although the U.S. military denies DU emissions, there has been a lack of air/water quality testing for DU conducted by an impartial agency. Furthermore, given the U.S. military's initial denial of the Red Hill poisonings, it is reasonable for the public to be suspicious of their so-called "safety" claims.

The U.S. military may argue that these lands are used for the "good of mankind" and the protection of our islands, however these arguments resemble the same language used to persuade people in the Marshall Islands, Nevada Test Site, and Hanford facility– all victims of radioactive testing. For too long the U.S. military's pursuit of strategic power has outweighed the consideration of the environment and health of the people of Hawai‘i.

This issue extends to both Kanaka ʻŌiwi and non-Kanaka on evaluating the importance of social justice, environmental stewardship and the health of the people of Hawai‘i. For these reasons, I encourage the Board of Land and Natural Resources and State of Hawai'i to end the decades of land misuse and work towards restoring the natural resources of these sites.

Mahalo nui,

Katriel Wong

Joe Woo Jr.

NO to lease extensions, NO to ongoing military training, NO land swaps, YES to restoration and clean up of Pōhakuloa, and YES to reparations to Hawaiians for destroying their lands.

Lelaine X

I am not under any delusion that anything I say will make a difference in your decision-making, so my purpose is to add my voice to the formal record to say: we see you and how you move and based on that experiential knowledge, do not believe any promises or pledges.

You never clean up after yourself. You just go around and destroy things. You are disrespectful to the people, culture and land. You desecrate burials and areas held sacred.

Like, who wants people like that in their house?

Jonah Yee

Please, no more destruction. No more desecration of our fragile island ecosystem.

Sandy Yee

the Cultural Impact Assessment (CIA) in the new draft is deficient because it removed approx. 900 pages of informant testimony and analysis (Compare the CIA in the First DEIS vol 2 with Second DEIS vol 3). The archaeological survey was not fully completed, so that is deficient. And the wildfire analysis is deficient (the Federal firefighters at PTA are not trained or equipped for wildfire; they do airport fires).

Katrina Zavalney

Please stop Army Training land Retention at Pōhakuloa Training Area (PTA) and give the land back to native Hawaiians. Mahalo

David Zierott

I attended college in Hawaii at Hilo College in the 1970's and now visit Hawaii at least once a year to visit my daughter and grandchildren.
During my college years, I learned marine biology but also learned of another culture different from my own, the Hawaiian culture. I hiked the hills of the Mauna Kea and Mauna Loa volcanos, both for their beauty and their bounty (wild pigs). Very special places they are.
There now is public discourse on the continued use of these island lands for military training. I think that we should look toward preserving the land. These islands of Hawaii are a beautiful resource and took millions of years to form. In my memory there are the images of the past bombing runs and artillery training on the island of Koho'olawe. Huge clouds of dust rose into the air after bomb explosions. It drifted off and was lost in the sea. That dust took millions of years to form and was part of these Hawaiian islands which are precious, lush dots in the middle of the Pacific ocean..
I agree that Hawaii is a strategic military location and it is vital to the security of the United States. But the focus of our military now, in Hawaii, should be preservation and where needed, restoration. Western culture damaged the culture and lives of the Hawaiian people. I believe that, as a nation, the United States has evolved to be more empathetic to the lives and cultures not entirely like our own.
Let us now, as the United States, make a statement toward preservation. Our fighting forces are the best in the world. We can train them on other land so that we preserve the beauty and treasure that is Hawaii.

Thank you,
David Zierott
Minnesota
651-724-0554

From: David Zierott <[redacted]>
Sent: Friday, June 7, 2024 6:58 AM
To: Foster, Matthew B CIV USARMY IMCOM PACIFIC (USA) <[redacted]>
Subject: PTA comments = pohakuloa

Dear Matthew,
I attended college in Hawaii at Hilo College in the 1970's and now visit Hawaii at least once a year to visit my daughter and grandchildren.
During my college years, I learned marine biology but also learned of another culture different from my own, the Hawaiian culture. I hiked the hills of the Mauna Kea and Mauna Loa volcanos, both for their beauty and their bounty (wild pigs). Very special places they are.
There now is public discourse on the continued use of these island lands for military training. I think that we should look toward preserving the land. These islands of Hawaii are a beautiful resource and took millions of years to form. In my memory there are the images of the past bombing runs and artillery training on the island of Koho'olawe. Huge clouds of dust rose into the air after bomb explosions. It drifted off and was lost in the sea. That dust took millions of years to form and was part of these Hawaiian islands which are precious, lush dots in the middle of the Pacific ocean..
I agree that Hawaii is a strategic military location and it is vital to the security of the United States. But the focus of our military now, in Hawaii, should be preservation and where needed, restoration. Western culture damaged the culture and lives of the Hawaiian people. I believe that, as a nation, the United States has evolved to be more empathetic to the lives and cultures not entirely like our own.
Let us now, as the United States, make a statement toward preservation. Our fighting forces are the best in the world. We can train them on other land so that we preserve the beauty and treasure that is Hawaii.

Thank you,
David Zierott
Minnesota
[redacted]

David Zierott [redacted]

U.S. ARMY

COMMENT FORM

Army Training Land Retention at Pōhakuloa Training Area
Environmental Impact Statement
Second Draft EIS Public Review

Date Submitted: 5/7/23

The Army invites comments, suggestions, and relevant information on the Army Training Land Retention at Pōhakuloa Training Area Second Draft Environmental Impact Statement (EIS). Please provide comments (use additional sheets as necessary) and place in comment box at a public meeting or mail to the address provided on the back of the form. Alternatively, you may submit written comments via the EIS website at: https://home.army.mil/hawaii/ptaeis/project-home or email comments to: ATLR-PTA-EIS@g70.design. All comments will be reviewed, 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. Comments must be postmarked or submitted before or on June 7, 2024 to be considered.

Please provide your comments below:

Please get Military off the Hawaiian lands! Mahalo & Aloha

Name: TIFFANY ZYGMONT

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Privacy Notice: Public comments to this EIS are requested pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), Hawai'i Revised Statutes Chapter 343, and Hawai'i Administrative Rules Chapter 11-200.1. Substantive comments received during the Second Draft EIS public review period will be considered during Final EIS preparation, and may be published in the Final EIS. 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.

Form Letter 1

Form Letter Submitted on Second Draft Environmental Impact Statement, Army Training Land Retention at Pōhakuloa Training Area

Form Letter 1:

To whom it may concern: As a person who loves Hawai‘i and her people, I am firmly opposed to the Army‘s retention of any of the “State” lands at Pōhakuloa. I support the “No Action Alternative” that would allow the lease to expire and require the Army to comply with all lease terms that include the clean-up of these lands. The other alternatives preserve a status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be changed. Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and the presence of the US military in our islands.

Your study should follow the parameters set by true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands. You should also evaluate the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered.

Please add to the "Alternatives" section: 1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises in places like Pōhakulua. 2) Reprioritization of food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet purpose and need through the long term goal of securing Hawai‘i against the depredations of state enemies. 3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land.

This would augment your "No Action" alternative and allow for immediate questions of landowner liability to be addressed to the U.S. military. The Army should take a hard look at alternatives to live fire training, including those that haven‘t been examined since 2017 according to your Draft Environmental Impact Statement (DEIS). Instead of insisting on the current path of retaining these lands, switch gears and genuinely engage the community on a clean-up plan that sets us on a path to return these lands to those who love them. This return of ‘āina is long overdue. The time is now to give the #landback. Sincerely,

Response to Form Letter 1:

Please see **Sections 3.3, 3.5, 3.4, 3.11, and 4.0** of the EIS for information on biological resources, hazardous substances and hazardous wastes, cultural resources, environmental justice, and cumulative impacts, respectively.

Section 2.1.4 details the established screening criteria used to identify the range of potential alternatives that support the purpose and need of the Proposed Action (discussed in **Section 1.3**). The Army used the screening criteria to assess whether each alternative was reasonable and would be carried forward for evaluation in the EIS.

The EIS discusses the potential for the Proposed Action to foreclose future options in **Sections 3.2.6, 3.4.6, 3.11.6, and 5.6**.

Form Letter 1: List of Submittals

abdo, ayah
Adams, Meleanaonālani
Addleman, Candace
Agard, Joie
Akhter, Rabayah
Akiona, Partner
Akiyama, Kara
Alapai, Stacey
Albano, Donavan Kamakanimaikalani
Albertini, Jim
Alexander, Jason
Allison, Katherine
Angell, JL
Applewhite, Anela
Aquino, Tracey
Archer, Bretton
Arnold, Carl
Aruanno, Gina
Asano, Corey
Au, Francesca
Aynessazian, Tanya
Bacchilega, Cristina
Baker, Kelsey
Bandsma, Christine
Baravilala, Akalaini
Barker, Rebecca
Barros, River
Bender, Susan
Bennett, Anna
Binkerhoff, Zero
Blair, Patricia
Blake, Marissa
Block, Yvonne
Bobilin, P Noel
Bodin, Jessica
Brande, Kaili
brinkerhoff, zero
Brody, Jocelyn
Brown, Clementine
Burgess, Joel
Burnett, Gauge
Burwell, Martha
Carne, Violet
Carver, Lena
Castillo, Aria
Chang, Katherine
Cho, AJ
Choe, Seb
Chun, Barryn
Clapp, Ed
Clark, Kristin
Cogdill, Caitlin
Costa, Shalom
Coules, Alexa
Cravalho, John
Cravalho, Patricia
Cristobal, Nikki
Cua, Alysa
Dadzie, Liam
de Angelis, Kainoa
DeBiasi, Natalie
DeLeon, Earl
DeMaria, Robert
Dodge, Alyce
Dodge, Vincent
Dolan-Ma, Thomas Kevin Kekoa
Dolena, Syliva
Dolena, Sylvia
Dorsey, Ann
Dougherty, David
Douglas, Bob
Dudley, Melanie
Dulan, Kiana
Dwight, Jennifer
Elmorw, Gerard
Enomoto, Sheridan Noelani
Esaki-Kua, Lauren
Espinoza, Lenni
Espinoza, Lennie
Estavillo, Mychel
Farrow, Cori
Ferguson, Shiloh
Fisher, Leina
Fisher, Lilly
Fitzgibbons, Sara
Flores, Kapulei
Fong, Breanne
Francke, Kathrin
Frazier, Leialoha
Frazier, Makahanaloa
Frazier, Nicholas
Frazier, Piimauna
Freitas, Cindy
Fsrdeen, Mina
Fung, Keala
FUTRELL, sHERRILL
Ganzelli, Brittney
Gehlbach-Wilson, Nicole
Gibson, Golden
Grace, Sherilyn
Grandinetti, Jocelyn
Greer, Ava
Grion Filho, Douglas
Guerreiro, Jowell
Guerrero, Clarisa

Hadlock, Jennifer
Hall, Ryler
Han, Joseph
Hanakahi, Kaipo
Hanohano, Kalai
Harold, Pualei
Helms, Kat
Hewitt, Stephan
High, Kaliko
Ho, Brittany
Hodak, Hanna
Hofer, Fred
Hollingsworth, Piper
Holmes, Satsu
Hololio Johnson, Candi
Holton, Janet
Huelsemann, Chloe
Huynh, Ly
Ikehara, Sam
Ioprinzi, Clare
Iverson, Kelly
Jackson, Mariko
jay, jonathan
Ji, Hana-Lei
Jong, Janice
Kalei, Heather
Kali, Caryn
Kali, Lianna
Kalili, Momi
Kaloi, Karen
Kanae, Leah
Kanaha, Kiane
Kang, Julia
Kanui, Makaiwa
Karides, Marina
Kasulka, Hannah
Kawakami, Paige Kaʻohu
Kawela Kim, Lindsey
Kealoha, Kamahana
Kekaualua, Keala
Kekaula, Merania
Kelai, Kiana
Keller, Kahilo
Kennedy-Natividad, Jamen
Kline, Jennifer
Kohatsu, Tatsuki
Kosoris, Shauna
Kubo, Zachary
Labaun, Alexa
Lanto, Melissa
Lanuza, Dr., Kalena
Lanuza, Kalena
Lanzilotti, Leilehua
LaPenna, Ellen
Larsen, Autumn
Larsen, Shari
Laus, Ludovic
Lazar, Bill
Lazar, William
Lazarou, Eleni
Lazarus, Eunice
Leatherman, Marissa
Lee, Camellia
Lee, Jennifer
Leong, Eri
Lewark, Rae
Lichty, Pamela
Like, Raelene
Lilly, Ama
Lim, Amaya
Lindenmann, Noelle
Linder, Patty
Lindstrom, John
Littlejohn, Ka'īnani
Lo, Nanea
Lockhart, Leslie
Loeffler, Maddie
Longoria Garcia, Madeleine
Lopes, Sheena
loprinzi, Clare
Lucas, Richard
Luu, Tracy
Mahone, Kahelelani
Manshel, Hannah
Marchitti, Danielle Noelani
Marsh, Amy
Martin, Martha
Martin, Nate
Martinez, Krystal
Martins De Souza, Sarah
Matson, Shannon
Matsunaga, Hannah
Mattos, Rebecca
Mauai, Indie
Maunupau, Kuuleinani
Maxera, Leilani
McClintock, B. A.
McDuff, Kathy
McGrath, Deborah
Merrill, Kainani
Mickelson, Jennifer
Miller, Dana
Ming Wei, Koh
Monarrez, Marina
Monasi, Mariana
Morey, Sandra
Muneoka, Shelley
Nakasone, Kalena
Naniole, Kauikeolani
Narvaez, Skye
Neves, Kelsie
Newman, Sharon
Newton, Melissa
Noelani, Sheridan
North, Leslie
Nurphy, Ariel
O'Connor, Moriel
Oshiro, Kayla
Overley, Chromium-Crysoberyl
Oxman, Graham
Pablo-Cook, Hurao
Paisner, Miriam
Pajunen, Taylor
Pang, Meilani
Parker, Manuokalewa
Patterson, Ariel
Perez Urbina, Alexandra
Pilger, Dylan
Pillard, Julia
Pohaikealoha Au, Sharla
Potenciano, Sofia
Potter, Holly

Powell, Amber
Pritchett, Sarah
Puchalski, Alisha
Quiamno, Sage
Quinto, Stephanie
R, Venice
Ramos, Dylan
Rdechor, Levona
Reeves, Makana
Rengiil, Elilai
Reynolds, Mia
Rivera Palacio, Luana
Rivera, Milagros
RobertsEmery, Susan
Rochon, Gabrielle
Rodgers, K
Rohrer, Judy
Rojas, Tara
Roman, Susana
Rudolph, Shannon
Ryan, Anela
Saastamoinen, Sara Maaria
Saffery, Alexandra
Sanders, Ashley
Scarola, Miranda
Scott, Robert
Secritario, James
Shaw, Noel
Sigmon, Clara
Sims, Lisa
Sonnemaker, Tyler
Spielman, Aaron
Stibbard, Melissa
Stone, Mary
Stovall, Lauren
Stratten, Ann
Sudlow, Yvonne
Suzuki, Stefanie
Swannell, Philippa
Swasen, Mitchell
Tachera, Naomi
Thayer, Jodie
Theriault, Crystal
Theys, Asher
Tourlousse, Ellen
Tupou, Wailea
Tupou, Waileia
Turner, Mālie
Tyler, Lauren
Usborne, Isis
Vickery, Susan
Wagner, Jolie
Wahilani, Kaukaohu
Walker, Keke
Walker, Maria
Wanger, Jolie
Warech, Julie
Warrington, Hedwig
Watson, Harold
Weber, Simone
Wei Koh, Ming
Weir, Kaʻōpuʻuokahā
Whitaker, Al
White, Ethan
Wirth-Petrik, Brittney
wolf-eichbaum, dorothea
WOLSTEIN, ASHLEY
Worawongwasu, Aree
Workman, Janice
Worley, Robin
Yogi, Bean
Young, Kristen
Yuen, Mia
z, celia
Zacher, Keri
zulueta, Jacinto

Hawaiʻi Alliance for Progressive Action
Jewish Voice for Peace

Form Letter 2

Form Letter Submitted on Second Draft Environmental Impact Statement, Army Training Land Retention at Pōhakuloa Training Area

Form Letter 2:

Aloha, my name is _____ and I am from _____. I am writing in opposition to the Army's Proposed Action to continue their retention of approximately 22,750 acres of State-leased lands once the lease expires in 2029, either through a new lease or through purchase. I am in full support of the No Action Alternative, under which the State lands will be relinquished back to the State. Below, I outline several key points of concern pertaining to various sections in the draft EIS.

3.3 Biological Resources: On July 20th, 2022, the Army inadvertently started a fire in the Impact Area. This fire, referred to as the Leilani Fire, spread across 17,712 acres. 12,458 of these acres were outside of PTA and included about half of the remaining forest of the Puʻu Anahulu Game Management Area. The remaining 5,254 acres (which includes 2,880 acres of State-owned land) encompassed threatened and endangered species habitat areas within the training area. As described in the EIS, post-fire assessment determined a net decline of four endangered plant species, as well as destruction to potential habitat of ʻōpeʻapeʻa (Hawaiian hoary bat, Aeorestes semotus). It is important to note that this fire surpassed both annual and cumulative allowances for authorized incidental take of ʻōpeʻapeʻa roosting habitat. This fire is one of many that the Army has caused over the years, with an average of 37 fires occurring at PTA annually. These fires result in catastrophic damage to our native flora and fauna and threaten the safety of human communities. Within the ~22,750 acres of State-owned land reside numerous endemic and indigenous plants and animals. Some of these species are only found within the Pōhakuloa region and are critically endangered. The landscape of Pōhakuloa is a unique region that once consisted of even more lifeforms than what we see today. As long as the Army retains control of the State-owned lands, native species are under threat of continued mismanagement and negligence. All of PTA is classified as conservation district under the State's 1961 Land Use Law. It would therefore stand to reason that a future lease agreement or purchase from the State would be unlawful, since military activity on conservation land is not legal.

3.4 Historic and Cultural Resources and Cultural Practices: 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 and ahupuaʻa, among other activities. Were it not for Army occupation, this ʻāina would still be enjoyed as a safe locale to conduct cultural practices. Dozens of archaeological sites exist within the State-owned lands. Like the biological organisms mentioned above, these features are at risk from continued Army activities.

3.5 Hazardous Substances and Hazardous Wastes: Numerous metals and chemicals are listed in 3.5.4.3, such as lead, copper, and antimony. The BAX V-10 was constructed only 13 years ago and already contains dangerous levels of these metals. I worry that these will break down over time and make their way downslope as airborne particulates, or infiltrate our watershed. It is also admitted that future cleanup efforts may include "emerging contaminants" that are as yet unknown, which is unsettling. Throughout the EIS, there are inconsistencies in reference to cleanup of the State-leased lands. In some sections of the

EIS, cleanup (and even reforestation) are written about as a matter-of-fact action; in others, cleanup is referred to in less certain terms. This is concerning, as cleanup should be a top priority.

3.6 Air Quality and Greenhouse Gases and 3.8 Geology, Topography, and Soils: Communities adjacent to and downwind from PTA are concerned about airborne contaminants, as per the previous section. Additionally, continued military activity and detrimental effects due to wildfires contribute to the exposure of soils, leading to erosion. During windy days, dirt is kicked up and carried miles from its source point, leading to poor air quality and unhealthy conditions.

3.9 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 section 3.5, 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 section 3.5, "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 bullet casings are known to litter the landscape.

3.11 Environmental Justice: If the Army is serious about involving people in having agency over the decision-making process, then they need to listen to voices saying they need to vacate this land. As stated in the EIS "... generations of Hawaiians [are] experiencing military culture and land uses that do not align with traditional cultural values." It does not matter how much discourse the Army engages in with the public, or how much money is put towards natural resource management; at the end of the day, the Army is an instrument of war, and training activities will result in future damages regardless of so-called mitigation efforts. There is no justice to be found when ʻāina is treated with such carelessness.

3.16 Human Health and Safety: I am concerned about health impacts due to Army activity. UXO remain a threat both within the State-leased lands and elsewhere. Contaminants, poor air quality, and wildfires mentioned previously all have the potential to cause serious health issues within our communities. There is no clear evidence suggesting that Army activity is having no negative impact on human health. Concluding Thoughts In conclusion, I support the No Action Alternative by which the State-leased lands will return to the State in 2029. Throughout the second draft EIS, it is made abundantly clear that the No Action Alternative consistently results in significant, beneficial impacts, as opposed to the numerous adverse impacts that would result from Alternative 1. The Army has mistreated the lands of Pōhakuloa, threatening human health and the health of our greater environment. The Army needs to clean up the State-leased lands and return them in better condition. I implore the State to not consider re-leasing these lands or selling these lands to the Army in the future. Mahalo for your time.

Response to Form Letter 2:

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 and all residents of Hawai‘i. Please find below responses to the comments provided in the submitted form letter.

Section 3.3, Biological Resources: Section 3.3.4 and Volume III, Appendix K have been updated with more recent scientific data and surveys and wildland fire analysis in **Section 3.3.6** has been revised. Mitigation measures for invertebrate and vegetation studies, and additional ungulate fencing have been added to the Proposed Mitigation Measures subsection.

In compliance with the 2003 Biological Opinion, Leilani fire impacts were reported to USFWS in May 2023 with additional information provided to USFWS in October 2023 and April 2024. As of this publication there has been no USFWS response to either letter. Additional information has been added to **Section 3.3.4.1** regarding re-initiation of consultation as a part of the draft Programmatic Biological Assessment, for which consultation with USFWS is anticipated to be completed by end of fiscal year 2025. **Section 3.3.4** has been updated with more recent scientific data and surveys, and wildland fire analysis in **Section 3.3.6** has been revised. Mitigation measures for installation-wide invertebrate and vegetation studies, additional ungulate fencing, and restoration of ungulate impacted areas have been added to the Proposed Mitigation Measures subsection.

Additionally, Compliance with HAR Chapter 13-5, Conservation District, has been revised and is discussed in **Sections 1.4.2, 3.2, and 5.3.2**. These revisions make clear that for analysis purposes, the EIS assumes BLNR would establish a special subzone in the conservation district that allows for military training use.

Section 3.4, Historic and Cultural Resources and Cultural Practices: Section 3.4.4.6, Existing Management Measures, describes the Army's Cultural Resource Management Program (CRM) at PTA. This includes the existing SOPs and management measures guided by the 2018 Integrated Cultural Resources Management Plan and the 2018 Section 106 PA.

Section 3.4.6 details that there would be less than significant adverse impacts to historic and cultural resources under lease and fee simple title due to continued long-term, moderate, beneficial impacts on historic and cultural resources from the continuation of CRM programs and actions that preserve and protect historic and cultural resources.

Sections 3.2.6 and 3.11.6 recognize that the alienation of land granted to the State under Section 5(f) of the Admission Act (i.e. ceded lands) represents a significant adverse impact.

Section 3.5, Hazardous Substances and Hazardous Wastes: The Army is committed to understanding better and acting earlier to manage risks from emerging contaminants, and will continue to serve as a member of Materials of Evolving Regulatory Interest Team (MERIT) and continue collaborating to identify and develop mitigation measures for emerging contaminants.

The current status of management and cleanup of hazardous substances and hazardous wastes is discussed in **Section 3.5**. 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.

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.

The current status of management and cleanup of hazardous substances and hazardous wastes is discussed in Section 3.5. 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.

Section 3.6, Air Quality and Greenhouse Gases: Sections 3.6.4 and 3.6.6 provide information on PTA management of 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 BMPs are assessed annually during Range and Training Land Assessment reviews (U.S. Army Hawaii Range Division, 2022)."

Section 3.8, Geology, Topography, and Soils: Section 3.8.4.4 of the EIS documents the existing management measures utilized by the Army to protect and ensure the minimization of impacts on soil resources from and associated with training, including preventative measures and established procedures for the suppression and control of wildfires (USAG-PTA, 2019).

Section 3.9, Water Resources: The best available scientific data for groundwater and surface water quality was incorporated into this EIS. Groundwater and surface water quality are discussed in **Section 3.9** of the EIS. **Section 3.9.4.6** of the EIS 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 **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 https://eha-cloud.doh.hawaii.gov/sdwb/#!/home

Section 3.5, Hazardous Substances and Hazardous Wastes presents the existing conditions from current activities at PTA and notes that risk of contaminants mobilizing is not a concern as limited surface water

and groundwater pathways on State-owned land pose minor potential impact to soil and groundwater quality.

Section 3.11, Environmental Justice: Discussion on the impacts on communities with environmental justice concerns from the Army's historical and current presence and mission activities is provided in Section **3.11.16**.

Section 3.16, Human Health and Safety: As discussed throughout the EIS and particularly in **Sections 3.5 and 3.16**, the Army training activities at PTA have inherent safety risks associated with them that include, but are not limited to, presence of and exposure to hazardous materials, aircraft mishap potential, exposure to air pollutants, wildland fires, and noise. As described throughout the EIS, health and safety hazards are managed through adherence to federal and DoD regulations, safety programs, and standard operating procedures. The Proposed Action would not introduce new safety hazards; however, under Alternative 3 and the No Action Alternative, the presence of safety hazards would be reduced compared to existing conditions from cessation of training activities on State-owned land not retained.

Form Letter 2: List of Submittals

Ahn, Wai'ala
Altemus-Williams, Imani
Aynessazian, Tanya
Bailey, Heather
Bellwood, Miriam
Burnham Larish, Linda
Caron, Will
DeGregorio, Cory
Elovitz, Rose
Folino, Melanie
Giardina, Sonja
Girbino, Vi
Greenwell Hummel, Lisa
Hartman, Christina
Hartmann, Hannah
Hofer, Fred
Kama, Kaualilinoe
Kelly, Spencer
Kunitake, Caroline
Larish, Malielani
Lee, April
McGuire, Ashlie
Morinoue, Maki
Osorio, Dr., Jamaica
Peck, Sam
Pond, Jason
Roney, Deirdre
Sakamoto, Mary
Sarasa, Emily
Scarola, Miranda
Staudenmaier, Anna
Stormcrow, Kaleiheana
Tokuda, Tlaloc
Trasport, James
Usborne, Isis
van Bergeijk, Meghan
Ware, Diane
Warech, Julie
Weisenborn, Kim